

Bond Case Briefs

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MUNICIPAL ORDINANCE - NEW YORK

People v. Torres

Court of Appeals of New York - October 12, 2021 - N.E.3d - 2021 WL 4732737 - 2021 N.Y. Slip Op. 05448

Defendant pled guilty in the Criminal Court of the City of New York, New York County to failure to exercise due care to avoid collision with a pedestrian and failure to yield to a pedestrian, pursuant to provision of city administrative code known as the "Right of Way Law."

Defendant appealed, and the Supreme Court affirmed. In a separate case, another defendant was convicted after a bench trial in the Criminal Court of the City of New York of violating the same administrative code provision. Defendant appealed, and the Supreme Court, Appellate Term, affirmed. Leave to appeal was granted to defendant in each case.

The Court of Appeals held that:

- Right of Way Law did not violate due process by imposing ordinary negligence as the culpable mental state;
- Mens rea standard under Right of Way Law was not void for vagueness under Due Process Clause;
- Article of Penal Law governing culpability did not preempt the Right of Way Law;
- State's Vehicle and Traffic Law did not preempt the Right of Way Law; and
- City's enactment of Right of Way Law was valid exercise of delegated police power from the State.