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**D.A. BROWN: FLUSHING WOMAN WHO PLEADED GUILTY TO DRIVING WHILE
INTOXICATED LAST NEW YEAR'S DAY AND HITTING HIGHWAY POLICE OFFICER
SENTENCED TO FOUR YEARS IN PRISON**

Failed To Complete In-Residence Substance Abuse Program To Avoid Jail Term

Queens District Attorney Richard A. Brown today announced that a Flushing woman who was driving under the influence of alcohol during the early hours of last New Year's Day when she hit a New York City police officer has been sentenced to four years in prison. The incident, which occurred on the Long Island Expressway just west of the Van Wyck Expressway, seriously injured the officer who was standing outside his vehicle after having placed another individual under arrest for driving while intoxicated.

District Attorney Brown said, "The defendant was operating a motor vehicle while under the influence of alcohol while she struck a police vehicle and a New York City police officer who was arresting another motorist who had also been driving under the influence of alcohol. The defendant was given an opportunity to complete an in-residence substance abuse program to avoid a jail term but failed to complete it. Her actions clearly show that she is a threat to public safety as well as to herself. The case is another example of the terrible consequences that can result from mixing alcohol and driving a motor vehicle."

District Attorney Brown identified the defendant as Denise Messner, 28, of 148-17 Booth Memorial Avenue in Flushing, Queens, employment unknown. The defendant pleaded guilty on April 10, 2006 to Assault in the Second Degree, Vehicular Assault in the Second Degree and Operating a Motor Vehicle While Under the Influence of Alcohol or Drugs before Acting Supreme Court Justice Dorothy Chin-Brandt who indicated that if the defendant completed an in-house residential substance abuse program for a duration of one to two years, she would avoid being sentenced to jail. She, however, failed to do so and has, accordingly, now been sentenced to jail.

The District Attorney said the defendant admitted in court that, on January 1, 2006, at about 1:20 a.m., she was driving a 1998 Ford westbound on the Long Island Expressway in the vicinity of Flushing, Queens, when she struck first a police car parked in the Expressway's breakdown lane and then Police Officer John Walsh of the NYPD's Highway Unit Three who was arresting another person for driving under the influence of alcohol when he was hit. Officer Walsh sustained lacerations and abrasions to the body and head and a leg injury requiring orthopedic surgery.

After Officer Walsh was struck, the defendant's vehicle struck the other motorist's vehicle – a 1987 Thunderbird. The defendant was observed in the vehicle with the keys in the ignition and the engine still running and had a strong odor of alcohol on her breath, blood-shot, watery eyes and slurred speech. The defendant could not produce a valid driver's license. The Department of Motor Vehicles records showed that the defendant's license had been suspended.

District Attorney Brown said that the defendant was apprehended by officers of the New York City Police Department's Highway Unit Three and the 110th Precinct shortly after the incident occurred.

The investigation was conducted by Police Officer Anthony Croce of the New York City Police Department's Highway Three.

Assistant District Attorney Patricia A. Malloy of the District Attorney's Career Criminal Major Crimes Bureau is prosecuting the case under the supervision of Assistant District Attorneys James W. Evangelou, Bureau Chief, and Robert J. Hanophy, Deputy Bureau Chief, and the overall supervision of Senior Executive Assistant District Attorney for Trials James C. Quinn and Deputy Executive Assistant District Attorneys for Trials John H. Larsen and Robert J. Masters.

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Note to Editors: Press release e-version posted at www.queensda.org.

