

# No DUI Charges Complicate Prosecutors' Efforts To Win A Murder Conviction Against Rebecca Grossman

Judge's Ruling Dealt a Setback to the Prosecution's Case | Rebecca Grossman Trial

**Los Angeles, California Jan 25, 2024** ([IssueWire.com](https://www.issuewire.com)) - Jury selection in the [Rebecca Grossman](#) murder trial began this week, and court proceedings are expected to last more than a month. Grossman was involved in a fatal car crash in Westlake Village, CA in 2020 in which two children were killed. Grossman's blood alcohol content tested below the .08 legal limit, and she is not charged with DUI, but the prosecutor continues to cite a California law typically applied to drunk drivers as justification for murder charges.

As a result of the 1981 California Supreme Court Case, "People v. Watson," prosecutors can file murder charges after a fatal DUI crash. Prosecutors' application of Watson in the Rebecca Grossman case is controversial because she is not charged with DUI and she has never been convicted of DUI previously. In a published report, the *Los Angeles Times* called the murder counts "somewhat unprecedented" due to the lack of DUI charges in the case.

According to the *Acorn* newspaper which has reported on the Grossman case extensively, "Grossman's on-site breathalyzer result showed a blood alcohol content of 0.076%, slightly below the legal limit" and only "a blood sample taken *three hours after* the incident registered right at that 0.08%." *The Los Angeles Times* reported that subsequent tests of Grossman's blood at a lab in Orange County, California revealed it to be .074% and .073%.

To secure a Watson murder conviction, prosecutors must prove "implied malice" which typically requires the driver to have been formally admonished previously about the dangers of driving at excessive speeds. The prosecutor in this case sought to base his Watson accusation on a driving course Grossman took at the AMG Driving Academy in Monterey County, California in April 2018. The judge, however, dealt a setback to prosecutors when he ruled that the driving course would not be admissible at trial.

The *Acorn* reported, "The judge was skeptical about the driving course admissibility, however, questioning [the Prosecutor's] analogy of the warning given to Grossman as similar to that which is given to commercial operators in the driver training they must take." The *Acorn* went on to note that, "The judge also observed that people routinely sign general waivers without reading them carefully".

With the driving course ruled inadmissible, prosecutors are now expected to argue that murder charges in this case are justified because Grossman got a speeding ticket several years ago.

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While the judge denied a Defense motion to dismiss the Watson charges, according to a report by *City News Service* he was skeptical that the charges would hold up in court. *City News Service* quoted an attorney for Grossman, "... [The judge] found that for purposes of the very low standard of a preliminary hearing, he felt there was enough evidence [to allow the Watson charges to stand]". "But he didn't feel there would be enough evidence going forward to prove this case beyond a reasonable doubt on the murder charges. ... The judge, I think, was thoughtful and deliberate about it and I think really he felt he was handcuffed by the low standard of the preliminary hearing."

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