

COUNTY COURT : COUNTY OF WESTCHESTER
STATE OF NEW YORK
THE PEOPLE OF THE STATE OF NEW YORK

-against-

INDICTMENT NO. 14-1494

ERIK REFVIK,

Defendant.

COUNT 1

PL 125.14(01) BF0 WP

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this Indictment, accuses the defendant, **ERIK REFVIK**, of the crime of **AGGRAVATED VEHICULAR HOMICIDE**, committed as follows:

The defendant, in the City of White Plains, County of Westchester and State of New York, on or about November 3, 2014, did engage in reckless driving and while operating a motor vehicle did have .18 of one per centum or more by weight of alcohol in his blood, and as a result of such intoxication, did cause the death of another person, to wit, Reyda La Madrid.

COUNT 2

PL 125.14(05) BF0 WP

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this Indictment, accuses the defendant, **ERIK REFVIK**, of the crime of **AGGRAVATED VEHICULAR HOMICIDE**, committed as follows:

The defendant, in the City of White Plains, County of Westchester and State of New York, on or about November 3, 2014, did engage in reckless driving and while operating a motor vehicle did have .08 of one per centum or more by weight of alcohol in his blood, and as a result of such intoxication, did cause the death of one person and serious physical injury of at least one other person, to wit, the death of Reyda La Madrid and serious physical injury to Edgar Lopez.

COUNT 3

PL 125.14(05) BF0 WP

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this Indictment, accuses the defendant, **ERIK REFVIK**, of the crime of **AGGRAVATED VEHICULAR HOMICIDE**, committed as follows:

The defendant, in the City of White Plains, County of Westchester and State of New York, on or about November 3, 2014, did engage in reckless driving and while operating a motor vehicle was in an intoxicated condition, and as a result of such intoxication, did cause the death of one person and serious physical injury of at least one other person, to wit, the death of Reyda La Madrid and serious physical injury to Edgar Lopez.

COUNT 4

PL 125.14(05) BF0 WP

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this Indictment, accuses the defendant, **ERIK REFVIK**, of the crime of **AGGRAVATED VEHICULAR HOMICIDE**, committed as follows:

The defendant, in the City of White Plains, County of Westchester and State of New York, on or about November 3, 2014, did engage in reckless driving and while operating a motor vehicle was impaired by the combined influence of drugs or of alcohol and any drug or drugs and as a result of such impairment, did cause the death of one person and the serious physical injury of at least one other person, to wit, the death of Reyda La Madrid and serious physical injury to Edgar Lopez.

COUNT 5

PL 125.15 CF2 WP

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this Indictment, accuses the defendant, **ERIK REFVIK**, of the crime of **MANSLAUGHTER IN THE SECOND DEGREE**, committed as follows:

The defendant, in the City of White Plains, County of Westchester and State of New York, on or about November 3, 2014, did recklessly cause the death of another person, to wit, Reyda La Madrid.

COUNT 6

PL 120.04(01) DF1 WP

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this Indictment, accuses the defendant, **ERIK REFVIK**, of the crime of **VEHICULAR ASSAULT IN THE FIRST DEGREE**, committed as follows:

The defendant, in the City of White Plains, County of Westchester and State of New York, on or about November 3, 2014, did operate a motor vehicle while having .18 of one per centum or more by weight of alcohol in his blood, and as a result of such intoxication, did cause serious physical injury to another, to wit, Edgar Lopez.

COUNT 7

VTL 1192(2-a) AM WP

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this Indictment, accuses the defendant, **ERIK REFVIK**, of the crime of **AGGRAVATED DRIVING WHILE INTOXICATED**, committed as follows:

The defendant, in the City of White Plains, County of Westchester and State of New York, on or about November 3, 2014, did operate a motor vehicle while having .18 of one per centum or more by weight of alcohol in his blood.

COUNT 8

VTL 1192(02) UM0 WP

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this Indictment, accuses the defendant, **ERIK REFVIK**, of the crime of **VIOLATION OF SECTION 1192, SUBDIVISION 2, OF THE VEHICLE AND TRAFFIC LAW OF THE STATE OF NEW YORK, AS A MISDEMEANOR**, committed as follows:

The defendant, in the City of White Plains, County of Westchester and State of New York, on or about November 3, 2014, did operate a motor vehicle while the defendant had .08 of one per centum or more by weight of alcohol in his blood.

COUNT 9

VTL 1192(03) UM0 WP

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this Indictment, accuses the defendant, **ERIK REFVIK**, of the crime of **VIOLATION OF SECTION 1192 SUBDIVISION 3 OF THE VEHICLE AND TRAFFIC LAW OF THE STATE OF NEW YORK, AS A MISDEMEANOR**, committed as follows:

The defendant, in the City of White Plains, County of Westchester and State of New York, on or about November 3, 2014, did operate a motor vehicle while in an intoxicated condition.

COUNT 10

VTL 1192(4-a) UM0 WP

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this Indictment, accuses the defendant, **ERIK REFVIK**, of the crime of **DRIVING WHILE ABILITY IMPAIRED BY THE COMBINED INFLUENCE OF DRUGS OR OF ALCOHOL AND ANY DRUG OR DRUGS**, committed as follows:

The defendant, in the City of White Plains, County of Westchester and State of New York, on or about November 3, 2014, did operate a motor vehicle while ability impaired by the combined influence of drugs or of alcohol and any drug or drugs.

