Reckless Driving in New York

By Adam H. Rosenblum

The Rosenblum Law Firm P.C.

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Why This Book?

According to data provided by the Criminal Court of the City of New York to the Census Bureau in 2010, there were a total of nearly 12,000 reckless driving summonses issued annually in NYC alone. Around 4,000 were issued in Manhattan accounting for nearly 1/3 of the reckless driving tickets issued in the five boroughs ("only" 3,000 were issued in Brooklyn despite the fact that it has around 1 million more residents than Manhattan!). This means that nearly 1,000 people are stopped in New York City each month and are charged with a crime for reckless driving. These are, on average, citizens with no criminal record that become faced with the prospect of 5 points on their license, jail time, and a permanent criminal record (if an adult is convicted of a crime in New York State, there is no way to expunge or seal the criminal record).

Fast Fact: Nearly 12,000 reckless driving tickets are issued each year in the five boroughs of New York City.

In sum, the numbers of reckless driving tickets being issued are staggering. Now what if I told you that a significant portion of this very high number of tickets is being issued to people accused of violating standard traffic infractions? Being on the front lines of traffic violations defense, the vast majority of individuals who call me about their reckless driving ticket were issued the summons for acts like blocking an intersection, going through a red light, making a wrong turn, etc. These traffic infractions (which happen to be non-criminal offenses with their own listings in the Vehicle and Traffic Law) have become standard bases for issuing reckless driving tickets.

Why Is This Happening?

Over the years we have come to identify two reasons that NYPD officers have been issuing reckless driving tickets in ever-growing numbers: laziness and quotas.

I. Convenience

In order to understand this, an introduction about traffic violations procedure in New York City is in order. If you were ticketed in virtually any location in New York State, chances are your ticket would be handled in a city, town, village or justice court. Tickets in these courts are usually prosecuted by either a court prosecutor, assistant district attorney, or the police officer himself. Upon receipt of the defendant's "not guilty" plea, Vehicle and Traffic Law s 1806 requires that a court appearance be scheduled in which

most people are offered the chance to "plea bargain" or settle with the prosecution by pleading guilty to a reduced offense. Pleading guilty to a reduced offense instead of taking the matter to trial is called a "plea bargain." However, plea bargains are not available in the Traffic Violations Bureaus (TVBs) of the five boroughs of New York City. If you get ticketed in any of these jurisdictions, your summons will be returnable to an administrative "court" that is presided over by a TVB hearing officer. Plea bargains are not permitted in the TVB and therefore if the defendant pleads "not guilty" the police officer who wrote the summons must appear at the TVB for trial or risk a dismissal of the charges (note that contrary to popular belief, courts and the TVB do not always dismiss a ticket because the officer fails to show on the first scheduled trial date; they will often reschedule a case for a second or third appearance before they dismiss). Therefore, if a NYPD officer issues a regular ticket, charging a driver with violating a non-criminal section of the Vehicle and Traffic Law, he or she will have to show up at the TVB, perhaps several times, before the case is disposed of at trial.

*A **plea bargain** is a settlement in criminal court in which a person being accused of a crime is offered to plead guilty to a lesser offense and receive a reduced penalty instead of pleading guilty to or being convicted of the original charge which carries a more severe penalty.*

Reckless Driving tickets, on the other hand, are actually criminal summonses which require the defendant to appear in criminal court. Criminal court in New York City (as opposed to the TVB) is a "real court" and typically has a prosecutor who is responsible for the case. Since the vast majority of cases in criminal court are disposed of by way of a plea bargain settlement, the case will not go to trial and the officer will not have to appear in court at all. Quite an incentive to write a criminal summons as opposed to a regular traffic ticket, isn't it?

II. Ticket Quotas

One of the most widely-held beliefs about the NYPD is that the officers are required to meet a certain quota of tickets each month. I have had a number of clients call me over the years convinced that this was the reason they got a ticket and not because they did anything wrong. "It was the end of the month and I'm sure the officer was just trying to meet his quota" they will tell me. Despite ticket quotas being against state law, and the NYPD's repeated denial of the practice, several NYPD officers have stepped forward and reported ticket quotas that were in place in their respective precincts. For example, on November 8, 2010, the New York Daily News discovered two memos posted in the 77th Precinct which explicitly called for their officers to issue tickets of a particular kind in a particular quantity (i.e. "we need.. Cellphone [tickets] 75"). On August 4, 2011 the Village Voice reported that Officer Adil Polanco was disciplined for blowing the whistle, i.e.

