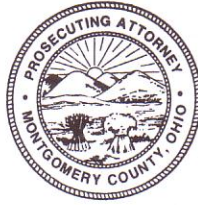


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PRESS RELEASE

February 17, 2009

State v. Kyle L. McClendon
2009-CR-446

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DIVERSION DIVISION
James M. Martinson, Director

FRAUD AND ECONOMIC
CRIMES DIVISION
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JUVENILE DIVISION
Julie A. Bruns, Chief

VICTIM/WITNESS DIVISION
Rhonda S. Barner, Director

The Montgomery County Grand Jury has indicted 22 year old **Kyle L. McClendon** on five felony counts as a result of the shooting death of David Driscoll in the early morning hours of February 8, 2009.

The defendant fatally shot the victim in the lot at the Marathon Station at 4351 Riverside Drive, Harrison Township. The shooting was captured on video surveillance at the station. The defendant was arrested a few hours later by Sheriff's Deputies at an apartment complex on Riverside Drive in Harrison Township.

The defendant was indicted on:

- One count Murder – purposeful
- One count Murder – proximate result of felonious assault
- One count Felonious Assault – deadly weapon
- One count Felonious Assault – serious physical harm
- One count Improper Handling of Firearm in Motor Vehicle

Both counts of Murder carry a potential sentence of life imprisonment. Each felonious assault charge is punishable by up to 8 years imprisonment. The improper handling of a firearm is punishable by up to 18 months imprisonment. Additionally, all counts include 3 year mandatory firearm specifications.

Prosecuting Attorney Mat Heck said, "After a brief encounter between these two apparent strangers, this defendant senselessly shot and killed this victim. This type of action, resorting to gun violence, has to stop."

The defendant will be arraigned on February 19, 2008.