COUNT 11

VTL 1212 AM WP

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this Indictment, accuses the defendant, **ERIK REFVIK**, of the crime of **RECKLESS DRIVING**, committed as follows:

The defendant, in the City of White Plains, County of Westchester and State of New York, on or about November 3, 2014, did operate a motor vehicle in a manner which unreasonably interfered with the free and proper use of the public highway and unreasonably endangered users of the public highway.

COUNT 12

VTL 1180(a) WP

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this Indictment, accuses the defendant, **ERIK REFVIK**, of the infraction of **SPEEDING, IN VIOLATION OF SECTION 1180(a) OF THE VEHICLE AND TRAFFIC LAW OF THE STATE OF NEW YORK**, committed as follows:

The defendant, in the City of White Plains, County of Westchester and State of New York, on or about November 3, 2014, did operate a motor vehicle at a speed greater than is reasonable and prudent under the condition and having regard to the actual and potential hazards then existing.

COUNT 13

VTL 1180(d) WP

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this Indictment, accuses the defendant, **ERIK REFVIK**, of the infraction of **SPEEDING, IN VIOLATION OF SECTION 1180(d) OF THE VEHICLE AND TRAFFIC LAW OF THE STATE OF NEW YORK**, committed as follows:

The defendant, in the City of White Plains, County of Westchester and State of New York, on or about November 3, 2014, did drive a motor vehicle in excess of the maximum speed limit; to wit, 65 miles per hour in a 30 mile per hour zone.

COUNT 14

VTL 1127(a) WP

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this Indictment, accuses the defendant, **ERIK REFVIK**, of the infraction of **ONE-WAY ROADWAY, IN VIOLATION OF SECTION 1127(a) OF THE VEHICLE AND TRAFFIC LAW OF THE STATE OF NEW YORK**, committed as follows:

The defendant, in the City of White Plains, County of Westchester and State of New York, on or about November 3, 2014, did operate a motor vehicle the wrong way on a one-way street.

COUNT 15

VTL 1126(a) WP

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this Indictment, accuses the defendant, **ERIK REFVIK**, of the infraction of **NO-PASSING ZONE, ONE-WAY ROADWAY, IN VIOLATION OF SECTION 1126(a) OF THE VEHICLE AND TRAFFIC LAW OF THE STATE OF NEW YORK** committed as follows:

The defendant, in the City of White Plains, County of Westchester and State of New York, on or about November 3, 2014, did drive a motor vehicle on the left side of a double yellow line delineating a no-passing zone.

COUNT 16

PL 220.03 AM7 WP

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this Indictment, accuses the defendant, **ERIK REFVIK**, of the crime of **CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE SEVENTH DEGREE**, committed as follows:

The defendant, in the City of White Plains, County of Westchester and State of New York, on or about November 3, 2014, did, knowingly and unlawfully possess a controlled substance, to wit: cocaine.

All contrary to the form of the statute in such case made and provided and against the peace and dignity of the People of the State of New York.

/s/ Janet DiFiore

District Attorney of Westchester County

DISTRICT ATTORNEY'S DEMAND FOR DISCOVERY AND INSPECTION

PLEASE TAKE NOTICE that pursuant to the provisions of Article 240 of the Criminal Procedure Law, the District Attorney hereby demands that the defendant disclose and make available for inspection, photographing, copying or testing any and all written reports and documents, or portions thereof, concerning all physical and mental examinations, and scientific tests, experiments and comparisons, made by or at the request or direction of the defendant, if the said defendant intends to introduce such reports or documents at trial, or if the said defendant has filed or will file a notice of intent to proffer psychiatric evidence and such reports or documents relate thereto, or if such reports or documents were made by a person, other than the defendant, whom the defendant intends to call as a witness at trial.

IT IS FURTHER DEMANDED that the defendant disclose and make available for inspection, photographing, copying or testing any and all photographs, drawings, tapes, or other electronic recordings which the defendant intends to introduce at trial.

IT IS FURTHER DEMANDED that compliance with the requests for discovery and inspection contained in this "DEMAND FOR DISCOVERY AND INSPECTION" take place within fifteen (15) days of the arraignment herein, at a place to be mutually agreed upon by the District Attorney and counsel for the defendant.

DISTRICT ATTORNEY'S DEMAND FOR BILL OF PARTICULARS

PLEASE TAKE NOTICE that if the defendant herein intends to offer, for any purpose whatsoever, testimony which may tend to establish presence elsewhere than at the scene of the crime at the time of its commission, you are hereby required within eight (8) days after the service of this demand upon you, to serve upon me, the undersigned, District Attorney of the County of Westchester, and file a Bill of Particulars which shall set forth in detail the place or places where the defendant claims to have been, together with the names, residential addresses and place of employment and addresses thereof of the witnesses upon whom defendant intends to rely to establish defendant's presence elsewhere than at the scene of the crime at the time of its commission,

Unless you serve and file such Bill of Particulars, in the event that such testimony is sought to be interposed by you upon the trial for any purpose whatever, or in the event that a witness not mentioned in such Bill of Particulars is called by you to give such testimony, a motion will be made to exclude the testimony of such witness.

The District Attorney will furnish you with the name and address of any alibi-rebuttal witness(es) intended to be called by the People to testify.

Very truly yours,



JANET DiFIORE
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of Westchester County
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