reporting illegal conduct occurring within the 81st Precinct such as ticket and arrest quotas. Finally, CBS New York reported on February 23, 2012 that the NYCLU filed a federal lawsuit on behalf of Officer Craig Matthews who was disciplined in retaliation for reporting ticket quota practices in the 42nd Precinct. The upshot is that there is pretty strong evidence that ticket quotas exist and this alone could account for the significant rise in reckless driving summonses. Further evidence of the above is that according to data obtained from the New York Office of Court Administration, many minor criminal summonses are dismissed in court. This means that the judges are convinced (in many cases by lawyers who argue for dismissal) that the tickets were written without a good faith basis or were facially defective. Potential grounds for dismissal are discussed in greater detail below.

> **Fast Fact**: In 2012, the NYPD issued over *one million traffic tickets.* Brooklyn saw the most traffic tickets issued, followed by Queens, Manhattan, Bronx, and Staten Island.

What is Reckless Driving and What Are The Consequences?

According to NY VTL s 1212, Reckless Driving is a misdemeanor, which is a crime. A first offense is punishable by up to 30 days in jail and a maximum fine of $300. A second offense within 18 months is punishable by up to 90 days in jail and a maximum fine of $525. A third offense is punishable by up to 180 days in jail and a maximum fine of $1,125. In addition, all Reckless Driving tickets carry a mandatory NYS Surcharge of $85 for town and village courts and $80 for all other courts.

Upon conviction of Reckless Driving, the NYS Department of Motor Vehicles will put 5 points on the person's driving record. According to a study conducted by insurance.com, a conviction for reckless driving causes the highest increase in auto insurance rates of any other kind of traffic ticket; an average of 22%.

The potential consequences of a conviction for Reckless Driving include a criminal record, jail time, fines, 5 points, and a steep auto insurance increase.

Finally, a person convicted of Reckless Driving will have a permanent criminal record in New York State. Though many other states have sealing and expungement procedures, there is no way to seal or erase a criminal record in New York State. A criminal record can affect one's job, ability to obtain loans, apply for admission to certain educational programs, professional licensure, and one's ability to cross the border. It can also have potential immigration consequences for those who are not US citizens.

Hence, the potential consequences of a Reckless Driving ticket are numerous and severe and should not be taken lightly.

The Legal Process

If an officer witnesses you do something that he considers reckless, he can pull you over and charge you with Reckless Driving. He will also run your license, registration and auto insurance to see if your license, registration or insurance has been suspended.

Unless there has been personal injury or significant property damage, an officer is unlikely to arrest an individual who is being charged with Reckless Driving, but can do so at his option.

When a police officer decides to charge an individual with Reckless Driving, he can decide between two methods of beginning the process. The first, is called an **appearance ticket**. This is simply a piece of paper which lists a date in which the defendant is to appear in court. The appearance ticket will not provide many details; the most it will generally contain is the name of the offense the person is being charged with. The second method is to issue a **simplified traffic information** or "Information" which looks identical to a standard traffic ticket except that it contains space on the officer's copy to write down the specific acts that allegedly occurred which form the basis for the Reckless Driving charge.

A sample Information and Desk Appearance Ticket can be found at the end of this book in **Appendix B**.

The officer will either issue an "appearance ticket" or a simplified traffic information otherwise known as the "Information"

So You Were Charged With Reckless Driving, Now What?

If you are reading this book, chances are that you feel you were issued a reckless driving summons without good reason. Many people call our offices in a state of exasperated disbelief, "all I did was make a wrong turn and they are saying I'm a criminal? It's not like I killed anybody!" – and you might be right. While your first reaction might be to want to "fight City Hall", chances are your plight will fall on deaf ears. New York City is a huge city and chances are the politicians are too busy with important business like banning extra large sodas to pay any attention to your complaint that the ticket issued to you was not justified.

Add to that the fact that since a significant number of reckless driving summonses are reduced to local ordinances, the City stands to gain a great deal from the system as it currently stands. Let's do some simple math. Say the average reckless driving summons is

reduced to a littering ticket with a $100 fine. A total of approximately 12,000 reckless driving tickets per year means the City profits over $1 million per year on reckless driving tickets alone not to mention the fines people pay on a variety of offenses from parking tickets, regular moving violations, and other kinds of minor criminal summonses.[1]

Finally, a word of caution: A summons for Reckless Driving should be taken seriously. If you and/or your attorney[2] fail to appear in court on the date listed on the summons and any court date thereafter, an arrest warrant will be issued. If you are caught you will be facing an additional criminal charge at that point.

