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FLUSHING DRIVER INDICTED ON MANSLAUGHTER AND DWI CHARGES FOR KILLING BABY IN STROLLER

Defendant Accelerated Through Intersection and Struck 1-Year-Old in Stroller; Faces up to Five to 15 Years in Prison, if Convicted

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

District Attorney Katz said: "As alleged, Elvin Rivera made the selfish decision to get behind the wheel while impaired by both cocaine and THC. He then drove through a residential Flushing intersection where he sped past a stop sign into the opposite crosswalk. Justin Hu, who was being taken for a stroll on a Sunday morning, never had a chance. A grand jury has now indicted Rivera for manslaughter, vehicular manslaughter and other crimes. Our thoughts are with Justin's family as they mourn this unimaginable loss."

Rivera, 57, of Flushing, was arraigned today on a 12-count indictment on charges of manslaughter in the second degree, vehicular manslaughter in the second degree, assault in the second degree, failure to exercise due care, failing to stop at a sign, operating or driving a motor vehicle without a license, operating a motor vehicle while impaired by use of drugs, operating a motor vehicle while impaired by combined use of drugs or of alcohol and drugs, operating a motor vehicle in violation of a restricted permit or license, failure to yield, operating a motor vehicle with a conditional license for any use other than those authorized and reckless driving.

Queens Supreme Court Justice Michael Hartofilis ordered Rivera to return to court on January 7, 2027. If convicted of the top charge, he faces up to five to 15 years in prison.

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 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.

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. A blood test later confirmed the presence of both cocaine and the psychoactive components of THC in Rivera's system. Rivera has an open DWI case in the Bronx from April 2026 which led to restrictions on when and where he was permitted to drive. At the time he allegedly struck the child, Rivera was driving in violation of those restrictions.

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 Selkowe, 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.

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

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