



QUEENS COUNTY DISTRICT ATTORNEY
125-01 QUEENS BOULEVARD
KEW GARDENS, NEW YORK 11415-1568



MELINDA KATZ
DISTRICT ATTORNEY

718.286.6000
WWW.QUEENSDA.ORG

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CONTACT: PRESS OFFICE (718) 286-6315
QDACommunications@queensda.org

DRIVER INDICTED IN FATAL COLLISION INVOLVING 8-YEAR-OLD BOY
Defendant Accused of Speeding Through Crosswalk, Hitting Victim and His Brother

Queens District Attorney Melinda Katz announced that Jose Barcia has been indicted on criminal charges for allegedly speeding through a crosswalk while making a left turn, killing an 8-year-old boy and injuring his 10-year-old brother in East Elmhurst on March 13. Arraignment on the indictment is pending.

District Attorney Katz said: “Both victims in this case, the boy who died and his brother, were with their mother crossing the street with the light in their favor in broad daylight. This tragedy was completely preventable, if not for the alleged recklessness of the defendant. Obeying road safety regulations is not a choice. It is the law. And more than that, it is a personal obligation to safeguard everyone we encounter on our shared roadways. The grand jury handed up an indictment on serious charges against this defendant. I continue to send my deepest condolences to the young victims’ loved ones.”

Barcia, 52, of Flushing, Queens, was previously charged in a criminal complaint on March 14 with 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.

The grand jury indictment was filed on April 18. Barcia will be arraigned on the indictment April 30.

According to the allegations in the criminal complaint:

- 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 remained at the scene and was charged shortly afterward.
- The investigation was conducted by the NYPD Highway District's Collision Investigation Squad and the Queens District Attorney's Vehicular Homicide Unit.

Assistant District Attorney Brian Cox is prosecuting the case, under the supervision of Assistant District Attorneys Jonathan Selkove, Chief of the Vehicular Homicide Unit, John Kosinski, Homicide Bureau Chief, and Karen Ross, Deputy Bureau Chief, and under the overall supervision of Executive Assistant District Attorney of Major Crimes, Shawn Clark.

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

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