The Statute Examined

NY VTL 1212 states:

> Reckless driving shall mean driving or using any motor vehicle, motorcycle or any other vehicle propelled by any power other than muscular power or any appliance or accessory thereof in a manner which unreasonably interferes with the free and proper use of the public highway, or unreasonably endangers users of the public highway. Reckless driving is prohibited. Every person violating this provision shall be guilty of a misdemeanor.

Thus, according to the statute, there are two ways you can be found guilty:

1) Driving in a manner which unreasonably interferes with the free and proper use of the public highway; or

2) Driving in a manner which unreasonably endangers users of the public highway;

These two are not mutually exclusive; meaning that being found guilty of one of these acts is sufficient to be found guilty of reckless driving. So, for example, if a person is found by a judge or jury to have drove in a way that unreasonably interfered with the free use of the highway, he can be guilty of reckless driving even though he did not endanger any user of the highway.

[1] According to data compiled by The New York World, in 2011, the New York City Police Department issued more than 350,000 tickets for minor infractions like loitering, trespassing and disorderly conduct.
[2] Some NYC-area judges will waive a defendant's appearance if his attorney shows up in his stead. Most judged in NYS require a defendant to appear in court in person unless he lives far away from court or has a good reason he cannot appear (e.g. a medical condition that prevents him from attending court).

> *A trial in which the judge determines innocence or guilt without the assistance of a jury is called a **bench trial**.*

Similarly, if a person is found by a judge or jury to have unreasonably endangered a user of a public highway, he can be guilty of reckless driving even though he did not unreasonably interfere with the free and proper use of the roadway.

However, in either event, the person's actions must be considered "reckless." Therefore, even if a person unreasonably interferes with the use of the roadway or unreasonably endangers a user of a roadway, he still cannot be found guilty of Reckless Driving unless he acted recklessly, as defined below.

What Does the Term "Reckless" Mean?

New York Penal Law **Section 15.05** [3.] states:

> A person acts recklessly with respect to a result or to a circumstance described by a statute defining an offense when he is aware of and consciously disregards a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates such a risk but is unaware thereof solely by reason of voluntary intoxication also acts recklessly with respect thereto.

Thus, reckless driving requires more than negligence alone; it requires that the driver have an intentional or heedless indifference or disregard of the consequences of his or her actions.[3] Courts have ruled that the actions of the motorist must be so reckless that they constitute culpable or gross negligence (the terms reckless driving and culpable negligence are the same).[4] An error of judgment alone will not justify a conviction for that offense.[5] Therefore, it would stand to reason that if a person unintentionally makes a minor mistake like making an improper turn without realizing it was improper, that cannot be considered intentional or with "heedless indifference or disregard of the consequences." Yet, it is often the case that individuals who make honest mistakes end up getting charged with Reckless Driving.

[3] *People v Grogan*, 260 N.Y. 138 (1932).
[4] *People v. Sticht*, 139 N.Y.S.2d 667 (Jefferson Co. Ct. 1955).
[5] *People v. Whitby*, 44 N.Y.S.2d 76 (City Ct. 1943).

An error of judgment alone will not justify a conviction for Reckless Driving

The Terms "unreasonably interferes" and "unreasonably endangers"

The Court of Appeals has held that that "unreasonableness" is a necessary element of the crime of reckless driving.[6] The terms "interfering" with or "endangering" the users of the highway means the failure to exercise the reasonable care, caution, or foresight of a reasonably prudent and careful person.[7] In *People v. Spencer* the Court wrote that in order to find a person guilty of reckless driving, the triers of the fact had to find that the defendant drove his automobile in a manner showing wanton disregard.[8] The United States Supreme Court has held that "wanton" means without cause, restraint, and in reckless disregard of the rights of others.[9] Courts have also held that in order to justify conviction of a motorist for reckless driving, the Court must find that the conduct must be so reckless as to constitute culpable or gross negligence.[10] According to the NY Pattern Jury Instructions, gross negligence means "a failure to use even slight care, or conduct that is so careless as to show complete disregard for the rights and safety of others."[11] Therefore, a driver has to act unreasonably, disregard the consequences of others on the road, and/or act with gross negligence in order to be liable.

