



718.286.6000
WWW.QUEENSDA.ORG

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



MELINDA KATZ
DISTRICT ATTORNEY

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

DRIVER CHARGED WITH MANSLAUGHTER AND DWI
FOR PRE-DAWN COLLISION THAT KILLED MOTORIST IN CORONA

*Defendant, an Off-Duty FDNY Firefighter, Allegedly Sped Through Intersection Against Red Light,
T-Boned Victim's Vehicle While Going 83 mph in a 25-mph Zone*

Queens District Attorney Melinda Katz announced that Michael Pena was arraigned on charges of manslaughter and related charges for allegedly driving at a high rate of speed and slamming his Mercedes-Benz into another motorist at the intersection of 107th Street and Northern Boulevard in East Elmhurst on Wednesday.

The victim, 23-year-old Justin Diaz, was driving northbound on 107th Street and had the right of way as he entered the intersection. He was rushed to the hospital and pronounced dead shortly after the collision.

DA Katz said: "Drunk and reckless driving often have horrendous consequences. The defendant, an FDNY firefighter who was off duty, is accused of driving under the influence, running a steady red light and slamming into a 23-year-old motorist, killing him, as he drove more than three times the posted speed limit on February 26. Our shared roadways are not a racetrack. My office will seek justice for the victim and his loved ones."

Pena, 28, of 220th Street in Oakland Gardens, was arraigned this evening on a felony complaint charging him with manslaughter in the second degree, vehicular manslaughter in the second degree, assault in the second degree, operating a motor vehicle while under the influence of alcohol or drugs and related charges. Queens Criminal Court Judge Anthony Battisti ordered the defendant to return to court on May 12. If convicted of the top count, Pena faces a potential maximum of up to 15 years in prison.

DA Katz said, according to the charges, on February 26, at approximately 4:15 a.m., Pena was operating a silver Mercedes S63 Coupe eastbound on Northern Boulevard. The defendant proceeded to drive through a steady red light at the intersection of 107th Street while going 83 mph in a 25-mph zone and slammed into a purple BMW operated by Justin Diaz. The victim was driving through the intersection on 107th Street with the green light in his favor. Diaz was taken to a local hospital with severe trauma and was pronounced dead as the result of his injuries.

Pena stayed at the scene where a police officer observed him to be in an intoxicated state, with a strong odor of alcohol on his breath, watery eyes, slurred speech and he was unsteady on his feet. A breath test indicated that Pena had a blood alcohol content of .156 percent, which is above the legal threshold of .08 percent. He also allegedly had cocaine and marijuana in his system.

The investigation was conducted by Detective Kevin Wallace of the NYPD's Collision Investigation Squad.

Assistant District Attorneys Vivian Gonzalez and Abigail Neuviller of the District Attorney's Homicide Bureau are prosecuting the case, under the supervision of Assistant District Attorneys Jonathan Selkove, Unit Chief of the District Attorney's Vehicular Homicide Unit and Deputy Bureau Chief of the Homicide Bureau, and John Kosinski, Bureau Chief of the Homicide Bureau, and under the overall supervision of Executive Assistant District Attorney for Major Crimes Shawn Clark.

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

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