

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



**THOMAS J. SPOTA  
DISTRICT ATTORNEY**

January 16, 2013

### **Drivers involved in fatal crashes indicted by grand jury**

Suffolk County District Attorney Thomas Spota today announced the indictment of two drivers, one drunk, alleged to have left the scene of two separate fatal crashes and the indictment of another driver who left the scene of a crash that resulted in serious physical injury to a 17 year old pedestrian on New Year's Eve and then engaging in a conspiracy with his passenger and his girlfriend to cover it up.

"The indictments I announce today once again demonstrate the devastating consequences of getting behind the wheel while under the influence of alcohol," DA Spota said. "But also clearly demonstrate the need for our legislature to strengthen criminal penalties for leaving the scene of an incident where serious physical injury or a death has occurred." DA Spota continued, "There is no reconciling the disparity that occurs when drivers who remain at the scene after causing an accident face the possibility of a more severe punishment under our law than drivers who flee. I urge our state legislators to change the law now."

**Alejandro Padilla**, 24, of Bayshore, was arrested last month after smashing into the rear end of a vehicle driven by Zenaida Falcon propelling her into a utility pole. Ms. Falcon who was on her way to do early morning Christmas shopping on December 22, 2012 died the next day of her injuries. Padilla was arraigned today for the crimes of Manslaughter in the Second Degree, a class C felony punishable by up to 15 years in prison, 2 counts of Vehicular Manslaughter in the Second Degree, class D felonies each punishable by up to seven years, Leaving the Scene of an Incident without Reporting, a class D felony punishable by up to seven years, and 2 counts of misdemeanor Driving While Intoxicated.

"Our investigation has established that Padilla who had been at a bar drinking since 12:20 am, leaves the bar at 4:30 am and agrees to take a woman home. He falls asleep behind the wheel while driving and strikes the victims vehicle in the rear, then flees and goes back to the bar to drop off his passenger and later arrives at his father's house ." said DA Spota. Fortunately, an eye witness to the crash sees the defendant's license plate and reports it to police. They are waiting for him when he arrives home. His B.A.C. two hours after the crash was .09.

Padilla was arraigned today on the indictment by Justice Richard Ambro and is incarcerated in the Suffolk County jail in lieu of \$100,000 cash or \$200,000 bond.

Arraigned before Justice Mark Cohen today was **Joseph Plummer**, 48, arrested January 2, 2013 for striking pedestrian Scott Wayte on December 28, 2012 as Mr. Wayte was crossing the street to celebrate his 50th birthday with family and friends at the Rendevous a popular restaurant on East Main Street in Riverhead. Mr. Wayte was struck by Plummer who said "He felt an impact, stopped but didn't see anything" Spota said "an incredible statement when your windshield is completely shattered." Mr. Wayte died of his injuries at the scene.

The investigation revealed that after the defendant struck and killed Mr. Wayte he drove over 13 miles with a shattered windshield to a gas station in Ridge where he called his boss with whom he lived for a ride. The boss picks up the defendant at the gas station in Ridge and the next day he partially covers the car with a used pool liner. Two days later the police receive a confidential tip from someone who has seen news reports of Mr. Wayte's death and the damaged vehicle and they interview Plummer who confesses. Prior to this Plummer plans to report the damaged vehicle either as stolen or damaged by a falling tree but he is arrested before either plan materializes.

Plummer pleaded not guilty to Leaving the Scene of an Incident Without Reporting, a class D felony punishable by up to seven years. He is being held in the county jail in lieu of \$1,000,000 bond or \$500,000 cash bail.

District Attorney Spota said "That without any regard for the life of another the defendant Plummer strikes the victim causing his death, flees the scene and attempts to devise a scheme to hide his involvement shows the callousness of individuals who engage in this criminal conduct."

**Kristofer Busching**, 25, of North Babylon, was arrested earlier this month after striking and seriously injuring 17 year old Ryan McCarthy, a pedestrian, on Udall Road, West Islip on New Year's Eve. The defendant along with co-defendants **Carlo Caamano**, and **Alicia Santamaria** then conspired to stage another accident in order to cover up the damage to the vehicle caused by the original crash.

"In an attempt to cover his crime defendant Busching engages the help of his two accomplices in a scheme that amongst other things involves the theft of a side view mirror from another car similar to the defendant's which was lost because of the original collision with Mr. McCarthy" said Spota and "then rolling the car into the woods claiming an argument caused the driver to become distracted"

Busching is charged by a grand jury with Assault in the First degree a B felony, punishable by up to 25 years, Assault in the Second degree a D felony, punishable by up to seven years, Leaving the Scene without Reporting a class E felony punishable by up to 4 years and Aggravated Unlicensed Operation of A Motor vehicle in the third degree a class A misdemeanor punishable by up to 1 year. Busching and co-defendants Caamano and Santamaria are charged with 2 counts of Tampering with Physical Evidence, class E felonies punishable by up to 4 years and

Conspiracy in the Fifth degree, an A misdemeanor punishable by 1 year. Caamano and Santamaria are also charged with Hindering Prosecution in the Second degree, an E felony punishable by up to 4 years.

Caamano and Santamaria were arraigned today before the Hon. John Iliou. Caamano was released on previously posted bail of \$2500 bond. Santamaria's bail was set at \$25,000 cash or \$75,000 bond. Busching will be arraigned at a later date.