

NEW YORK COURT OF APPEALS

People v. Bender

2026 NY Slip Op 01444 · No. No. 16 · Decided March 17, 2026

SUMMARY

The New York Court of Appeals held that the evidence was legally sufficient to support Donald Bender's conviction for first-degree reckless endangerment based on conduct demonstrating depraved indifference to human life. The court also held that County Court properly precluded psychiatric evidence concerning Bender's bipolar disorder because he failed to timely comply with CPL 250.10 and did not establish good cause for late notice.

CASE DETAILS

COURT	New York Court of Appeals
WRITING FOR THE COURT	Garcia, J.; Chief Judge Wilson; Judge Rivera; Judge Singas; Judge Cannataro; Judge Troutman; Judge Halligan
JURISDICTION	New York Court of Appeals
DECIDED	March 17, 2026
DOCKET	No. 16
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from an order of the Appellate Division affirming his County Court conviction for first-degree reckless endangerment and the preclusion of psychiatric evidence offered without timely notice under CPL 250.10.
STANDARD OF REVIEW	The legal sufficiency of the conviction was reviewed under whether, viewing the evidence in the light most favorable to the People, there was a valid line of reasoning and permissible inferences from which a rational jury could find every element proved beyond a reasonable doubt. The preclusion of psychiatric evidence for untimely CPL 250.10 notice was reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published New York Court of Appeals opinion
PARTIES	Donald Bender v. The People

TOPICS

criminal procedure

evidence

mens rea

burden of proof

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the trial evidence was legally sufficient to establish depraved indifference to human life, an element of first-degree reckless endangerment.
2. Whether County Court abused its discretion by precluding psychiatric evidence concerning Bender's bipolar disorder because he failed to comply with CPL 250.10's notice requirement.
3. Whether preclusion of the psychiatric evidence deprived Bender of his constitutional right to present a defense.

HOLDINGS

1. The evidence was legally sufficient for a rational jury to find that Bender consciously disregarded grave risks to human life and acted with depraved indifference while engaging in reckless driving.
2. County Court did not abuse its discretion by precluding Bender's psychiatric evidence concerning bipolar disorder because he failed to provide timely CPL 250.10 notice, did not establish good cause for the delay, and the late disclosure prejudiced the People.

KEY QUOTATIONS

*"Depraved indifference is a culpable mental state that "is best understood as an utter disregard for the value of human life—a willingness to act not because one intends harm, but because one simply doesn't care whether grievous harm results or not"" (*1)*

*"Where the evidence viewed under the proper standard establishes that the defendant engaged in reckless conduct, "appreciate[ed] [] the grave risks involved in that behavior[,] and yet continued to engage in such behavior with "complete disregard for the value of the lives that are thereby endangered" the depraved indifference standard has been met, as it was here." (*2)*

*"The statute's timing requirement may, however, be relaxed at the discretion of the court "[i]n the interest of justice and for good cause shown"" (*2)*

FACTUAL BACKGROUND

Witnesses observed Bender driving erratically through heavy traffic, striking three vehicles, driving through a parking lot, and ultimately crashing into a house. His vehicle repeatedly pushed or struck other vehicles, one vehicle overturned after being sideswiped, and a fire hydrant pierced its roof near the driver's head. Two people were inside the house when Bender crashed into it, and vehicle data showed that the brakes were not applied during the eight seconds before the impact. Bender sought to introduce psychiatric evidence concerning bipolar disorder and its alleged relationship to his sleep disorder, but he did not provide the required CPL 250.10 notice until six days before trial.

PROCEDURAL HISTORY

Donald Bender was convicted in County Court of reckless endangerment in the first degree. County Court permitted medical evidence concerning his sleep-disorder defense but precluded psychiatric evidence concerning bipolar disorder because Bender failed to provide timely CPL 250.10 notice. The Appellate Division affirmed, and the New York Court of Appeals affirmed the Appellate Division's order.

DISPOSITION

affirmed

CASES CITED

- People v. Suarez, 6 N.Y.3d 202, 214 (2005)
- People v. Heidgen, 22 N.Y.3d 259, 276-277 (2013)
- People v. Danielson, 9 N.Y.3d 342, 349 (2007)
- 236 A.D.3d 1184, 1187, 1189 (3d Dep't 2025)
- People v. Sidbury, 42 N.Y.3d 497, 506-508 (2024)
- People v. Almonor, 93 N.Y.2d 571, 577-578, 581-582 (1999)
- Michigan v. Lucas, 500 U.S. 145, 152-153 (1991)
- People v. Berk, 88 N.Y.2d 257, 266 (1996)

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