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FLUSHING DRIVER CHARGED WITH MANSLAUGHTER AND DWI FOR KILLING BABY
IN STROLLER

Defendant Rolled Through Stop Sign; Accelerated Through Intersection and Struck 1-Year-Old in Stroller

Queens District Attorney Melinda Katz announced that Elvin Rivera has been charged with manslaughter, driving while ability impaired and related charges for accelerating through a stop sign and fatally striking a 1-year-old child on Sunday morning who was being pushed in a stroller by his nanny in Flushing. Justin Hu was rushed to the hospital via EMS where he was pronounced dead shortly after the collision.

“DA Katz said: “This heartbreaking loss of this baby was completely avoidable. As alleged, Elvin Rivera got behind the wheel of his pickup truck on a Sunday morning while impaired by both cocaine and THC. He then recklessly ran a stop sign, accelerated through the intersection and plowed into a 1-year-old boy who was being pushed in a stroller and killed the child. Tragically, innocent victims are killed every day in this county due to drugged and reckless driving, and my office will aggressively seek justice for Justin Hu and his family.”

Rivera, 57, of Flushing, was arraigned before Judge Michael Katz on charges of manslaughter in the second degree, vehicular manslaughter in the second degree, assault in the second degree, operating a motor vehicle under the influence of alcohol/drugs, driving while ability impaired by the combined influence of drugs or of alcohol and any drug, reckless driving, driving by an unlicensed operator and related charges. The defendant is due back to court on October 19. He faces a potential maximum of five to 15 years in prison if convicted of the top charge.

DA Katz said, according to the charges on October 11, at approximately 8:35 a.m., Rivera was operating a white Chevrolet Silverado pickup truck northbound on Murray Street toward 32nd Avenue. The defendant rolled through a stop sign on 32nd Avenue without stopping, accelerated through the intersection and struck and ran over victim Justin Hu who was being pushed in a stroller on 32nd Avenue by his nanny. The child was pronounced deceased shortly after the incident at a hospital and the nanny sustained pain and damage to her right arm.

Rivera stayed at the scene. The defendant failed a field sobriety test and a drug test administered at the scene detected cocaine and THC in his system. Rivera has an open DWI case in the Bronx from April 2026.

Assistant District Attorney Brian Cox of the District Attorney’s Vehicular Homicide Unit is prosecuting the case with the assistance of Assistant District Attorney Angelica Judge 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 Chief Assistant District Attorney Shawn Clark.

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