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Getting away with vehicle murder

BY GRAHAM WOMACK

Police found the body near a crosswalk in South Hagginwood on a Friday evening. All they knew—all they still know—is that the older, dark sedan that trampled the victim kept going, and was last seen headed south on Rio Linda Boulevard.

No one has been arrested for the Jan. 3 hit-and-run killing of Anthony Moreno, 53, of Sacramento. Odds are the adult daughter he left behind will never get justice for her father's death.

Fatal traffic crashes in Sacramento County rarely result in felony vehicular manslaughter charges, an SN&R data analysis reveals.

According to figures obtained through public records requests, 148 people died from car collisions in the county between Oct. 1, 2018 and Sept. 30, 2019. These crashes led to fewer than 20 vehicular manslaughter filings.

Sacramento Superior Court spokeswoman Kim Pedersen said via email that there were 17 felony vehicular manslaughter filings during the same time period as the 148 deaths. Shelly Orio of the Sacramento County District Attorney's Office pegged the number of felony filings at 19, with at least one case an amended complaint originally filed in 2017.

The DA's office had another 11 misdemeanor filings related to the 148 deaths and declined to file charges on six referred cases, according to a written statement Orio provided from the office's homicide bureau chief, Rod Norgaard.

The numbers shine another light on how unsafe roads can be locally—and how difficult it can be to get justice after a fatal crash. Some of the difficulties are due to what prosecutors must prove for a conviction, often dictating whether charges are filed.

The statement from Norgaard, who declined an interview, said misdemeanor vehicular homicide can involve infractions such as running a red light or causing an accident that results in a death, while felony charges often relate to gross negligence or driving while impaired.

Norgaard questioned whether all the local deaths were chargeable.

"It is not uncommon to read about a head-on collision in which all of the occupants of both vehicles are killed," Norgaard wrote. "These would appear as vehicular homicides per our Coroner's Office, but no one is charged with a criminal offense for obvious reasons."

The statement continued, "Likewise there are numerous accidents, including solo car accidents, in which the fatality is the driver of the vehicle at fault. ... There are also a host of cases in which the law enforcement agency is unable to determine who the party at fault is and thus there is no criminal referral to our office."

Unquestionably, though, illegal conduct has led to hundreds of preventable traffic deaths in Sacramento County in recent years.

According to the CHP, people most commonly died from traffic crashes in the county in 2018 because of pedestrian violations (32 deaths), driving or bicycling under the influence (25) and improper turns (22). In addition, 24 people died from motorists driving on the wrong side of the road from 2016 to 2018.

In all, 512 people died in traffic accidents in Sacramento County between 2016 and 2018, according to the CHP.

Just 32 of the 148 traffic deaths between Oct. 1, 2018 and Sept. 30, 2019 occurred within Sacramento city limits, said Sacramento police spokesman Justin Hanks. Asked if the city has a problem with people getting away with vehicular manslaughter, Hanks echoed the skepticism expressed by the DA's office.

"They've got to be able to prove that beyond a reasonable doubt, that this person was driving recklessly in gross negligence while driving the vehicle," Hanks said.

Hanks said he spoke with a sergeant who found that motor vehicle deaths have actually gone down in the city, with a total of 68 between 2018 and 2019. □

Raheem F. Hosseini contributed to this report.