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To: District Attorney Melinda Katz
From: Executive Assistant District Attorney Daniel A. Saunders
Re: Vehicular fatality April 29, 2021
Date: November 15, 2021

After a thorough investigation conducted over several months by both the NYPD Collision Investigation Squad and my office, there is insufficient evidence to demonstrate any criminal intent or behavior leading up to the tragic death of 37-year-old Xing Long Lin on April 29, 2021.

On April 29, 2021, at approximately 7:45 PM, while en route to her local church, a 60-year-old woman driving a 2013 Mercedes-Benz C class automobile was struck from behind by another vehicle. Almost immediately thereafter, her vehicle accelerated, pushing two other vehicles out of her path, before entering an intersection and continuing through, where she struck and tragically killed Xing Long Lin, who was riding a motorized scooter in a designated bicycle lane. After striking Mr. Lin, the Mercedes continued to accelerate down the street, mounted the sidewalk and crashed into an outdoor dining facility erected as an extension of the corner restaurant. Fortunately, no one else was injured.

The driver remained at the scene and responding members of the NYPD's Collision Investigation Squad found she showed no signs of being impaired by alcohol or drugs and that she had a valid driver's license, free of any suspensions or other blemishes. Her vehicle was impounded and inspected, but the examination was hampered because the vehicle was extensively damaged by the collision on the sidewalk. Notwithstanding the driver's complete cooperation with the investigation, the sudden acceleration of the vehicle and subsequent loss of control cannot be adequately explained and may have been due to a mechanical defect, as had been reported by other drivers with that make and model vehicle or it may have been attributed to driver error. In any event, there is no credible evidence upon which to base a criminal prosecution and our investigation into this tragedy is closed.

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