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Suit raises questions in fatal crash

District Attorney's Office to take another look at case

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The Kenosha County District Attorney's office will take another look at the investigation into a fatal accident after learning the driver of the vehicle that struck and killed a pedestrian is related to Kenosha County Sheriff David Beth.

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Assistant District Attorney Richard Ginkowski said he did not know until Friday that Beth is a cousin of Denise Heckel, who was allegedly driving a car that hit and killed 15-year-old Michelina "Micki" Combs. Combs was walking on a rural county highway in June with a friend when the accident occurred.

Heckel, of Silver Lake, who said at the scene she had consumed five wine coolers earlier in the day, is a former dispatcher for the Sheriff's Department. Her husband, a Kenosha Police sergeant, was also in the vehicle.

Ginkowski initially determined there was no basis for a criminal charge against Henkel. He said Friday the new information — which includes the familial ties to Beth — needs to be reviewed. The information was brought to his attention as part of a wrongful death suit filed in Kenosha County Civil Court by Combs' mother Mina Tropea-Zieser.

"I applied the evidence we had to the law," Ginkowski said of his initial decision. "There may be more information we were not aware of."

Ginkowski said he has "turned the matter over" to District Attorney Robert Zapf for "collaboration." He said the newly discovered familial connection to Beth and how that may or may not have affected the investigation is worthy of review.

"That is one of the reasons why the DA needs to take a look at it and make the call," Ginkowski said.

Beth denies role

Beth said Friday the fact he is Henkel's cousin has nothing to do with the way the accident investigation was carried out.

"It plays no role," Beth said. "I wasn't part of the investigation, did not look at the reports and have not been involved from beginning to end. It is a sad situation. A young person was killed. It is hard for both parties."

Ginkowski said he has plans to meet with Combs' and her lawyer next week to further review the information.

"It is not uncommon for us to take a second or third look at something," Ginkowski

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said. "It may or may not change anything."

Lawyers raise questions

According to police records, Combs was walking on the wrong side of the road at about 9 p.m. with friend when she was hit by the car. Heckel reportedly pulled over and, while upset and crying, was cooperative with officers who responded to the scene. In her statement, Heckel said she stopped drinking prior to 6:30 p.m. A blood sample drawn two hours after the accident showed a blood alcohol level of 0.057. Her husband told police he had also been drinking.

Lawyers for Tropea-Zieser contend Heckel should have had time to stop or avoid the collision given the clear sky and good road conditions and have raised other questions about the investigation. Specifically, they question why a preliminary breath test was not performed at the scene, why a statement was not immediately taken from Heckel's husband, and point to inconsistencies among witnesses regarding who was driving the vehicle that hit Combs.

Attorney Antonio Romanucci also claims the police incorrectly recorded the point of impact and did not record any physical evidence on the vehicle.

"Clearly the police omitted significant elements that are critical to complete a thorough investigation," Romanucci said. "You would think they would have gone out of their way to investigate this, or bring in an outside agency given both the familial and occupational relationships involved."

Dept. defends procedure

Sgt. Gil Benn, spokesperson for the Sheriff's Department, said Friday the department stands behind the procedures used at the scene. He said the priority is always to get statements from the driver and the independent witnesses first and to secure any physical evidence. The driver agreed to submit a blood sample so a breath test was not necessary.

"Officers at the scene followed the regular course of action for a fatal," Benn said. "We feel the investigation was conducted properly and was not done any differently than if it was a fatal involving any one else."



Benn confirmed there was one report from one of several witnesses that a man was driving the car that hit Combs. However, that was not consistent with reports from the other independent witnesses.

"We found nothing to prove or validate that claim," Benn said.

Benn said he believes any further review of the procedures will prove the same.

"We have no problem with them reviewing the procedures and what was found," Benn said. "We know this is difficult for the family. Our hearts go out to them and we feel terrible for their loss."

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