

Jury gets 'road rage' case



KAREN SCHIELY/Akron Beacon Journal

Akron cabdriver Russell Dossie breaks down in tears on the witness stand during testimony yesterday about the death of Mark Russell.

• Cabdriver testifies he shot man in self-defense, is 'miserable with whole life'

BY DENNIS MCEANENEY

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Jurors began deliberating the fate of Akron cabdriver Russell Dossie yesterday, but not before Dossie told them he acted in self-defense when he shot a man in a July 4 incident police attribute to road rage.

Dossie fielded a series of questions about the shooting that took place after Dossie allegedly cut off a van driven by the wife of Mark Russell. Witnesses said Russell was shot after he approached Dossie's cab and punched out the driver's side window.

The toughest question came from Dossie's own lawyer, Kirk Migdal.

"You sat here when Barbara Russell (Mark Russell's widow)

TOUGH TESTIMONY

"I never wanted this to happen. Somehow, I wish the spirit of Christ could bring him back but I know it can't happen."

RUSSELL DOSSIE

cabdriver on trial

testified. You heard that the (Russell) kids saw what happened. How do you feel about that?" Migdal asked.

"Just miserable with my whole

life," Dossie said. "I never wanted this to happen. Somehow, I wish the spirit of Christ could bring him back but I know it can't happen. I don't go out looking for trouble."

And then Dossie broke down in sobs, unable to get words to come out of his mouth.

Common Pleas Judge John R. Adams called a 10-minute recess to allow Dossie to regain his composure before facing questions from Assistant County Prosecutor Becky Doherty.

In response to other questions, Dossie admitted he knew he wasn't allowed to have the gun he used to shoot Russell because of a 1973 armed robbery conviction.

Dossie, 47, is charged with

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KAREN SCHIELY/Akron Beacon Journal

Russell Dossie is comforted by his ex-wife (left) and her family after Dossie's emotional testimony yesterday during his trial on a murder charge for the shooting of Mark Russell.

CAB

• Widow says taxi cut off van she was driving

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murder, voluntary manslaughter, felonious assault, carrying a concealed weapon, tampering with evidence (for hiding the gun in a trash bin) and being a felon in possession of a firearm.

Dossie is accused of shooting Russell as Russell's van and Dossie's taxi were pinned in heavy traffic on Tallmadge Avenue after Akron's holiday fireworks show.

Barbara Russell testified Friday that she, her husband, four children and two young cousins were on their way home from a picnic when Dossie cut in front of the Russell family van that she was driving.

Dossie testified that if he cut off the van, he wasn't aware of it.

He said that when he reached the Tallmadge Avenue bridge

over state Route 8 and saw a man in a van ahead of him pointing and ranting at him, he didn't know why the man was angry at him.

When Russell left his van and came toward Dossie's cab, Dossie said he waved for the man to go away.

Dossie said he looked to his right for his radio microphone and the glass in his driver's side window suddenly shattered.

He said he then reached for a handgun lying on the passenger seat, bent sideways and fired one shot at Russell.

Dossie said he was covered with glass fragments and blood was dripping down his face. He drove off and radioed his cab company he had been shot.

He never denied shooting Russell, telling his company dispatcher he had shot someone and later admitting to police that he had.

But he told police he didn't know where the gun was, that he had possibly dropped it on the bridge or on the road or maybe Russell had grabbed it.

"Everything was going like a nightmare and I said some things I shouldn't have said,"

Dossie said.

In closing arguments yesterday, prosecutor Doherty said, "Yeah, somebody punched in his window. But that does not give him the right to use deadly force."

Doherty also said that if Dossie did not have illegal possession of a gun on July 4, Russell would not be dead.

"What Mark Russell did was stupid," Doherty said. "He should never have done what he did. It was dumb."

But, she said, "The great question here is whether Russell Dossie was in fear of death or great bodily harm."

Defense attorney Migdal said, "Whether he was allowed to have that gun or not has nothing to do with whether this was self-defense.

"What did they (the prosecutors) expect him to do? It was dark, he was alone and this madman comes up and - boom - punches in his window."

Migdal said the key question facing jurors is, "was he (Dossie) reasonable, not was he right."

Jury deliberations in the case are to continue today.