

**COUNTY OF SUFFOLK
DISTRICT ATTORNEY'S OFFICE**



**THOMAS J. SPOTA
DISTRICT ATTORNEY**

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DRUGGED DRIVER'S CONVICTION MEANS NO CHANCE OF PAROLE BEFORE 2032

The Patchogue man charged with causing the fatal accident in 2013 that claimed the life of an elderly Patchogue resident will be sentenced in May to 21 years in state prison, Suffolk District Attorney Thomas Spota said today.

Thomas Herman was driving while high on PCP, Morphine and other drugs when he collided head-on with Sam Longo of West Islip, killing Longo and seriously injuring his passenger, Anne Gilbert, 79, of Oakdale.

A grand jury indicted Herman for murder in the second degree by depraved indifference, aggravated vehicular homicide, and other crimes. Today, he pleaded guilty to manslaughter in the first degree.

District Attorney Spota said the enormity of the legal burden to prove a defendant guilty of murder by "depraved indifference" beyond a reasonable doubt was illustrated very recently by the recent acquittal by a jury on the murder count of Michael Grasing by a jury last November.

Grasing had a blood alcohol content of at least four times the legal limit (.32) when he crashed into a Lindenhurst teenager's vehicle in 2012, killing her instantly. After a lengthy trial, the jury convicted Grasing of aggravated vehicular homicide, a sentence with a minimum punishment of 8 and one-third years. "Incredibly," DA Spota said, "the current law makes Grasing eligible for parole after only 7 years behind bars. Even if he's turned down, he'll appear before the parole board every year thereafter, which is a terrible burden his victim's family has to face."

"Mr. Herman's admission of guilt to this terrible crime means he'll spend more than two decades in an upstate prison, and he won't see the parole board until the year 2032," District Attorney Spota said.

State Supreme Court Justice Mark Cohen set sentencing for May 15.



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Defendants are innocent until proven guilty in a court of law.