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## Guilty verdict in fatal crash for Parma man

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When he testified during his trial on charges that he killed a friend while driving drunk and under the influence of marijuana, Michael S. McLevy said he stopped drinking two hours earlier and hadn't smoked pot that day.

Jurors accepted part of his story Friday when they convicted him of a lesser homicide charge in the death of Anthony M. Mastrodonato in a one-car crash in Gates on March 27.

A Monroe County Court jury acquitted McLevy, 23, of Parma of second-degree manslaughter but convicted him of criminally negligent homicide and second-degree vehicular manslaughter in the death of Mastrodonato, 23, of Spencerport.

While also convicting McLevy of driving while intoxicated and driving while ability impaired by a combination of alcohol and drugs, they acquitted him of driving while ability impaired by drugs.

Jurors found that McLevy didn't cause Mastrodonato's death while acting recklessly but created a substantial and unjustifiable risk of death and failed to perceive the risk, said Assistant District Attorney Perry Duckles.

McLevy was driving his car, with Mastrodonato as a passenger, at 2 a.m. when he lost control on Spencerport Road, near Marc Mar Trail. The car was traveling at 83 mph when it hit a landscape embankment, flipped, landed on its roof and caught fire.

McLevy's lawyer, Mark Young, argued to jurors that McLevy lost control because the road was wet, not because of intoxication.

Duckles said blood drawn from McLevy 2½ hours after the crash showed McLevy had a blood-alcohol content of 0.13 percent and also had been smoking marijuana. The threshold for a drunken-driving charge is 0.08 percent.

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## Additional Facts

What's next

Judge Patricia D. Marks ordered Michael McLevy, who had been free on bail, taken into custody pending his sentencing Oct. 19. McLevy, who has a previous felony conviction for burglary, faces a prison term of up to 3½ to seven years.