The Traffic Information & What It Must Contain

The courts have held that since Reckless Driving is not a mere traffic infraction but a ***crime***, the acts constituting reckless driving must be specifically mentioned in the Information just as they would be in a formal indictment.[12] The information must state the offense and the act constituting the offense.[13]

*An **indictment** is a formal accusation that a person has committed a crime. In a Reckless Driving case this is generally done by way of a **simplified traffic information or** "Information"*

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[6] *People v. Armlin*, 6 N.Y.2d 231 (1959)
[7] *People v. Grogan*, 260 N.Y. 138, 183 N.E. 273, 86 A.L.R. 1266 (1932).
[8] 129 N.Y.S.2d 474 (1954).
[9] *Smith v. Wade*, 461 US 30, 103 S. Ct. 1625, 75 L. Ed. 2d 632 (1983).
[10] *People v. Garo*, 208 Misc. 196, 144 N.Y.S.2d 107 (1955).
[11] NY PJI 2:10A
[12] *Luckie v. Goddard*, 171 Misc. 774, 13 N.Y.S.2d 808; *People v. Kasloff, Co.Ct.*, 54 N.Y.S.2d 455; *People v. Bruno*, Co. Ct., 43 N.Y.S.2d 942.
[13] *People v. Grogan*, 260 N.Y. 138, 183 N.E. 273 (1932).

Thus, in a case where the Information stated that the motorist drove his automobile off the travelled portion of highway, mounted a curb, crossed sidewalk and drove along sidewalk fifteen or twenty feet sufficiently charged motorist with reckless driving.[14]

However, in a case where the allegations were that the defendant was racing with another automobile, the court held the Information was insufficient because it contained no allegations as to the position of the vehicles, their speed, the manner of operation of the vehicles, the road conditions, the time and place of the occurrence, or people or property who were endangered or interfered with.[15]

In another case, where the Information stated that the 'Defendant did operate [his vehicle] in a reckless manner unreasonably interfering with the free and proper use of the public highway in the Town,' the court held that since the Information merely stated conclusions and not statements of fact, it was therefore considered a "mere allegation of the Statute" and insufficient to apprise the defendant of the crime charged.[16]

In other words, the officer can't simply quote the statute word for word or allege that the defendant was "reckless" or "interfered…with the use of the highway" etc. She is required to list the facts, i.e. the specific manner in which the person violated the law.

Conversely, where the Information alleges *facts that lead to the inescapable conclusion* that the defendant's conduct was unreasonable, the Information **is** sufficient even though it lacks the statutory allegation that the defendant "drove in a manner which unreasonably interfered with free and proper use of public highways" or "unreasonably endangered users of the public highways".[17]

A sample Information can be found at the end of this book in **Appendix B**.

Under What Circumstances Have the Courts Found a Person Guilty of Reckless Driving?

Since the statute does not define or list specific acts that constitute reckless driving, courts have held that in order to make a determination they must take into consideration all the surrounding circumstances, which, if together show a reckless disregard of the consequences, constitute reckless driving.[18] Since this determination is so fact-specific,

[14] *People v. Miller*, 206 Misc. 1085, 136 N.Y.S.2d 230 (Nassau Co.Ct., 1954).
[15] *People v. Wojcinski*, 5 Misc.2d 292, 159 N.Y.S.2d 539 (Tioga County Ct., 1957).
[16] *People v. Kasloff*, 54 N.Y.S.2d 455 (Schenectady County Court 1944)
[17] *People v. Smith*, 26 Misc.2d 69, 207 N.Y.S.2d 6 (Ulster Co. Ct. 1960)
[18] See, *People v. Mason*, 198 Misc. 452, 97 N.Y.S.2d 462 (Steuben Co. Ct. 1950)

the best one can do is draw comparisons to other cases. See **Appendix A** which contains a list of cases with a broad range of factual scenarios.

Can Failure to Obey a Police Officer's Direction Alone Constitute Reckless Driving?

An information, charging that defendant operated automobile in manner endangering safety of two air raid wardens by failing to stop when ordered to do so during blackout, failed to charge crime of "reckless driving", in absence of allegation that he operated automobile at rapid and dangerous rate of speed, recklessly bore down on wardens, or committed any other act constituting reckless driving within statute.[19]

What If the Officer Did Not Witness the Accident? Is the Occurrence of An Accident Alone Sufficient to Be Guilty of Reckless Driving?

