

COURT OF APPEALS OF THE STATE OF NEW YORK

People v. Gonzalez

1 N.Y.3d 464, 807 N.E.2d 273, 775 N.Y.S.2d 224 (2004) · Decided March 25, 2004

SUMMARY

The New York Court of Appeals affirmed the reversal of Walter Gonzalez's conviction for depraved indifference murder. The court held that the evidence established an intentional killing, not reckless conduct constituting depraved indifference murder, and that intentional and depraved indifference murder are inconsistent theories as to the same result.

CASE DETAILS

COURT	Court of Appeals of the State of New York
WRITING FOR THE COURT	Chief Judge Kaye; G.B. Smith; Ciparick; Rosenblatt; Graffeo; Read; R.S. Smith
JURISDICTION	New York
DECIDED	March 25, 2004
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant was convicted by a jury of depraved indifference murder and two counts of criminal possession of a weapon after Supreme Court denied his trial-order-of-dismissal motion. The Appellate Division reversed the murder conviction for legally insufficient evidence and affirmed the weapon-possession convictions. The People appealed to the Court of Appeals.
STANDARD OF REVIEW	Whether the evidence was legally sufficient to support the depraved-indifference murder charge and whether any valid line of reasoning could support the jury's finding of the required mental culpability.
PRECEDENTIAL VALUE	Published, precedential opinion of the New York Court of Appeals.
PARTIES	The People of the State of New York v. Walter Gonzalez

TOPICS

- criminal procedure
- appellate procedure
- mens rea
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to support a conviction for depraved indifference murder when defendant repeatedly aimed and fired a gun at the victim at close range.
2. Whether intentional murder and depraved indifference murder are legally inconsistent mental states with respect to the same result.
3. Whether the trial court erred in submitting the depraved-indifference murder count to the jury and denying defendant's trial-order-of-dismissal motion.

HOLDINGS

1. Evidence that a defendant intentionally aims a gun at a victim and shoots the victim repeatedly at close range, including after the victim has fallen, is legally insufficient to establish depraved indifference murder because it demonstrates a conscious objective to cause death rather than reckless indifference to whether death occurs.
2. A defendant cannot act both intentionally and recklessly with respect to the same result; intentional murder and depraved indifference murder are inconsistent counts because guilt of one necessarily negates guilt of the other.
3. Evidence that a defendant acted from fear, anger, or extreme emotional disturbance does not negate intent and does not transform an intentional killing into reckless conduct.

KEY QUOTATIONS

"The only reasonable view of the evidence here was that defendant intentionally killed the victim by aiming a gun directly at him and shooting him 10 times at close range, even after he had fallen to the ground." (467)

"But a person cannot act both intentionally and recklessly with respect to the same result. 'The act is either intended or not intended; it cannot simultaneously be both'" (468)

"Depraved indifference murder does not mean an extremely, even heinously, intentional killing." (468)

"In short, because the depraved indifference murder count was unsupportable as a matter of law, the trial court erred in allowing the jury to consider it." (469)

FACTUAL BACKGROUND

Defendant entered a Rochester barber shop, returned shortly afterward with a gun, and shot the victim ten times at close range, including after the victim had fallen to the floor. Defendant then threatened the sole eyewitness and left. In a written statement, defendant claimed that he had feared the victim, had panicked, and had blacked out, but later acknowledged to police that he had shot the victim.

PROCEDURAL HISTORY

Defendant was indicted for intentional murder, depraved indifference murder, and weapon-possession offenses. Supreme Court denied defendant's motion to dismiss the depraved-indifference count and submitted both murder counts to the jury in the alternative; the jury acquitted defendant of intentional murder but convicted him of depraved indifference murder and two weapon-possession counts. The Appellate Division reversed the murder conviction and affirmed the weapon convictions, and the Court of Appeals affirmed that order.

DISPOSITION

affirmed

CASES CITED

- People v. Wall, 29 N.Y.2d 863, 864 (1971)
- People v. Jernatowski, 238 N.Y. 188 (1924)
- People v. Gomez, 65 N.Y.2d 9 (1985)
- People v. Roe, 74 N.Y.2d 20 (1989)
- People v. Kibbe, 35 N.Y.2d 407 (1974)
- People v. Poplis, 30 N.Y.2d 85 (1972)
- People v. Hafeez, 100 N.Y.2d 253, 258-259 (2003)
- People v. Gallagher, 69 N.Y.2d 525, 529 (1987)
- People v. Sanchez, 98 N.Y.2d 373 (2002)
- People v. Russell, 91 N.Y.2d 280, 287 (1998)
- People v. Fenner, 61 N.Y.2d 971, 973 (1984)
- People v. Patterson, 39 N.Y.2d 288, 302 (1976), *aff'd*, 432 U.S. 197 (1977)
- People v. Fardan, 82 N.Y.2d 638, 644 (1993)