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Former Cornish road agent acquitted in fatal 2014 Merrimack crash

NASHUA — Kyle Witty, a former road agent for the town of Cornish, was found not guilty of negligent homicide on Wednesday for the 2014 crash that killed a local woman.

Jurors deliberated for about an hour before returning the verdict on Wednesday at Hillsborough County Superior Court where Witty's trial had been underway since Monday.

Witty, 45, of 4 Squag City Road, was initially charged with manslaughter in connection with the July 16, 2014, accident, however that charge was replaced this fall with a lesser offense of negligent homicide.

Witty was driving a 10-wheel 1989 Freightliner dump truck when it collided with Elizabeth "Liz" McQuinn's 2014 Kia Sorento SUV, striking it along the driver's side door on Route 101A at the Continental Boulevard intersection in Merrimack.

Prosecutors alleged that Witty failed to stop for a red light, thereby causing the fatal crash. However, Witty's defense team argued that a large tree and its branches — which was cut down just two weeks after the crash — hindered Witty's ability to see the traffic light.

David Tencza, assistant Hillsborough County Attorney, urged jurors to take notice of the size difference between Witty's dump truck, which was filled with boulders at the time of the



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accident, and McQuinn's SUV.

McQuinn, who died immediately at the scene of the crash, had worked for Cable Assemblies Inc. in Amherst.

Witty was facing up to seven years in prison for the negligent homicide charge. On Monday, prior to opening statements, defense attorney Richard Guerriero explained to jurors that the Route 101A intersection does not look the same way it did last summer when the crash occurred.

“What you are looking at is this intersection as it looks today,” said Guerriero, encouraging the jury to view three tree stumps where trees once stood. All three of those trees — including one with large branches overhanging the roadway — have since been chopped down.

“There is no doubt that what happened here was an absolute tragedy,” Guerriero said previously, adding Witty hit his brakes prior to the accident. “He did not consciously disregard the risk,” added Guerriero.

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