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**DRIVER INDICTED ON MANSLAUGHTER AND DWI CHARGES FOR
PRE-DAWN COLLISION THAT KILLED MOTORIST ON NORTHERN BOULEVARD**

*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 has been indicted by a grand jury on charges of manslaughter, driving while intoxicated and related crimes for allegedly driving at a high rate of speed under the influence of drugs and alcohol, and slamming his Mercedes-Benz into another motorist at the intersection of 107th Street and Northern Boulevard in East Elmhurst on February 26.

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, drugged and reckless driving are dire threats to everyone on our shared roadways. As alleged, the defendant made the selfish decision to drink, use drugs and speed down Northern Boulevard at more than three times the posted limit when he slammed into another car, killing the driver. The defendant has now been indicted on serious charges as my office continues to seek justice for the victim and his loved ones."

Pena, 28, of 220th Street in Oakland Gardens, was arraigned today on a 14-count indictment charging him with manslaughter in the second degree, vehicular manslaughter in the second degree, assault in the second degree, operating a motor vehicle while impaired by use of drugs, two counts of operating a motor vehicle while under the influence of alcohol, operating a motor vehicle while impaired by combined use of drugs or of alcohol and drugs, reckless driving, failing to stop at a steady red signal, operating a vehicle at unreasonable speed and other charges.

Supreme Court Justice Michael Hartofilis remanded the defendant and ordered him to return to court May 15. If convicted of the top count, Pena faces a potential maximum sentence of up to 15 years in prison.

DA Katz said, according to the charges and the indictment, 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 the driver's side of a purple BMW operated by victim Justin Diaz.

The victim, who was on his way to work at LaGuardia Airport, was driving through the intersection on 107th Street with the green light in his favor. Following the crash, 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 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 Neuville 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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