

Questions surround fatal crash case

WEST SENECA, N.Y. (WIVB) - A lot of questions have come up about a high-profile case involving a man accused of driving drunk when he was involved in a deadly crash

. Robert Styn is the driver charged with DWI, after West Seneca Police say his truck hit and killed Daniel McParlane

.The Erie County District Attorney has not charged Styn with vehicular manslaughter. We're asking what it would take for that to happen. It was a stormy night in West Seneca when police say Styn's truck slammed into Dan McParlane's car on Indian Church Road. Police said the weather played a factor, because it appeared McParlane's car was turned sideways as it approached Styn on the road. Styn hit the passenger's side of his car. According to police reports, Styn's blood alcohol content was over twice the legal limit. He told police McParlane's car was spinning toward him and he couldn't avoid it. Lori Hoffman is a criminal defense attorney unaffiliated with the case, who says people often wonder in cases like this why a stronger charge isn't filed. Hoffman explained, "I think it's human nature. I think you hear something about there being a fatal accident, and the driver who survived is being charged with DWI. And the gut instinct is they must have been at fault because they were charged with drinking and driving. And that could be entirely true. It could be entirely false too." If they charge him with vehicular manslaughter, prosecutors would have to prove Styn's alleged intoxication caused McParlane's death. Hoffman says it's not uncommon for a DWI charge to be filed first, while further investigation is done. The District Attorney's office has received the preliminary toxicology report on McParlane, but are not releasing whether he was drinking that night. Styn pleaded not guilty to DWI and his lawyer said they will take that charge all the way to trial.