



718.286.6000
WWW.QUEENSDA.ORG

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



MELINDA KATZ
DISTRICT ATTORNEY

FOR IMMEDIATE RELEASE
THURSDAY, JULY 16, 2026

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

**FORMER FIREFIGHTER SENTENCED TO 4 TO 12 YEARS IN PRISON FOR
FATAL COLLISION IN EAST ELMHURST**

Defendant Pleaded Guilty to High-Speed Collision on Northern Boulevard that Killed 23-year-old Justin Diaz

Queens District Attorney Melinda Katz announced that former FDNY firefighter Michael Pena was sentenced to four to 12 years in prison for the death of 23-year-old Justin Diaz in February 2025. Pena, who was off duty, was driving while intoxicated when he sped through an intersection and slammed his Mercedes-Benz into Diaz's car in East Elmhurst as the victim drove to work.

DA Katz said: "Michael Pena disregarded the laws of our roads and killed an innocent young man as he traveled to work. Pena's actions have saddled the family and friends of Justin Diaz with a lifetime of grief. This sentence will not balance the loss of the victim's life, but we hope it provides a measure of solace for his loved ones as they continue to mourn his completely senseless loss."

Pena, 29, of Oakland Gardens, pleaded guilty on July 1 to manslaughter in the second degree and vehicular manslaughter in the second degree before Supreme Court Justice Michael Hartofilis who sentenced him today to four to 12 years in prison on the manslaughter charge and 2 1/3 to seven years on the vehicular manslaughter charge, to run concurrently.

DA Katz said, according to the charges and the indictment, on February 26, 2025, at approximately 4:15 a.m., Pena was driving eastbound on Northern Boulevard in a silver Mercedes S63 Coupe. Without slowing or stopping, the defendant went past a steady red light at 107th Street at approximately 83 mph in a 25-mph zone. He crashed into the driver's side of a purple BMW operated by Justin Diaz, who was on his way to work at LaGuardia Airport and was driving through the intersection 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 court ordered blood test indicated that Pena had a blood alcohol content of .17 at the time of the collision, which is above the legal threshold of .08 percent. He also had cocaine and marijuana in his system.

Assistant District Attorney Vivian Gonzalez of the District Attorney's Homicide Bureau prosecuted the case with the assistance of Assistant District Attorney Abigail Neuville of Felony Trial Bureau IV 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, Homicide Bureau Chief, and under the overall supervision of Executive Assistant District Attorney for Major Crimes Shawn Clark.

#

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

