

NMDPS - CHILD ABUSE - DWI - ENDANGER CHILDREN

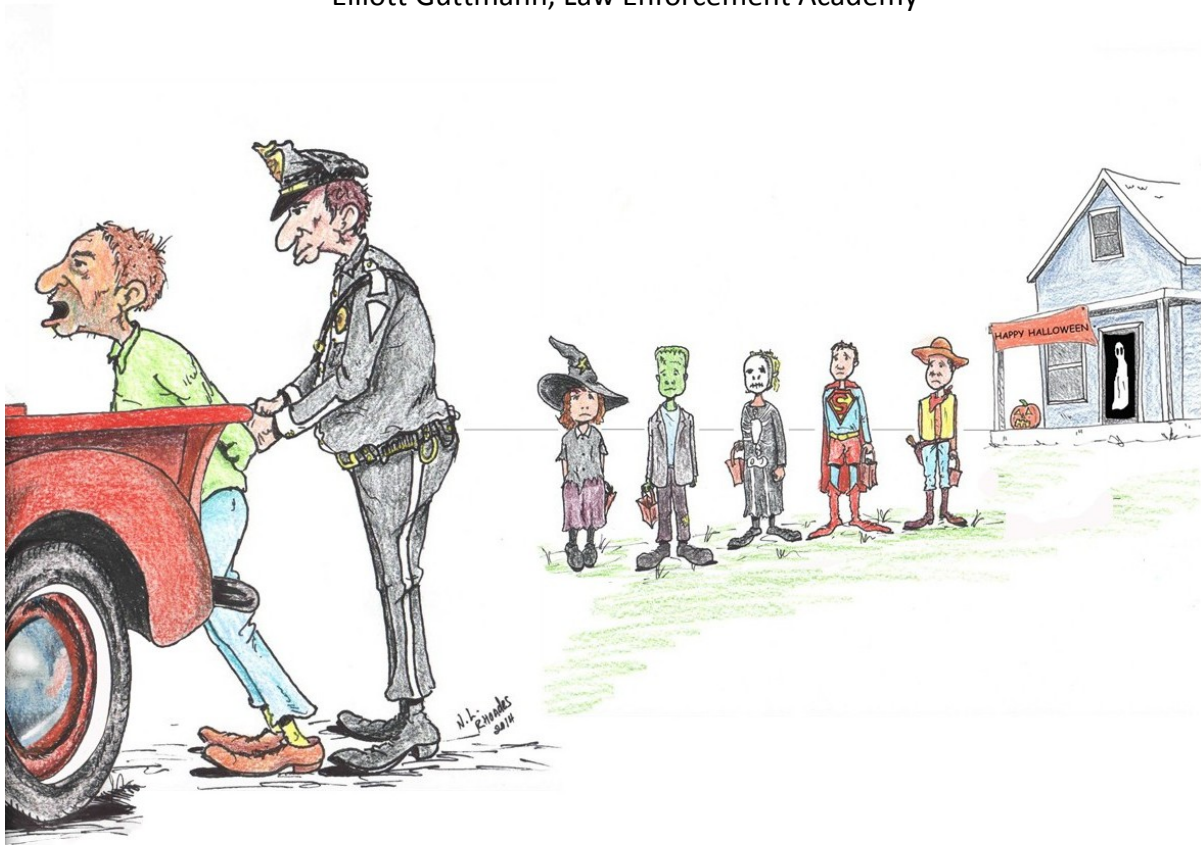
In Eddy County, on a dark Halloween night, a group of kids were out “trick or treating.” Defendant, driving at a high rate of speed, aimed his truck at them. Their chaperone pushed them out of the way, but she was struck and killed. One of the charges was vehicular homicide. What about the children?

Child endangerment could apply, but it has to be directed towards a particular child or group of children. A motorist, for example, hitting another vehicle not knowing a child is in that vehicle cannot be charged with child endangerment. Defendant argued his driving put the general public at risk and children just happened to be there.

Yet the facts indicate he intentionally put children in danger. The driver in front of him testified he saw children, slowed down, and navigated around them. Another eyewitness saw Defendant increase his speed as he drove towards the children. Being Halloween, of course, groups of people wearing strange costumes tend to be children, not senior citizens.

A person who endangers a child “acts with a reckless disregard for the safety and welfare of a child.” That’s what happened here. Defendant created a substantial and foreseeable risk to a particular group of children by driving into a group containing nine children. Court of Appeals affirmed his conviction. State v. Melendrez (2014)

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How'd I know children were going to be out tonight?!