The case law is clear that the mere occurrence of an accident which raises the inference that reckless conduct may have occurred cannot be the sole basis of a conviction for reckless driving.[20] In *Fake v. MacDuff*, 281 A.D. 630, 121 N.Y.S.2d 346 (4th Dep't 1953) the court held that the fact that a car skidded or slid off the highway did not, standing alone, constitute reckless driving. It is often the case that a person is involved in an accident and the police are called to the scene after the fact and issue a summons for Reckless Driving. However, unless the police officer or witness can come to court and testify that they witnessed the act of reckless driving, the case must be dismissed. Often times the threat of setting the matter down for trial will be used as a tactic to encourage the prosecutor to plead the case down to a reasonable plea bargain offer.

Is Dozing at the Wheel Reckless Driving?

It depends. If there is evidence to show that this driver knew that he was about to fall asleep at the wheel or proof of other facts which would or should have warned the driver in advance that he was in danger of momentary dozing, he could be found to be driving in a reckless manner. Absent such proof, the prosecution could not establish reckless driving solely based on evidence that he was dozing.[21]

Is An Allegation of Excessive Speed Sufficient?

Not unless accompanied by other circumstances. In *People v. Grogan*, 260 N.Y. 138, 183 N.E. 273 (1932) the Court of Appeals held that mere speed in excess of that allowed by law is not sufficient to show reckless driving and that the criminal statute prohibiting reckless driving calls for evidence showing something more than mere negligence.

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[19] *People v. Moore*, 178 Misc. 750, 36 N.Y.S.2d 328 (Columbia County Ct. 1942).
[20] *People v. Grogan*, 260 N.Y. 138, 183 N.E. 273, 86 A.L.R. 1266 (1932).
[21] *Jenson v. Fletcher*, 277 A.D. 454, 101 N.Y.S.2d 75 (4th Dept. 1950).

The Third Department in *People v. Goldblatt* held that although violating the speed limit alone may not be enough, speed plus other aggravating factors such as crossing into the passing lane when the view of oncoming traffic is not clear.[22] In *People v. Lamphear*, 35 A.D.2d 305, 316 N.Y.S.2d 113 (3d Dep't 1970), the defendant's conduct was determined to be reckless when he was speeding and overtook and passed a standing vehicle going into the left lane when the view ahead was not clear and the left lane was not free of oncoming traffic.

Can Excessive Speed Constitute "Wantonness"?

Yes but it depends on the location, time, the amount of traffic, the physical condition of the vehicle, and the experience and skill of the operator.[23] So for example, driving a Ferrari at 100mph at 2:00am on a deserted, straight highway which has no traffic lights may not be considered wanton whereas driving a car at 60 miles per hour in a school zone where the speed limit is 20mph and children are present may be considered wanton.

Can Driving on the Sidewalk be Reckless Driving?

Yes. In *People v. Miller*, 206 Misc. 1085, 136 N.Y.S.2d 230 (Nassau Co. Ct., 1954) the court held that fact that the defendant drove his automobile off the highway, mounted a curb, crossed the sidewalk and drove along the sidewalk fifteen or twenty feet was reckless driving since the term "public highway" includes the sidewalk. See also *In Re Vincent H.*, 3 Misc.3d 900, 775 N.Y.S.2d 457 (2004) in which the defendant drove a motor scooter on the sidewalk and caused several pedestrians to quickly move to avoid being struck, held that these actions evinced conscious disregard for a substantial and unjustified risk to safety of others and these circumstances constituted a gross deviation from standard of conduct that a reasonable person would adhere to.

CONCLUSION

I hope you have found this book to be informative. The consequences of Reckless Driving are severe and the process for handling a Reckless Driving case can range from simple to very complex. What might seem like a simple case can become very complex when dealt with by a court of law. Due to the potential for a permanent criminal record, jail time, heavy fines and a substantial auto insurance increase, a person who is charged with Reckless Driving would be well-advised to consult with an attorney who has substantial experience dealing with Reckless Driving cases. **Call our office now for a free consult about your Reckless Driving case.**

[22] 98 A.D.3d 817, 950 N.Y.S.2d 210 (3d Dept. 2012)
[23] *People ex inf. Steph v. Byrne*, 195 Misc. 783, 90 N.Y.S.2d 825 (N.Y.City Ct. 1949)

Appendix A – Facts & Circumstances / Reckless Driving Case Law

People v. Leontiev, 38 Misc.3d 716, 956 N.Y.S.2d 832 (Nassau Dist. Ct. 2012) - The court found that the summons was sufficient where the officer alleged that the defendant collided with another vehicle, made no attempt to stop, accelerated past officer, ignored officer's direction to stop, passed steady red light, and failed to stop in response to officer's lights and siren while traveling through medium traffic.

