

October 28, 2009

Murder trial opens with violent details

By JAY STAPLETON
Staff Writer

DELAND -- What began as a "play punch" ended with a brutal beating and drowning death on the muddy shore of the Halifax River.

In describing the Dec. 13, 2007, killing of David Sanders, prosecutor Ed Davis said two accused men tried to cover up their involvement. But they made mistakes.

"These defendants ran their mouths off about what they had done, " Davis said.

Barry Gallagher, 31, of Ormond Beach and David Marrow, 30, of Ormond-by-the-Sea face the possibility of the death sentence if convicted of first-degree murder.

As the trial opened Tuesday, Davis said the three had been using cocaine at Marrow's house. The violence erupted after Sanders and Gallagher began to argue, he said.

A witness who was at the house is expected to testify that she saw Sanders, 32, take what Davis called a "play punch," striking Gallagher's chin.

Sanders' beaten body was found later that morning near his parents' home on John Anderson Drive, along with a 10-by-12 rug stained with his blood.

Davis said for over 45 minutes both men punched, kicked and stomped on Sanders until he started making a "snoring sound."

Evidence in the case includes blood found in Marrow's house.

Most of the stomping was from Gallagher, Davis said, but Marrow "got his licks in." Marrow told Gallagher they had "to finish him off," Davis said, and dropped a 5-pound weightlifting plate on Sanders' head.

While the injuries were so severe they would have resulted in death, a medical examiner is expected to testify that his official cause of death was drowning, Davis said.

Among his injuries, Sanders was found with a broken jaw, bleeding to the brain and fractured neck.

One of Gallagher's lawyers, Jeffrey Dees, said in his opening statement that the state's case relies on "tainted testimony" from people with criminal records.

"This isn't about a stain on the floor, that's not a critical fact," Dees said. "It's about what really happened to David Sanders."

One of Marrow's lawyers, Jeff Dowdy, said that Marrow is innocent. He told jurors to put distance between his client and Gallagher in his opening.

"Our client didn't have a beef with Mr. Sanders," Dowdy said. "He was not involved in the altercation between Mr. Gallagher and Mr. Sanders."

The trial is expected to continue into next week. Circuit Judge James Clayton is presiding.

jay.stapleton@news-jrnl.com