

NEW YORK COURT OF APPEALS

People v. DaCosta

6 N.Y.3d 181, 844 N.E.2d 762 (2006) · Decided February 16, 2006

SUMMARY

The New York Court of Appeals held that the evidence was legally sufficient to support the defendant’s conviction for second-degree manslaughter. The defendant’s flight across a major highway while being pursued by police was a sufficiently direct and reasonably foreseeable cause of the pursuing officer’s fatal fall into traffic.

CASE DETAILS

COURT	New York Court of Appeals
WRITING FOR THE COURT	Graffeo, J.; Chief Judge Kaye; Judge G.B. Smith; Judge Ciparick; Judge Rosenblatt; Judge Read; Judge R.S. Smith
JURISDICTION	New York
DECIDED	February 16, 2006
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from an order affirming his conviction for second-degree manslaughter. The New York Court of Appeals granted leave to appeal and reviewed the preserved legal-sufficiency challenge concerning causation.
STANDARD OF REVIEW	The court reviewed whether the trial evidence was legally sufficient to establish causation. The causation argument was preserved because defendant raised it in his trial motions to dismiss; the separate challenge to recklessness was unpreserved.
PRECEDENTIAL VALUE	Published precedential opinion of the New York Court of Appeals
PARTIES	Defendant v. The People

TOPICS

- criminal procedure
- burden of proof
- evidence

PRACTICE AREAS

- Criminal law
- Criminal procedure
- Homicide

QUESTIONS PRESENTED

1. Whether defendant's conduct was a sufficiently direct and foreseeable legal cause of Officer McLellan's death to support a conviction for second-degree manslaughter.
2. Whether defendant's challenge to the sufficiency of the evidence of recklessness was preserved for appellate review.

HOLDINGS

1. The evidence was legally sufficient to establish that defendant's flight set in motion the events leading to McLellan's death and was a sufficiently direct cause of the death. It was reasonably foreseeable that leading a pursuing officer onto a major highway during morning rush-hour traffic could result in a fatal vehicle collision.
2. Defendant's challenge to the sufficiency of the evidence of recklessness was unpreserved because he did not raise recklessness as a basis for his trial motion to dismiss.

KEY QUOTATIONS

“To be held criminally responsible for a homicide, a defendant’s conduct must actually contribute to the victim’s death” (6 N.Y.3d at 184)

“Rather, an act “qualifies as a sufficiently direct cause when the ultimate harm should have been reasonably foreseen”” (6 N.Y.3d at 184)

“Defendant’s conduct was therefore a sufficiently direct cause of the officer’s death” (6 N.Y.3d at 186)

FACTUAL BACKGROUND

While fleeing police during morning rush hour, defendant climbed over a six-foot chain-link fence in the median of the Kensington Expressway and ran across the highway. Officer McLellan pursued him and attempted to vault the fence, which bent under the officer's weight; McLellan fell onto a vehicle and suffered fatal injuries. Defendant was apprehended and convicted of second-degree manslaughter based on the theory that he recklessly caused the officer's death.

PROCEDURAL HISTORY

Defendant was indicted by a grand jury for recklessly causing Officer McLellan's death. County Court denied defendant's motions to dismiss for insufficient evidence, and the jury convicted him of second-degree manslaughter. The Appellate Division affirmed, concluding that defendant's conduct was reckless and the legal cause of the officer's death. The Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Stewart, 40 N.Y.2d 692, 697 (1976)
- People v. Matos, 83 N.Y.2d 509, 511-512 (1994)
- People v. Kibbe, 35 N.Y.2d 407, 413 (1974)
- Matter of Anthony M., 63 N.Y.2d 270, 280 (1984)
- People v. Brengard, 265 N.Y. 100, 108 (1934)
- People v. Kern, 75 N.Y.2d 638, 658 (1990), cert. denied, 498 U.S. 824 (1990)
- People v. Warner-Lambert Co., 51 N.Y.2d 295, 304 (1980), cert. denied, 450 U.S. 1031 (1981)
- People v. Roth, 80 N.Y.2d 239, 244 (1992)
- People v. Gladman, 41 N.Y.2d 123, 130 (1976)

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