

Posted on Thu, Apr. 15, 2010

## GUILTY: Granite City man convicted of murdering his baby boy

BY BRIAN BRUEGGEMANN  
News-Democrat

A jury convicted Donald R. Miller Thursday of murdering his baby son.

The Granite City man's head dropped to the table and he cried when the verdict was read. His parents erupted and were ordered from the courtroom.

"Please, let me give him a hug! Please!" yelled Miller's mother, Christine Miller.

She and Miller's father, also named Donald Miller, left the courthouse in a tirade.

Miller, 22, was charged with first-degree murder in connection with the October death of his 3-month-old son, Ashton Miller. Associate Judge Kyle Napp also gave jurors the option of finding Miller guilty of a lesser offense, child endangerment, but jurors came back before 3 p.m. Thursday with a guilty verdict on the murder charge.

Miller faces a sentence of 20 to 100 years in prison when he is sentenced later. A conviction for child endangerment would have carried a sentence of two to 10 years.

The jury began deliberating about noon.

Defense attorney Scott Turner argued Thursday for acquittal or conviction on a lesser offense because he said the state's star witness wasn't credible. He said the prosecution's case against Donald R. Miller is built entirely on the testimony of the child's mother, Heather Smith, who was Miller's girlfriend.

In closing arguments Thursday morning, Turner likened the case to a house on a shaky foundation.

"The only person saying that he did it is Heather Smith," Turner argued. "That's the key to their case."

Waiting at the defense table Thursday morning for court to begin, Miller flashed a grin and a thumbs-up gesture to audience members sitting on the defense side of the courtroom.

Smith has testified that Miller shook and punched the child in the head before he died. But Smith initially told detectives the child died after she laid him on a couch. She said she found Ashton with his head buried in the seat cushions.

Smith said she initially lied to investigators and others because she was fearful of Miller, an abusive heroin user. She also had made up excuses for earlier injuries the child suffered.

"She lied, she lied, she lied, she lied, she lied," Turner argued.

Turner argued that Smith, herself a heroin user, came up with the allegations against Miller after police threatened to charge her as an accessory to murder. Turner said Smith has a deal with prosecutors and is trying to save her own skin.

In exchange for pleading guilty to aggravated battery of a child, Smith will face up to 15 years in prison when she is sentenced later.

Assistant State's Attorney Chris Hoell showed jurors a photograph of Smith from August 2008, showing her with a black eye that she claims was suffered at the hands of Miller.

Hoell argued that Smith finally told the truth because she entered rehab and realized Miller could no longer hurt her.

"Ashton Miller never had a chance. He lost the parent lottery," Hoell argued. "He was born to two heroin addicts."

Pathologist Dr. Raj Nanduri testified Ashton had various injuries but died of suffocation. Prosecutors argue the child's head was pushed down. Miller did not take the witness stand in his own defense.

Hoell argued that Nanduri's testimony is consistent with Smith's account that Miller, upset that the baby wouldn't stop crying, punched the child, put his hand over his face and pushed his head into the couch cushions.

"The defendant wants him to shut up, and he won't," Hoell argued. The prosecutor gave a re-enactment, clenching his fists in front of him and exclaiming, "Shut up! Shut up!"

Hoell told jurors that Smith woke about 3 a.m. and made a remark to Miller about it being odd that Ashton hadn't cried in quite some time.

Hoell said Miller replied to Smith, "I hope he's not dead."

Smith's father, Lyndon Smith, said he's pleased with the verdict.

"We're happy the jury has spoken for our grandson," he said.

Madison County Sheriff Bob Hertz waited for the verdict along with his detectives who investigated the case. Hertz said it's important that police and prosecutors "bring justice for those who can't defend themselves"

Contact reporter Brian Brueggemann at [bbrueggemann@bnd.com](mailto:bbrueggemann@bnd.com) or 692-9481.

Contact reporter Brian Brueggemann at [bbrueggemann@bnd.com](mailto:bbrueggemann@bnd.com) or 692-9481.

© 2007 Belleville News-Democrat and wire service sources. All Rights Reserved. <http://www.belleville.com>