People v. May, 100 A.D.3d 1411, 953 N.Y.S.2d 767 (4th Dept. 2012) - The defendant's actions constituted reckless driving because as the police officer approached his vehicle, the defendant drove backward over a concrete parking barrier and into the roadway, evaded a police vehicle stopped across the roadway by maneuvering his vehicle over the curb of the roadway and onto several lawns, and sped away at approximately twice the posted speed limit.

People v. Goldblatt, 98 A.D.3d 817, 950 N.Y.S.2d 210 (3d Dept. 2012) - There was ample proof of reckless driving by the combination of excessive speed, going off the road, the distance off the road, no effort to slow down once off the road, and failing to see the pedestrians despite their bright attire (their clothing included a bright orange hat and aluminum foil, one person who was struck had glow stick rings through the elongated piercings of his ears and another person was in the process of lighting a cigarette) and the prevailing clear road conditions.

People v. Patterson, 23 Misc.2d 182, 198 N.Y.S.2d 926 (1960) - A motorist who runs through a police barricade may be guilty of reckless driving.

People v. Cooper, 38 A.D.3d 678, 833 N.Y.S.2d 118 (2nd Dept. 2007) - It could be considered reckless driving for the defendant operating a pickup truck at an unreasonable speed in the wrong lane of travel and the defendant sideswiped a parked police car.

People v. Bulgin, 29 Misc.3d 286, 908 N.Y.S.2d 817 (Sup. Ct. Bronx County 2010) Officer lacked probable cause to arrest motorist for misdemeanor of reckless driving because there was no evidence that any pedestrians or other drivers were affected in any way, where motorist was driving five to fifteen miles per hour above speed limit and failed to stop at one stop sign and two steady red lights and there was no evidence that defendant knew the officer was trying to pull him over despite his lights and sirens being on for a two minute pursuit.

People v. Khurshudyan, 34 Misc.3d 152(A), 951 N.Y.S.2d 88 (Table) (N.Y.Sup. App.Term 2012) Although the officer's testimony may have established that defendant committed multiple traffic infractions, there was insufficient evidence that defendant's operation of

his vehicle "unreasonably interfere[d]" with anyone's use of the oncoming lane or the lane from which he left and returned, or that he thereby "unreasonably endangere[d]" anyone or anyone's property.

People v. Garo, 208 Misc. 496, 144 N.Y.S.2d 107 (Broome Co. Ct., 1955) - the mere passing of a single stop sign in itself **cannot** be said to establish "disregard of the consequences" of the act. If the defendant had also entered the intersection at an excessive and illegal rate of speed, it might be considered reckless.

People v. Cooper, 38 A.D.3d 678, 833 N.Y.S.2d 118 (2d Dept., 2007) – a police officer's observations of the defendant (a) operating his pickup truck at an unreasonable speed in the wrong lane of travel as the defendant approached a three-way intersection (b) sideswiping a parked police car (c) proceeding through the intersection against a traffic light, and (d) jumping out of the vehicle before it came to a complete stop were sufficient to provide probable cause to believe the defendant committed reckless driving.

People v. McGrantham, 12 N.Y.3d 892, 885 N.Y.S.2d 244, 913 N.E.2d 936 (2009) – evidence that the defendant mistakenly drove onto an exit ramp and then slowly made U-turn across three lanes of traffic and collided with a motorcycle supported a charge of reckless driving,

People v. Armlin, 6 N.Y.2d 231, 233, 189 N.Y.S.2d 179, 160 N.E.2d 478 (1959) - allegations that the defendant drove car across center line into path of oncoming car at high rate of speed and crashed into that car were sufficient to permit an inference that the defendant's operation of vehicle unreasonably interfered with free and proper use of highway and unreasonably endangered other drivers.

