

# Judge dismisses murder charges against trucker in fatal crash on Angeles Crest

By Brian Day, Staff Writer

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Marcos Costa, shown here in court, was the driver of a big-rig that killed a man and his daughter after losing its brakes coming down Angeles Crest Highway and smashing into their car. (SGVN/Staff Photo by Walt Mancini)

PASADENA - Prosecutors are weighing whether to appeal a judge's ruling Friday dismissing murder charges against a big-rig driver involved in an April crash that killed a father and daughter and injured 10 others in La Cañada

Flintridge.

Pasadena Superior Court Judge Lisa Lench dismissed two murder charges against Marcos Costa, 44, of Boston - over the objections of prosecutors, Los Angeles County District Attorney's Office spokeswoman Jane Robison said.

"Now prosecutors are considering whether to appeal the judge's decision," she said, adding a decision on whether to appeal likely will be announced at Costa's next court hearing Oct. 20.

Costa still faces five counts in connection with the crash April 1 at Angeles Crest Highway and Foothill Boulevard, including two counts of vehicular manslaughter and three counts of reckless driving causing injury, officials said.

Investigators said the brakes on Costa's truck failed as he drove down the mountain highway, ignoring posted weight-limit signs. At Foothill, the truck smashed into several cars before plowing into a bookstore. Killed were Angel Jorge Posca, 58, and his daughter, Angelina Posca, 12, both of Palmdale.

Robison said Lench ruled Friday there was insufficient evidence of "implied malice" - intent to kill - to justify the murder charges.

But prosecutors still believe Costa's disregard for public safety amounted to implied malice, because he allegedly ignored warning signs and a verbal warning from an off-duty firefighter.

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Prior to the crash, Costa was flagged down and warned by an off-duty firefighter that his brakes were smoking. The firefighter also warned him about the steep grade on Angeles Crest, Robison said.

But Costa's attorney Steve Meister said the firefighter never identified himself as an official.

"Most importantly, he never told (Costa) not to drive Angeles Crest," he said.

The firefighter even gave Costa directions to Angeles Crest and only warned him about an upcoming tunnel he thought the car-carrying truck may not fit through and told him to be careful, according to Meister.

Friday's ruling, he said, serves as an "appropriate check" on an overly aggressive District Attorney's Office.

"I applaud the court's ruling," he said. "The DA's murder charge in this case was inappropriate and overstepping."

Costa, who remained jailed Friday in lieu of \$600,000 bail, was relieved by the ruling, although he was "somber" and "very much aware of the Posca family and the others who were injured in this accident," Meister said.

He added that Costa did not have a bad driving record, was not intoxicated and did not knowingly disregard a great risk to others.

Meister said he will seek to have Costa's bail

reduced at his next hearing.

In response to the crash, the governor signed a law permanently banning big-rig trucks from Angeles Crest Highway.

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