

Kerry Kennedy Charged with DWI in Hit-and-Run Accident

Kerry Kennedy was charged last week in a hit-and-run collision with a tractor trailer, police claiming she was under the influence of drugs. Kennedy, who is the daughter of Robert F. Kennedy and the ex-wife of New York Gov. Andrew Cuomo, says she had a seizure and has no memory of the accident.

Dispute over whether Kennedy had drugs in her system

Hit-and-run a misdemeanor in New York but may come attached to felonies for injuries, death or DUI

State laws on hit-and-run vary in their severity

Drugs in the System?

All we know for sure is that Kerry Kennedy hit a truck and exited the New York highway she was driving on, before her car broke down and she was apprehended by police. The officers on the scene said Kennedy was swaying and slurring, failed multiple sobriety tests and told them she took an Ambien sleeping pill. Consequentially she faces driving while drug impaired charges, to which she pleaded not guilty on Tuesday.

Kennedy's spokesperson denied the drug allegations, telling CNN that the human rights activist "voluntarily took breathalyzer, blood and urine tests — all of which showed no drugs or alcohol whatsoever in her system. The charges were filed before the test results were available."

According to the court, the authoritative tests haven't been completed yet.

The truck driver Kennedy hit told the New York Post, "My first impression was that she was really, really drunk, half asleep or very, very intoxicated. She's very lucky she didn't kill somebody," and that she barely woke up as she drove away after the collision.

Kennedy, 52, says her doctors told her that she suffered a seizure stemming from an old head injury, and claims she doesn't remember the accident at all. When she came to, slumped over the steering wheel with police outside her car, she speculated that she might have taken an Ambien instead of her thyroid medication that morning, but now says that the tests have cleared her. Time will tell.

Escalating Consequences

If Kennedy is found guilty of driving while intoxicated, the consequences could be much more

severe than a simple hit-and-run. “There’s a couple of different laws that apply,” says New York-based attorney Thomas Carr. “It depends on the facts and circumstances of the case.”

Simple property damage is the least serious of hit-and-run charges. “If you run into another car and take off, with damage caused to the car and no other injuries, that’s a misdemeanor,” Carr explains. “In terms of what most people think of hit-and-run, with a car hitting an individual and the individual being injured, especially if someone is charged with DUI, that can raise it up to vehicular assault. Now we’re talking about a felony.”

Depending on the severity of the injury, a defendant could be looking at up to four to seven years in prison, plus possible additional charges for DWI. If the driver kills someone, the penalties rise. Vehicular manslaughter in the first degree is a class C felony with penalties of up to 15 years in prison and \$15,000 in fines.

In other words, a hit-and-run in New York doesn’t carry a severe punishment on its own; it’s the cause and the consequences of the accident that carry the real penalties. “There’s always a more serious charge other than leaving the scene,” Carr says.

Cruel Incentive

Every state requires drivers involved in an accident to stop and exchange information with the other party and call the authorities if warranted. However, different states assign different degrees of severity to hit-and-run accidents. In Utah, Montana and Kentucky it’s not a felony to leave the scene of an accident even if you killed somebody. Pennsylvania recently passed a law strengthening penalties against fatal hit-and-run accidents – previously, they were classified as a lesser crime than a fatal DUI accident, which actually incentivized drunk drivers to flee the scene to avoid the stiffer charges.

In Arizona, leaving the scene of a fatal accident is considered a class 2 felony, the second most serious crime category in the state.

No matter what state you’re in, the best and only recourse following an accident is to stop and comply with the law. Running can only make things worse.