People v. Cobb,172 Misc.2d 851, 661 N.Y.S.2d 903 (App. Term 1st Dept.) - trial evidence sufficient to support reckless driving conviction, where defendant, during evening rush hour on a busy street abruptly changed gears and the car lunged forward and struck another car, then lunged backwards to within two feet of pedestrian crosswalk, while his passenger was in the front passenger seat with door open and had one leg hanging out.

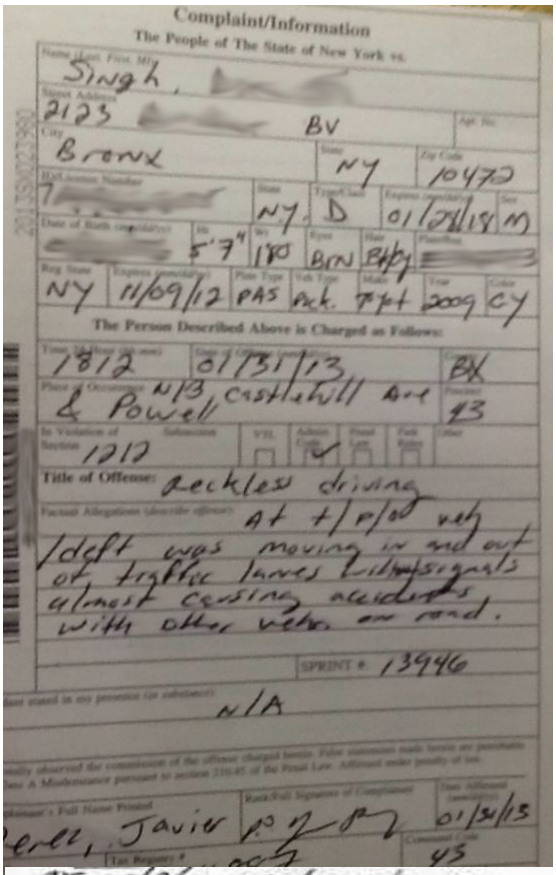
Donahue v. Fletcher, 299 N.Y. 227, 86 N.E.2d 574 (1949) - if a court finds that the defendant intentionally failed to yield the right of way it can be considered reckless driving.

People v. Korytowski, 14 Misc.2d 417, 179 N.Y.S.2d 424 (Schenectady Co. Ct., 1958) - evidence that the defendant was going faster than 45 to 50 miles per hour, and made a 'U' turn from the outside lane 75 feet away, on an open highway, was not sufficient to convict him for reckless driving.

People v. Bohacek, 95 A.D.3d 1592, 945 N.Y.S.2d 460 (3d Dept. 2012) - evidence that the defendant recklessly disregarded the consequences of his actions by ingesting drugs, failed to keep right and drove her vehicle across center line of highway and collided head-on with a vehicle traveling in the opposite direction was sufficient to support conviction of reckless driving.

People v. Minaya, 6 A.D.3d 728, 775 N.Y.S.2d 367 (2 Dept., 2004) – the evidence in the case was sufficient to support a conviction for reckless driving when the defendant drove his car into middle of a melee.

Appendix B – Sample Reckless Driving Tickets


Complaint/Information
The People of The State of New York vs.
Singh,
2123 BV
Bronx NY 10472
NY D 01/28/18 M
5'7" 180 BRN BRN
NY 11/09/12 PAS Nis. Toyt 2009 GY
The Person Described Above is Charged as Follows:
1812 01/31/13 BX
& Powell NB, Castle Hill Ave 43
In Violation of 1212
Title of Offense: reckless driving
Factual Allegations: At t/p/o veh /deft was moving in and out of traffic lanes without signals almost causing accidents with other vehs. on road.
SPRINT # 13946
N/A
Javier 01/31/13
43


AT T/P/O motorist was observed traveling S/B on 7 Ave at high rate of speed motorist was switching lane without signaling and was following cars too closely and almost striking a marked RMP
12/27/12 P.O.
ARRAIGNMENT

Sample 1

At T/P/O (time and place of offense) veh (vehicle) / deft (defendant) was moving in and out of traffic lanes without signals almost causing accidents with other vehicles on road.

Sample 2 (description only)

At T/P/O (time and place of offense) motorist was traveling S/B (southbound) on 7 Ave at high rate of speed. Motorist was switching lane (sic) without signaling and was following cars too closely and almost striking a marked (?) RMP (radio mobile patrol).