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Attorney predicts driver in fatal big-rig accident will be cleared

2:47 PM | June 29, 2009

The attorney for a truck driver indicted in the deaths of a father and daughter killed by his runaway big rig in La Cañada Flintridge said he felt confident a jury would acquit his client if the case ever went to trial.

Steve Meister, a Los Angeles-based criminal defense attorney, said he planned to challenge the grand jury indictment against Marcos Barbosa Costa and ensure the L.A. County district attorney had complied with the rules and procedures necessary when presenting a case to a grand jury.

"The charge of murder in a car accident is ridiculous," Meister said. "It's overkill, excessive. It's unreasonable. It was an accident. It wasn't a crime. The D.A. has confused tragedy with a crime."

Costa's out-of-control truck hit several cars in La Cañada Flintridge in April, killing Angel Posca and his 12-year-old daughter, Angelina, and injuring several others. A county grand jury returned the murder indictment June 12, but it was unsealed June 19 after Costa was arraigned in Los Angeles County Superior Court.

Bail was set at \$2.09 million. Costa, 44, remains in custody.

Meister said news of the murder indictment had come as a "complete shock" to Costa, an immigrant from Brazil, who has no criminal record.

"My client lives with the despair of the loss that he caused, every day," Meister said. "He lives with the tragedy. And it is that, a tragedy. It was an accident."

Meister described Costa as a hardworking, church-going man from a large and caring family.

"He is beyond perplexed," Meister said. "He is bewildered, as anyone in this situation would be."

Costa had earlier been charged with two counts of vehicular manslaughter for the April 1 deaths but was released on \$200,000 bail and allowed to return home to Massachusetts. He was re-arrested June 19, when he appeared for a preliminary hearing at the Pasadena courthouse.

Prosecutors said investigators had presented additional information to the grand jury, but because the grand jury transcripts remain under seal, they could not give further details. Besides the two counts of murder, the indictment adds allegations of great bodily injury to the original charges, prosecutors said.

Costa also is charged with three counts of reckless driving, causing injury

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- Shanta

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to three victims. Two suffered concussions and the third a bone fracture, according to the district attorney's office.

The tragedy prompted Caltrans to impose a 90-day ban on five-axle trucks traveling down Angeles Crest Highway -- or California 2 -- to the 210 Freeway in La Cañada Flintridge.

A bail hearing is scheduled for July 10 in Pasadena, Meister said.

-- Ann M. Simmons

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Accident can happen to anyone at any time.

We can never judge the accused until he was proven guilty, i just hope that the trial will be fair for both parties involved. An accident attorney is a big help.

Posted by: [attorneyfirms](#) | July 01, 2009 at 11:08 PM

Stallworth gets thirty days for killing a pedestrian while driving drunk... This guys vehicle gets away from him, he has a fatal accident and gets charged with murder 1? Simply put this is grandstanding by the LA County DA and prosecutors! Why not charge CALTRANS with murder 1 as well since they took out the run off ramps and flat refused to do anything else about truck traffic on that stretch of road! Oh wait... they installed a ninety day ban on trucks through the Crest? Well at least we are safe for a few months

Posted by: rick | June 29, 2009 at 03:55 PM

If I remember correctly there has to be an act of intent to kill before it becomes murder. what are these grand jurist thinking. Are they being manipulated by the prosecution?

Posted by: Thomas Neith | June 29, 2009 at 03:43 PM

As a former truck driver, I know california Hi-ways are not the greatest in the world. Depending on whether or not it was an equipment failure or driver error that caused the wreck should play a big part in the decision of whether it was murder or vehicular manslaughter. If equipment failure played a part in the accident then the company owner should be held partly responsible for the crash. It seems that state governments are to lazy to go after the truck owners company and rather place the burden completely on the driver(less work involved).

Posted by: Thomas Neith | June 29, 2009 at 03:39 PM

Awful as this incident was, the murder charge is over-reaching, and unjust. The driver was irresponsible, and perhaps reckless, for taking a "shortcut" over the mountains. But the REAL blame lies with Caltrans, who refused to restrict truckers on Angeles Crest despite previous accidents and countless requests from local governments.

Posted by: Emma | June 29, 2009 at 03:18 PM

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