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ACCUSED MAN BATTLES QUEENS DA 'POLITICS'

On July 10, 1990, a car driven by Eric Collins veered out of control in Rosedale, Queens, jumped a sidewalk and killed two children.

After inspecting the scene at the intersection of Hook Creek Boulevard and 145th Street, as well as the car, police investigators and prosecutors suggested Collins had run a stop sign - a moving violation - but cleared him of any criminal wrongdoing.

But two months later, without further investigation, the Queens district attorney's office took the case to a grand jury, which indicted Collins on charges of assault and reckless endangerment. If he is convicted, he faces three to seven years in jail. His trial is scheduled to begin this week.

The tragedy that took the lives of two children was similar to that of Aug. 19 this year, when 7-year-old Gavin Cato was killed by a car that veered out of control and struck him as he played on a Crown Heights sidewalk. Gavin's death sparked a firestorm of protests and three days of rioting in Crown Heights, but a grand jury found that the driver, Yosef Lifsh, had not committed a crime.

Collins, 22, who works as an assistant analyst for Shearson Lehman Brothers, says his car malfunctioned, causing him to lose control. He says he believes the indictment is a result of politics and not justice.

"It was a terrible accident, but there was no criminal intent," Collins said. "I can't understand how the driver in Crown Heights can walk away but in Queens I'm facing these charges."

Collins' lawyer, James Kousouros, says the district attorney's office bowed to pressure from the families of the dead children when he brought this case to the grand jury.

Dick Piperno, a spokesman for Queens District Attorney Richard Brown, said only, "He was indicted by his peers after they heard the evidence presented." When the indictment against Collins was handed up, the Queens district attorney was John Santucci.

Legal experts say that criminal cases against drivers are notoriously difficult to prosecute. Out of 81 vehicular homicides in Queens in 1990, only 17 people were indicted. So far in 1991, 166 people have been struck and killed by cars in Queens but only seven drivers have been indicted. The district attorney's office had no statistics on how many indictments resulted in convictions.

When Collins went before an administrative judge for a Department of Motor Vehicles hearing to determine whether he should lose his license, the judge ruled that Collins "violated no section of the Vehicle and Traffic Law in regard to this unfortunate and unavoidable accident."