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DRIVER CHARGED IN FATAL COLLISION INVOLVING 8-YEAR-OLD BOY

*Victim Was Crossing Street With Mother and Brother
Defendant Sped Through Crosswalk, Hitting Both Boys*

Queens District Attorney Melinda Katz announced that Jose Barcia was arraigned today on charges of criminally negligent homicide and other crimes for speeding across traffic and through a crosswalk while making a left turn, killing an 8-year-old boy and injuring his 10-year-old brother in East Elmhurst. The boys and their mother were crossing the street with a green light in broad daylight at the time of the fatal collision.

District Attorney Katz said: "Driving carries with it a huge responsibility. This tragedy is as senseless as it is horrific. The rules of the road exist to safeguard everyone. A young life has been cut short and a family is in mourning because of the driver's disregard for those rules. My deepest condolences are with the loved ones affected by this heartbreaking incident."

Barcia, 52, of Flushing, Queens, was arraigned today on charges of criminally negligent homicide, failing to yield to oncoming traffic while making a left turn, disobeying speed restrictions, two counts of failing to provide the right of way to pedestrians, and two counts of failing to exercise due care.

Barcia faces up to four years in prison if convicted. Justice Anthony Battisti ordered Barcia to return to court on June 24.

According to the charges:

- On March 13, at approximately 4:15 p.m., Barcia was driving a gray 2005 Nissan Titan westbound on 31st Avenue when he came to a stop at a steady red light at the intersection of 31st Avenue and 100th Street.
- Video surveillance shows that when the light turned green, Barcia proceeded to make a left turn onto southbound 100th Street at an unsafe speed without yielding to oncoming traffic.
- As Barcia approached the marked crosswalk, three pedestrians were crossing the street with the right of way and a walk signal in their favor: an 8-year-old boy, his 10-year-old brother, and their mother.
- Barcia struck the two children. The 8-year-old was run over and pronounced dead at the scene. The 10-year-old was transported to a nearby hospital with an injury to his wrist, as well as bruising and pain to his head.
- Barcia stayed at the scene and was charged shortly afterward.
- The investigation by the NYPD Highway District's Collision Investigation Squad and the Queens District Attorney's Vehicular Homicide Unit is ongoing.

Assistant District Attorneys Brian Cox and Aaron Gallagher of the District Attorney's Vehicular Homicide Unit are prosecuting the case, with the assistance of Assistant District Attorney Jonathan Selkove, Chief of the Vehicular Homicide Unit, under the supervision of Assistant District Attorneys John Kosinski, Homicide Bureau Chief, and under the overall supervision of Executive Assistant District Attorney of the Major Crimes Shawn Clark.

Criminal complaints and indictments are accusations. A defendant is presumed innocent until proven guilty.

Note to Editors: Archived press releases are available at www.queensda.org.

