

## Case Brief

Crim Law, Homicide, Involuntary Manslaughter

Hughes, 2/21/15

### Identity of Case

Commonwealth v. Welansky, 55 N.E.2d 902 (Mass. 1944)

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### Summary of Facts/Procedural History

Welansky owns a night club that had a couple hundred people in it on any given night. One of his bartenders was checking a burnt out lightbulb and lit a match. It's not really known how the fire started, but several of the exits were locked, and a lot of people died in the stampede out of the door.

Defendant convicted of 16 counts of involuntary manslaughter, appeals because he wasn't at the night club that night, he was in the hospital, and jury instructions.

### Statement of the Issue

Can reckless conduct result in a murder conviction?

### Holding

Involuntary manslaughter can be found through wanton or reckless conduct: grave danger to others was apparent (knew or should have known), and defendant chose to run the risk rather than alter his conduct...omission is reckless as well.

### Reasoning

Defendant violated serious fire code and building safety issues. Whether he was aware of that or not, as a host of invitees he had a duty to know these risks and take affirmative steps to prevent them.

### Evaluation