

When Tragic Accidents Also Are Crimes

Author : Shea Denning

Categories : [Crimes and Elements](#), [Motor Vehicles](#), [Sentencing](#)

Tagged as : [failure to yield](#), [Laura Yost](#), [misdemeanor death by vehicle](#), [motor vehicle laws](#)

Date : September 24, 2014

The [fields of the Capital Area Soccer League](#) were a sea of blue again last night. Players of all ages shelved their regulation orange jerseys and wore blue—Laura Yost’s favorite color—instead. They wore blue last week too. Last week’s blue was to support fellow soccer player Laura, who was hospitalized after she was critically injured in a car accident on her way to school. Sadly, last night’s blue was to honor her memory. [Fifteen-year-old Laura died early Tuesday morning](#).

Laura, a sophomore at Panther Creek High School in Cary, rode in the back seat of her friend Spencer Saunders’ car last Tuesday. Her older brother Ryan rode in the front passenger seat. Spencer was turning left off of Highway 55 onto McCrimmon Parkway in Cary when a dump truck traveling in the other direction crashed into the passenger side of his vehicle. [Reports](#) indicate that the accident was Spencer’s fault as he failed to yield to the oncoming dump truck when turning left as required by [G.S. 20-155\(b\)](#). [No charges have yet been filed in the case](#), but police [reportedly](#) have talked to the district attorney about charging Spencer.

Failing to yield when turning left is an infraction, not a crime. The maximum penalty is \$100. A person cited for this offense may pay a \$35 fine and court costs and resolve the charge without having to appear in court. But now that Laura has died, Spencer might be charged with a more serious offense—[misdemeanor death by vehicle](#)—a Class A1 misdemeanor, for which a first-time offender could receive up to 60 days imprisonment. Because Spencer is 16, he may be charged with this crime and tried as an adult.

Anecdotally, I’ve heard district court judges say that misdemeanor death by vehicle is among the most difficult misdemeanor crimes to sentence. By its very definition, the crime involves a violation of any State traffic law or local traffic ordinance, other than impaired driving, that causes the death of another. On one side of the scale, there often rests a defendant with no criminal intent. On the other, there is a lost life. Sometimes the victim’s family views a harsh sentence as necessary to justice. Sometimes the victim’s family sees the ends of justice differently. I’ve never been a prosecutor, so I don’t know how much the initial charging decision is based on the wishes of family members. In my time as an assistant federal public defender, I learned that there were rules of thumb about certain degrees of loss. If a client was alleged to have fraudulently obtained money that exceeded a certain amount, pleas for reduced charges or deferred prosecution were rebuffed, regardless of the client’s youth, lack of criminal history, or other mitigating circumstances. It may be the same for district attorneys when a life is lost as a result of traffic violations that otherwise would not even cross the threshold of criminal culpability. But perhaps the lines are not so clearly drawn.

One might expect that regardless of what charges may come, Spencer Saunders already is suffering mightily. He has expressed profound remorse in [posts](#) to his Twitter account that have been [reprinted](#) in the news. Spencer is 16. He is an inexperienced driver. He made a mistake that turned out to be fatal for his friend. Should criminal charges follow?

The prospect of criminal charges against Spencer would be no different under the raise the age bill that passed the NC House last session. While [House Bill 725](#), if enacted, would have expanded juvenile jurisdiction to 17 year olds in its first year and 18 year olds in its second, it would have done so only for misdemeanors and infractions **other than violations of the state’s motor vehicle laws**.

Cary Police Lieutenant Steve Wilkins said that they were going to allow the “dust [to] settle” with the families before proceeding with any charges. So we don’t yet know the State’s view of what justice requires in this tragic case.