

For Immediate Release Wednesday, January 25, 2023

Orange County News

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District Attorney Hoovler Announces Result of Investigation Into Fatal Collision in which EMT Died

Videos and toxicology reports show no criminal wrongdoing on the part of driver whose vehicle struck a pedestrian as she was walking across street on rainy night.

Orange County District Attorney David M. Hoovler announced that on Wednesday, January 25, 2023, that his Office has completed its investigation into the tragic death of an Emergency Medical Technician (EMT) who was struck by a vehicle when she was walking across State Route 9W, near the intersection at North Street, in the City of Newburgh on December 16, 2022. The driver of the van which struck the EMT, immediately stopped and cooperated with law enforcement officers, including consenting to have a sample of his blood taken so that it could be analyzed. The results of that analysis showed evidence that the driver had not consumed any alcohol or any legal or illegal drugs, cannabis, or marijuana, which would have affected his ability to drive.

City of Newburgh Police Officers recovered digital recordings of the collision which showed the collision from various angles. Based on those recordings, there is no indication that the driver was driving faster that the speed limit and he was not driving faster than other traffic. The recordings also show that he maintained travelling in his lane prior to the collision. The weather conditions were dark and raining. It appears from the recordings that the pedestrian, who was wearing dark colored clothing and was not walking in a nearby crosswalk, stepped in front of the van as it drove by.

Traffic tickets which were originally issued in the incident have been dismissed.

"This was a tragic accident which claimed the life of someone who had devoted their life to helping others," said District Attorney Hoovler. "It is clear from the toxicology report and the digital evidence that no charges should be brought against the driver. No alcohol, illicit drugs, or prescription medication were found in the blood of the driver, and the digital recording shows no traffic infractions. As District Attorney it is my duty not just to prosecute the guilty, but to protect the innocent. The evidence in this case shows that this was a tragic accident not a crime."



Newburgh City Police Chief

Newburgh, New York 12550

Newburgh City Police Department

Forensic Investigation KATHY HOCHUL

Governor

STEVEN A. NIGRELLI

Acting Superintendent

DR. RAY WICKENHEISER

Director

Lab Case No.: 22ML-01801

Report Date: January 18, 2023

Agency Case No.: 22-032872

TOXICOLOGY REPORT

Subject Name:

55 Broadway

Date of Occurrence: December 16, 2022

Item #7 - Blood Kit

Submission Date:

December 19, 2022

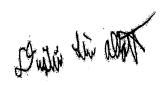
Testing Performed: Alcohol and Drugs

No compounds were detected for this specimen (refer to 'Testing Summary' for scope of analysis).

(CPL 190.30(2) Certification)

I, Dustin L. Abbott, D-ABFT-FT, Forensic Scientist III, hereby certify that I am a public servant in the employ of the New York State Police and performed a forensic examination on or concerning certain evidence submitted to the New York State Police Crime Laboratory System in the above referenced case. I further certify that this is the electronic record of my report and contains the results, opinions and interpretations of the forensic examination I performed in the above referenced case. The electronic record of this report is maintained in and made available to the District Attorney's office through the New York State Police Crime Laboratory System's electronic Laboratory Information Management System.

False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law.



Dustin L. Abbott, D-ABFT-FT Forensic Scientist III

Definitions of terms used in this report can be located within the Report Standardization Manual at http://criminaljustice.ny.gov/forensic/labreportstandards.htm. The reported results relate only to the items tested.

This report does not constitute the entire case file. The case file may be comprised of worksheets, images, analytical data, and other documents.

TOXICOLOGY REPORT

Subject Name:

Lab Case No.: 22ML-01801 Report Date: January 18, 2023

Agency Case No.: 22-032872

Kesing Summary

Toxicology testing included the following analyses. No compounds were detected other than those listed in the results table.

Volatile Analysis (Headspace Gas Chromatography with Flame Ionization Detection/Mass Spectrometry): ethanol, acetone, isopropanol, methanol

Analyst: Shane W. Lanahan, Forensic Scientist III

BAC 2 (HS-GC-FID/MS)

01/03/2023 - 01/09/2023

Immunoassay Drug Screen - Blood (Enzyme Linked Immunosorbent Assay - ELISA)

Amphetamine - amphetamine, methylenedioxyamphetamine (MDA)

Benzodiazepines - alprazolam, clonazepam, diazepam, lorazepam, nordiazepam, oxazepam, temazepam

Buprenorphine - buprenorphine

Cannabinoids - 11-nor-9-carboxy-delta-9-tetrahydrocannabinol

Carisoprodol - carisoprodol, meprobamate

Cocaine - benzoylecgonine (cocaine metabolite)

Fentanyl - fentanyl, acetyl fentanyl

Methadone - methadone

Methamphetamine - methamphetamine, methylenedioxymethamphetamine (MDMA)

Opioids - morphine, codeine, hydrocodone

Oxycodone - oxycodone, oxymorphone

Phencyclidine - phencyclidine (PCP)

Tramadol - tramadol

Zolpidem - zolpidem

Analyst: Cherry A. Tsai, PhD, Forensic Scientist II

ELISA 4

12/27/2022 - 12/28/2022

Michaela C. Vertorano-McHugh, Forensic Scientist II

ELISA 5

12/30/2022 - 01/03/2023

