

## People v. Hall Sample Case Brief

**Style:** People (Colorado) v. Nathan Hall

Colorado Supreme Court 2004

**Procedural History:** At a preliminary hearing, the trial court dismissed case for lack of probable cause (defendant won)  
District court affirmed lack of probable cause (defendant won again)  
Appellate court reversed (People won)

**Issue:** A) How should Colorado law describe the mental state of recklessness?  
B) Whether the People have probable cause to believe that the defendant committed reckless manslaughter when the defendant, a former ski racer trained in ski safety, skied straight down a dangerous section of a mountain, lost control, and struck the victim, killing him.

**Holding:** A) Mental state of recklessness is a legal definition that forms the rule for this issue; see rule below for court's holding on the description of the recklessness mental state.

B) Defendant's conduct reveals sufficient probable cause of reckless manslaughter because the defendant acted "despite his subjective awareness of a substantial and unjustifiable risk of death from his conduct." Specifically, the defendant appreciated the risk of harm because he was a former ski racer trained in ski safety. He consciously disregarded that risk when he hurtled himself straight down a steep and bumpy slope with his weight back on his skis and arms out for balance, allowing himself to be thrown from mogul to mogul. The risk was substantial and unjustified because, as a ski racer, defendant knew what harm might occur from losing control on skis at a high rate of speed, yet he chose to ski the dangerous route down the mountain.

**Rules:** A) Recklessness involves a higher level of culpability than criminal negligence, but requires less culpability than intentional actions. The State establishes a cause of action for reckless manslaughter when it proves the defendant caused the victim's death and the defendant:  
Consciously disregarded  
A substantial and  
Unjustified risk that he would  
Cause the death of another

The court may infer that the defendant was subjectively aware of the risk. Court must weigh the nature and purpose of defendant's conduct against the risk created by that conduct in evaluating whether a risk is unjustifiable. A substantial

# Law Paper Example

**A Gutmann**



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