

NO JAIL, NO JUSTICE

Family, prosecutor and cops demand change in laws after driver who struck cop walks free

BY ANN GIVENS
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The family of a Nassau officer killed two years ago when a tow truck smashed into his patrol car on the Long Island Expressway said there was "no justice" yesterday as the man responsible for the crash walked out of court a free man.

In a courtroom packed with the family and fellow officers, prosecutor Maureen McCormick said there was insufficient evidence to convict truck driver John Kaley of the crime he was charged with — criminally negligent homicide.

McCormick asked Judge William O'Brien to dismiss the charge, despite her continued belief that Kaley was asleep at the wheel.

The Connecticut man pleaded guilty instead to reckless driving, a misdemeanor. He will serve no jail time, but his driver's license will be revoked.

Kaley sat up front in the Mineola courtroom yesterday morning with her sons, 16, 13, and 8. She wrapped her arms around the youngest boys, comforting them as they wept.

McCormick, her voice breaking, read the widow's emotion-charged statement during the hearing.

Kaley described sitting awake in her Wantagh home the night after her husband was killed, wrestling with how to tell her sons they'd grow up without a father.

"To this day, I still hear my

boys crying out, yelling for Daddy when they were told the news. The pain we experienced was beyond description and continues to be," she wrote.

"I never thought I would grow old without [redacted] in my life, right by my side. He was the rock. . . He was going to be the one to teach the boys how to shave and drive a car . . . and now I am left to do it all alone because Mr. Kaley didn't choose to make a responsible decision to stop and rest when he was so tired."

'No justice,' says sister

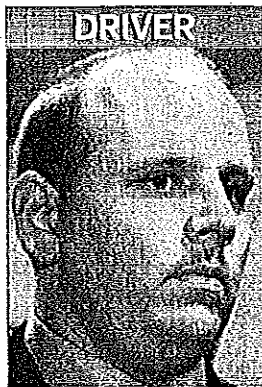
After court, Kaley, 27, of New Britain, Conn., passed through a hallway lined with the family and police officers — many in uniform. Some glared at him. Others heckled.

"There is no justice in New York State," said [redacted] sister, [redacted]. "He gets to go home and read to his daughter tonight, and my brother's sons have no father."

The crash occurred on Feb. 4, 2011, as [redacted], 44, sat in his cruiser, emergency lights flashing, near Exit 39 in Old Westbury. The officer had pulled over a box truck and was writing the driver a citation for insufficient lighting.

Kaley, who McCormick said had been drifting off the road and correcting himself for 2 miles, struck the cruiser from behind and rammed it underneath the stopped box truck, prosecutors said.

Rescue workers tore the roof off the cruiser to free [redacted]



John Kaley pleaded guilty to reckless driving after a more serious charge was dropped.

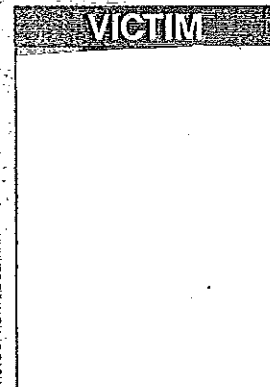
[redacted] and brought him to Nassau University Medical Center in East Meadow, where he was pronounced dead about an hour later.

Before pleading guilty to the reduced charge yesterday, Kaley started to address [redacted] family, but soon broke down.

"There are no words to express how deeply sorry I am for the loss of Officer [redacted]," he said, then turned away, handing his statement to his lawyer, William Petrillo of Rockville Centre.

Continuing Kaley's statement, Petrillo said, "Every day, I wish I could change things, but I know that's impossible. No family should ever have to go through this. Every day, you are in my thoughts and prayers."

Petrillo, also personally ad-



Officer [redacted] was killed when his car was struck while he ticketed a motorist.

[redacted] dressed [redacted] family. "No matter how much we all feel for you, none of us can walk a mile in your shoes," he said.

Father breaks down

[redacted] father, also named [redacted], broke down before the hearing.

"These [police] are the guys that are supposed to be helping us, and this is how we treat them?" he said.

McCormick and Nassau Police Benevolent Association president James Carver expressed frustration that Kaley couldn't be convicted of a more serious crime.

McCormick said prosecutors must show "serious blameworthiness," "moral blameworthiness" or "dangerous speeding" in order to convict someone of criminally negligent homicide.

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Kaley told police he had gotten five hours of sleep the night before the crash, and never admitted to falling asleep at the wheel. McCormick believes he was sleep-deprived but said she was unable to prove it.

Investigators were also unable to show that Kaley had a history of falling asleep behind the wheel, she said.

McCormick cited a high-profile New York City case involving a tour bus driver who crashed on the way back from a Connecticut casino in 2011, killing 15 of his passengers. Prosecutors presented abundant evidence that the driver, Ophadell Williams, was sleep-deprived, but a jury acquitted him of the most serious charges.

Carver said the laws must be changed. People like Kaley "should be punished and sent away for a long time," he said.

[redacted] was a 12-year veteran of the Nassau police department. In November 2011, the Glen Cove Road bridge over the LIE was renamed in his memory.

But [redacted] still suffers.

"There have been so many sleepless nights," she said in her statement. "How am I going to raise three boys alone?"

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