

## New York Court to Decide Whether Drivers Can Be Too Drunk to be Found Guilty

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New York State's highest court this week heard arguments from lawyers of three drivers who claimed they were too drunk to understand what they were doing or the threat they posed to others.

The judges will decide whether drivers can be considered too drunk to be found guilty.

In all three cases, juries convicted the drivers of second-degree murder, after prosecutors successfully argued they had shown a "depraved indifference to human life," *The New York Times* reports.

The cases were brought to the Court of Appeals for review on Tuesday.

Prosecutors argued the drivers knew they were endangering other drivers, but did not care.

Several judges seemed hesitant to create a defense of extreme drunkenness for drivers who caused severe accidents, the article notes. A decision on the cases is expected next month.

In 2006, the New York Court of Appeals ruled that depraved indifference is a state of mind, forcing prosecutors to prove a defendant consciously and willingly showed "an utter disregard for the value of human life" when they are trying to prove second-degree homicides, particularly in cases pertaining to drunk driving.