

## LOCAL NEWS

### Jury finds man guilty

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#### *Mother's testimony may have been the key*

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Just before noon on Thursday, minutes before jurors in the murder trial of Donald R. Miller were adjourned to deliberate the Granite City man's fate, defense attorney Scott Turner urged them to view the state's evidence in the case much as they would a real estate sales pitch.

For two days, jurors had seen several photographs of 3-month-old Ashton Miller, whose face, police say, was bruised and scratched by his father, who is accused of battering and suffocating him at their apartment. They had listened to 9-1-1 tapes from the morning of Oct. 26, and the shrieks from Ashton's mother, Heather Smith, when she discovered his lifeless body lying face down on the couch.

It was a trial laden with emotion, but Turner urged caution.

"When you go to buy a house, they show you the landscape, they take you through, they show you the brand new doors and shutters," he said.

"They show you all the wonderful things about it. They want you to feel it's special. Well, when you leave that house, you want to buy it. But you don't depend on your emotion. When you leave that house, you check the roof, you check the foundation. You want to make sure there are no cracks in it."

The bricks and mortar of the prosecution's house, he said, was built with the testimony of Heather Smith, someone who initially told investigators that she had found Ashton's lifeless body with his face between the cushions. She changed that story only after Madison County Sheriff's Sgt. Carol Presson, during an interrogation, revealed to her that she been charged with first degree murder.

But prosecutor Chris Hoell said that Smith began telling the truth because she finally felt safe enough to do so. Almost every day for five years, Miller had beaten her, Hoell said, and in the days before she implicated Miller in the death she had been in rehab for a heroin addiction.

"She finally felt safe," Hoell said. "She finally broke down and told the truth."

Before the jurors left to deliberate, Associate Judge Kyle Napp gave them three options: not guilty; guilty of first-degree murder; or guilty of endangering the life of a child, which carries a maximum of five years in prison.

Two-and-a-half hours later, they returned to the courtroom: guilty of first-degree murder.

Miller dropped his head on the defense table and began to cry. Seated behind him, his parents, Donald and Christine Miller began crying as well. Before being led from the courtroom, Christine Miller reached out for her son and said, "Please let me give him a hug! Please!"

Across the aisle, Smith's father, Lyndon Smith, said that while he felt compassion for the Miller family, he was also relieved. "It's good that justice was done for Ashton," he said.

Miller faces a sentence up to 100 years in prison, a sentence that is enhanced because Ashton was younger than 12. Prosecutors say they will meet to decide on a recommended sentence.

"It will be pretty high," said Madison County Assistant State's Attorney Amy Chapman.

The investigation was led by the Madison County Sheriff's Department. Sheriff Robert Hertz said he is pleased

with the prosecutors and proud of his detectives.

"These cases are difficult to investigate which makes them difficult to prosecute," Hertz said. "I'm happy to be able to help those kids, who can't defend themselves. The loss of a child at the hands of an adult is about as low as it gets."

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