

ADA: Drunken driver caused death

BY ANDREW SMITH
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For miles, a drunk Sound Beach man appeared to target oncoming motorists as he drove the wrong way through dense fog on three different roads before he finally killed an Aquebogue man going to work, a Suffolk prosecutor told a judge Tuesday in Central Islip.

“This is a case about choices, your honor,” Assistant District Attorney Marc Lindemann said in his opening statement to state Supreme Court Justice Fernando Camacho in the trial of Christopher O’Brien, 55.

O’Brien, who waived his right to a jury, crashed his Audi

A4 into a Toyota Corolla driven by Thomas D’Eletto, 57, a project engineer in Nassau County, before dawn on Dec. 23, 2015.

O’Brien is charged with second-degree murder, a rare charge in vehicular deaths. But Lindemann said O’Brien’s behavior that morning was so extreme that the charge fits.



O’Brien

He said he will show that O’Brien had a blood-alcohol level of 0.21 percent — almost three times the legal threshold

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of 0.08 percent — and also was high on cocaine. Before O’Brien began racing east in the westbound lanes of Sunrise Highway, Lindemann said he’d driven the wrong way on Mill Road and Sills Road in Yaphank, forcing drivers off the road.

Then he went the wrong way on Sunrise Highway, “ignoring blaring horns and flashing lights” from other motorists, Lindemann said. Several drivers say he appeared to track

them, as if deliberately trying to hit them or run them off the road, he said.

Finally, he hit D’Eletto, breaking his skull, ribs and spine, Lindemann said.

With no jury present, defense attorney Scott Gross of Hauppauge presented a legalistic defense to the murder charge, not contesting that his client caused D’Eletto’s death or that he was intoxicated to some extent. But he challenged the 0.21 percent reading, arguing it is the result of reverse extrapolation, a method that estimates blood alcohol content at the time of the crash based on a later reading.

“It is the functional equivalent

of a wild guess,” Gross said.

He also said there is no evidence of O’Brien’s state of mind that morning. Prosecutors must prove O’Brien displayed depraved indifference to human life to support the murder charge.

“We have no idea what was on my client’s mind that night,” Gross said. “If you have to assume it, we don’t know it.”

Gross suggested the dense fog that morning had more to do with the crash than his client’s state of mind.

“I’m not asking for a pass, and Chris isn’t either,” Gross said. He suggested a more appropriate charge for what happened was second-degree manslaughter.



The Syosset Mobile Home Park, above in 2015, was razed for land development. Two former residents filed a lawsuit claiming they were denied due process.



Ex-mobile home residents file \$14M suit

BY TED PHILLIPS
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Two former residents of the Syosset Mobile Home Park are seeking \$14 million in damages from Nassau County, the county sheriff’s department and Nassau police for alleged wrongful eviction and deprivation of civil rights, according to a lawsuit filed in federal court.

The civil suit, filed on Friday in the U.S. Eastern District Court in Central Islip, alleges that the sheriff’s office did not follow proper procedure when

it evicted Barbara Pedote and Nelson Hess from their mobile homes in 2014. The lawsuit alleges they were deprived of their constitutional right to due process and free speech.

A nearly decadelong dispute between residents who lived in the more than 80 mobile homes on the 5-acre parcel on Jericho Turnpike and the then-owners, STP Associates LLC, ended with the balance of the residents leaving in 2016.

STP Associates, a company in which former Town Attorney Leonard Genova had been

VIDEO
See how the last family in the trailer park finally found housing.
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a partner and his father Jerome Genova remained a principal, sold the property several months later to a company controlled by Woodbury developer A. Paul Laruccia Construction Corp. for \$10.1 million, records said. The company’s principal,

Angelo Laruccia, on Tuesday said he plans to develop the property into senior housing.

The lawsuit alleges that the sheriff’s eviction warrants had expired over the course of a lengthy legal battle when Pedote and Hess were forced out of their homes in December 2014. They were not given further access to their homes, which were then put into storage and sold without their consent for less than their fair value, the lawsuit alleges.

The suit also alleges that after their eviction, the plain-

tiffs were removed from the park by Nassau County police, who were also named in the suit, under threat of arrest when they went to meet with other members of the mobile home association.

“Nassau County doesn’t comment on pending litigation,” a county spokeswoman said Tuesday.

The Nassau County sheriff’s department did not respond to requests for comment.

A call to the plaintiffs’ attorney, Robert Greenberg of Manhattan, was not returned.