

Case Brief

Crim law: the actus reus requirement

1/26/15

Identity of Case

State v. Decina, 138 N.E.2d 799 (NY Ct. of App. 1956)

Page 157 of the casebook

Summary of Facts

Decina had a seizure behind the wheel when he lost control of his car and killed 4 girls, caused property damage, and etc. He had had seizures before, but had not been diagnosed with epilepsy (and it wouldn't've resulted in a restriction on his licence in 56 anyway).

Procedural History

TC convicts on theory that he knew he was vulnerable to seizures and got into the car intentionally understanding that he could lose control. Appeals court overturns on evidentiary issue (his confidential conversations with doctor were admitted onto the record) but upholds the act itself as a violation of the law against reckless driving: "a person who operates or drives any vehicle...in a reckless or culpably negligent manner, whereby a human being is killed, is guilty of criminal negligence in the operation of a vehicle resulting in death." Reckless to intentionally drive knowing you could seize.

Statement of the Issue

Is the knowledge of an illness and intentional decision to drive enough to support a conviction of reckless driving?

Reasoning

Majority: Yes. He knew he could lose control, and chose to drive by himself with no one to help out in case of emergency.

Dissent: No. There was no way he could've known what would happen, and to say that every driver should know and be responsible for any illness that can cause them to lose consciousness at any time, even without knowing about it before hand or knowing the risks, would lead to absurd results.

Evaluation

I tend to agree with the dissent. If he had a seizure today, restrictions would be placed on his license because we know better now. However, the knowledge of the risks of seizures wasn't as well developed in the 50's.