

CRIMINAL COURT OF THE CITY OF NEW YORK  
PART APAR COUNTY OF KINGS

STATE OF NEW YORK  
COUNTY OF KINGS

\_\_\_\_\_  
THE PEOPLE OF THE STATE OF NEW YORK

V

MICHAEL A. OXLEY  
\_\_\_\_\_

POLICE OFFICER RUSLAN MATVIIV, SHIELD NO. 14937, OF THE 70TH PRECINCT SAYS THAT ON OR ABOUT APRIL 14, 2010, AT APPROXIMATELY 9:20 A.M., AT THE INTERSECTION OF FLATBUSH AVENUE AND DURYEA PLACE, COUNTY OF KINGS, STATE OF NEW YORK,

THE DEFENDANT COMMITTED THE OFFENSE(S) OF:

PL 125.10            CRIMINALLY NEGLIGENT HOMICIDE (DQO)  
VTL 1111(D)(1)      FAILURE TO OBEY TRAFFIC CONTROL SIGNAL  
VTL 1180(A)         EXCESSIVE SPEED  
VTL 1212            RECKLESS DRIVING  
VTL 511(1)(A)      AGGRAVATED UNLICENSED OPERATION OF A MOTOR VEHICLE  
                         IN THE THIRD DEGREE

IN THAT THE DEFENDANT DID:

WITH CRIMINAL NEGLIGENCE, CAUSE THE DEATH OF ANOTHER PERSON; OPERATE A MOTOR VEHICLE AND FAIL STOP FOR A STEADY CIRCULAR RED SIGNAL; DRIVE A VEHICLE AT A SPEED GREATER THAN WAS REASONABLE AND PRUDENT UNDER THE CONDITIONS AND WITHOUT HAVING REGARD TO THE ACTUAL AND POTENTIAL HAZARDS THEN EXISTING; DRIVE OR USE ANY MOTOR VEHICLE, MOTORCYCLE OR ANY OTHER VEHICLE PROPELLED BY ANY POWER OTHER THAN MUSCULAR POWER OR ANY APPLIANCE OR ACCESSORY THEREOF IN A MANNER WHICH UNREASONABLY INTERFERED WITH THE FREE AND PROPER USE OF THE PUBLIC HIGHWAY, OR UNREASONABLY ENDANGERED USERS OF THE PUBLIC HIGHWAY; OPERATE A MOTOR VEHICLE UPON A PUBLIC HIGHWAY WHILE KNOWING OR HAVING REASON TO KNOW THAT SUCH PERSON'S LICENSE OR PRIVILEGE OF OPERATING SUCH MOTOR VEHICLE IN THIS STATE OR PRIVILEGE OF OBTAINING A LICENSE TO OPERATE SUCH MOTOR VEHICLE ISSUED BY THE COMMISSIONER WAS SUSPENDED, REVOKED OR OTHERWISE WITHDRAWN BY THE COMMISSIONER.

THE SOURCE OF DEPONENT'S INFORMATION AND THE GROUNDS FOR DEPONENT'S BELIEF ARE AS FOLLOWS:

THE DEPONENT IS INFORMED BY KEITH MOREAU THAT AT THE ABOVE-LISTED TIME AND PLACE, UPON A PUBLIC HIGHWAY, THE INFORMANT OBSERVED THE DEFENDANT DRIVING A 2008 DODGE CARAVAN VAN ON FLATBUSH AVENUE APPROACHING DURYEA PLACE, AND THAT THE INFORMANT OBSERVED THAT THE DEFENDANT WAS DRIVE AT AN EXCESSIVE SPEED, AND THAT INFORMANT OBSERVED THAT THE RED TRAFFIC LIGHT FACING THE DEFENDANT AT THE INTERSECTION WITH DURYEA PLACE WAS ILLUMINATED.

THE DEPONENT IS FURTHER INFORMED BY THE INFORMANT THAT THE INFORMANT OBSERVED JAKE MCDONAUGH RIDING A BICYCLE ON DURYEA PLACE AND OBSERVED MCDONAUGH CROSSING FLATBUSH AVENUE WITH THE LIGHT.

THE DEPONENT IS FURTHER INFORMED BY THE INFORMANT THAT THE INFORMANT OBSERVED THE DEFENDANT'S VEHICLE PROCEED THROUGH THE INTERSECTION WITHOUT STOPPING, STRIKING MCDONAUGH ON THE BICYCLE AND DRAGGING MCDONAUGH BENEATH DEFENDANT'S VEHICLE ALONG THE GROUND FOR SOME DISTANCE.

THE DEPONENT IS INFORMED BY EMERGENCY MEDICAL TECHNICIAN DISILVESTRO, SHIELD NO. 1135, THAT AS A RESULT OF THE COLLISION, MCDONAUGH SUFFERED BLUNT FORCE TRAUMA ABOUT THE HEAD AND ABDOMEN AND WAS PRONOUNCED DEAD AT THE SCENE.

THE DEPONENT FURTHER STATES THAT THE DEPONENT HAS REVIEWED THE OFFICIAL COMPUTERIZED RECORDS RECORD OF THE NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES(PURSUANT TO VTL 201) RELATING TO DEFENDANT.

THE DEPONENT FURTHER STATES THAT THE AFOREMENTIONED RECORDS INDICATE THAT AT THE ABOVE-LISTED TIME, DEFENDANT WAS DRIVING WITH HIS PRIVILEGE TO DO SO HAVING BEEN SUSPENDED IN THE STATE OF NEW YORK.

THE DEPONENT FURTHER STATES THAT THE DEPONENT'S BASIS FOR BELIEVING THAT THE DEFENDANT HAD REASON TO KNOW THAT HIS LICENSE WAS SUSPENDED IS AS FOLLOWS: THE AFOREMENTIONED OFFICIAL RECORDS INDICATE THAT THE DEFENDANT'S PRIVILIGE TO DRIVE WAS SUSPENDED FOR FAILING TO PAY AN ASSESSMENT AND THAT THE NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES MAELS A NOTICE OF SUSPENSION TO ANY SUCH PERSON AT THEIR LAST KNOWN ADDRESS, AT THE LAST ADDRESS PROVIDED BY THAT PERSON TO THE DEPARTMENT OF MOTOR VEHICLES.

FALSE STATEMENTS MADE IN THIS DOCUMENT ARE  
PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT  
TO SECTION 210.45 OF THE PENAL LAW.

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DATE

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