



MERCED SUN-STAR

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Murder charges dropped in SoCal trucking deaths

The Associated Press

PASADENA, Calif. A judge on Friday threw out two murder charges against a trucker whose runaway rig killed a man and his 12-year-old daughter in a multi-vehicle crash in a foothill community near Los Angeles.

Pasadena Superior Court Judge Lisa Lench said there was insufficient evidence to show Marcos Costa intended to kill the victims. Costa still faces five charges of vehicular manslaughter and reckless driving.

If convicted, he faces more than eight years in prison.

The 44-year-old trucker from Everett, Mass., was hauling cars over the San Gabriel Mountains on April 1 when his brakes failed on the steep Angeles Crest Highway above La Canada Flintridge.

The double-decker rig hit a car, killing Angel Posca and his daughter Angelina, of Palmdale, collided with four other vehicles and smashed into a bookstore, injuring three others.

Prosecutors said Costa ignored a sign warning rigs that are the size and weight of the one he was driving are barred from that stretch of winding highway.

District Attorney spokeswoman Sandi Gibbons said prosecutors will consider appealing the judge's decision.

Outside the courtroom, defense attorney Steve Meister said the judge ruled on his motion because she agreed that "not every death is a murder" and that the facts of the case did not support the murder charges.

His client has no criminal record or a history of poor driving, and no drugs or alcohol were involved, Meister said.

"They wanted to throw him away like he's a piece of garbage," he said.

Costa remained in jail. Bail was set at \$2 million and was lowered to \$600,000 on July 20.

Meister said he plans to ask for bail to be lowered again on Oct. 20.

After the accident, La Canada Flintridge officials accused the California Department of Transportation of failing to respond to safety concerns about trucks on the road and previous accidents at that intersection.

A couple of days later, Caltrans instituted a 90-day ban on five-axle trucks along Angeles Crest Highway between the Angeles Forest Highway and the 210 Freeway. The ban was later made permanent.