

# Wrongful death suit filed in 'wrong-way' crash

*Accused drink driver allegedly caused fatal collision near Yukon*

By **Conrad Dudderar** - December 8, 2020



*Malcolm Douglas Penney*

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An Oklahoma City man charged with murder in a fatal "wrong-way" crash near Yukon now faces a wrongful death lawsuit.

Malcolm Douglas Penney, 39, was allegedly driving drunk when he caused a deadly traffic collision around midnight Oct. 3 on the Kilpatrick Turnpike near S.W. 15<sup>th</sup> in eastern Canadian County.

The crash claimed the life of Oklahoma City's Marissa Murrow, 19. The victim was driving to her parents' Mustang home when she was killed.

Parents Jeffrey Murrow and Kristine Murrow are plaintiffs in the wrongful death suit filed against Penney and two other defendants Nov. 20 in Canadian County District Court.

Penney "was driving a motor vehicle unlawfully, illegally, negligently, recklessly and in an intoxicated condition on the Kilpatrick Turnpike near Yukon," according to the lawsuit filed by attorney Kevin H. Cunningham.

Penney was formally charged Oct. 21 in Canadian County District Court with second-degree murder and leaving the scene of a fatality accident.

Murrow was driving a 2014 Ford Focus southbound in the outside lane of the Kilpatrick Turnpike when her vehicle was struck head-on by a 2018 Mitsubishi Outlander driven by Penney, according to an Oklahoma Highway Patrol report.

Penney's vehicle was heading north in the southbound lanes, the traffic collision report indicates.

Penney allegedly walked away from the scene instead of trying to help Marissa Murrow or even call 911. The defendant is being held without bond at the Canadian County Jail.

## **PLENTY OF DRINKING**

A blood test performed Oct. 3 several hours after the fatal crash showed Penney's blood-alcohol content was more than twice the legal limit, court records show.

Penney has previous convictions in Oklahoma, Texas, Kansas, and Louisiana for driving under the influence, driving while intoxicated and public intoxication.

A co-defendant in the wrongful death suit, Amanda Penney, owns the Mitsubishi Outlander. She allegedly allowed Malcolm Penney to drive while intoxicated despite knowing his drunk driving history and that he was "not capable" of safely operating the vehicle.

The third defendant is an Edmond event venue business where the Penney's attended a wedding ceremony that night.

Malcolm Penney "had been drinking alcohol for nearly 10 hours while attending the event" before the collision, according to the lawsuit.

The plaintiffs claim the event venue business failed to limit and restrict on-premises alcohol consumption before allowing or directing Penney to leave intoxicated in a private vehicle.

Both Amanda Penney and the event venue "knew or should have known that defendant Malcolm Penney posed a serious and immediate threat to the public and other drivers", the suit alleges.

The victim, Marissa Murrow, was a sophomore at the University of Central Oklahoma studying to become a special education teacher.

“Marissa was not only a loving daughter and sister for her family, she was a trusted friend to hundreds of people,” according to the civil suit.

Murrow was a valedictorian for the 2019 graduating class at Mustang High School. She was a member of the Sigma Kappa sorority at UCO and Chisholm Heights Baptist Church in Mustang.

In their wrongful death suit, her parents are seeking to recover for their daughter’s personal injuries, physical and mental pain and suffering, loss of companionship, grief and sorrow, and loss of the family relationship.

The plaintiffs demand a specific punitive damage award against Malcolm Penney in excess of \$1 million; and a separate punitive damage award against the event venue business.

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