



Huntington Beach Police Department & Orange County District Attorney *Press Release*



FOR IMMEDIATE RELEASE

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Case # TBA

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DISTRACTED DRIVER CHARGED WITH KILLING 4-MONTH-OLD GIRL BY CAUSING CRASH THAT EJECTED BABY FROM STROLLER

**Infant and mother were on vacation from Australia visiting relatives*

WESTMINSTER – A distracted driver was charged today with killing a 4-month-old girl after causing a crash that ejected her from her stroller while being pushed through a crosswalk by her mother. The victim's family was on vacation from Australia visiting relatives in Orange County. Robert Anthony Casares, 50, Huntington Beach, is charged with one misdemeanor count of vehicular manslaughter without gross negligence and faces a maximum sentence of one year in jail if convicted. The People will be requesting the defendant be held on \$10,000 bail at his arraignment Feb. 15, 2011, at the West Justice Center in Westminster. The time and Department are to be determined.

At approximately 10:00 a.m. on Sept. 7, 2010, Casares is accused of driving over train tracks in his sport utility vehicle on Springdale Street in Huntington Beach. As his car passed over the tracks, the bumps caused the defendant's laptop to begin to slide out from a laptop bag on the passenger seat toward the floor of the vehicle. Casares is accused of looking down to secure his bag to prevent the laptop from falling.

The defendant is accused of hitting his brakes after looking up to find the pick-up truck in front of him had stopped at the intersection at Croupier Drive. He was unable to stop in time, crashed into the vehicle in front of him, and pushed the truck into the intersection into a family that was walking in a crosswalk. The family included 31-year-old Renee Gould from Australia, who was visiting her sister in Huntington Beach. She was pushing her 4-month-old daughter Ruby in a stroller and walking with her 11-year-old niece and 7-year-old nephew.

As a result of the collision caused by Casares, the truck crashed into and threw Gould and her niece from the crosswalk. Baby Ruby was ejected from her stroller and landed approximately 70 feet away. The 7-year-old boy was not hit. The three victims were transported to the hospital. Ruby was pronounced dead at approximately 5:20 p.m. that evening due to blunt force trauma to the head. Gould suffered a dislocated shoulder and fractured vertebrae. The niece sustained minor injuries. Casares remained at the scene and was contacted by responding Huntington Beach police officers. He was not under the influence of alcohol or drugs.

The law describing the distinction between misdemeanor and felony manslaughter:

Misdemeanor vehicular manslaughter may be charged when there is "ordinary negligence" or the failure to use reasonable care to prevent reasonably foreseeable harm to one's self or another. A person is negligent if he or she does or fails to do something that a reasonable careful person would not do in the same situation.

Felony vehicular manslaughter may be charged when there is "gross negligence" which involves more than ordinary carelessness, inattention, or mistake in judgment. Gross Negligence would require a person to act in a reckless way that creates a high risk of death or great bodily injury and a reasonable person would have known that acting in that way would create such a risk. The person's action must be so different from how an ordinary careful person would act in the same situation that his or her act amounts to disregard for human life or indifference to the consequences of the act.

The Huntington Beach Police Department investigated this case. Deputy District Attorney Michael Bardeen is prosecuting this case.

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