



## **Run over by bus**

### **Boy, 6, who had exited vehicle and apparently ran back toward it, was pinned under wheel, killed**

This story was reported by staff writers EMERSON CLARRIDGE, CHRISTINE ARMARIO and ZACHARY R. DOWDY  
It was written by DOWDY.

November 7, 2006

A 6-year-old, described by friends as "always happy," died in a Nassau hospital shortly after he was pinned under a school bus that had just dropped him off in North Amityville yesterday, Suffolk police and witnesses said.

According to relatives, Markus Smith, a first-grader at Susan E. Wiley Elementary School, died in the intensive care unit of the Nassau University Medical Center in East Meadow.

The cause of the accident is under investigation, police said. Officials at the bus company, Educational Bus Transportation Inc., of Copiague, declined to comment. Witnesses who gathered at the scene said the crash occurred shortly after 4 p.m. at Avon Drive and Somerset Road in North Amityville, after children had filed out of the bus.

The bus, driving south on Avon Drive and at a corner of the intersection, dropped off Markus, who first walked eastbound to cross the street. But as the bus pulled off - and as one witness said the driver missed a warning from another motorist who saw the accident was about to happen - Markus, inexplicably, ran back toward the bus and became pinned under the driver's front side wheel.

As several of his classmates on and off the bus and parents looked on in horror, witnesses said Markus' mother, Lorena Smith, walked up a few minutes after the incident with one of her daughters. She saw Markus' sneaker under the tire and cried out in pain, said her brother-in-law, Calvin Smith. "Please! Please don't let that be my son," one witness James

Parker, 12, of North Amityville, quoted her as saying. "They started breaking out crying."

Latishia Willis, 26, of North Amityville, said her 6-year-old daughter, Tahleya, had just gotten off the same bus and that a driver in an oncoming car shouted "Hey! Hey! Hey!" when he saw the accident was imminent. The driver blew his horn as Markus darted back across the street and the bus began to pull into the street. "It was too late," Willis said. "The guy couldn't get the driver's attention on time."

Early yesterday evening, Markus' backpack and coat lay in the street, still under the wheel of the bus, after emergency workers had removed him from the scene.

Yellow police tape and the grim faces of about 60 onlookers marked the scene as investigators tried to reconstruct the fatal crash.

Friends of Markus, who was popular even among older kids, described him as jovial and good-natured. Teasia Tutt, 15, a friend, described Markus as a "mad cool" kid. "I'm in shock," she said. "I have no other words for it."

Sadness overwhelmed administrators and teachers at the Wiley school where the young boy had made a mark. "Our hearts and souls go out to the family and to the kids on the bus," said Copiague Schools Superintendent William Bolton. He said the school is closed today, for Election Day, but that counselors will be on hand to comfort teachers as well as students all week.

Educational Bus Transportation Inc. has been involved in other accidents with injuries in the past two decades. In 1997, a pair of school buses, both operated by the Copiague firm, collided, with one overturning at a North Amityville intersection. In all, 15 children and four adults were taken to area hospitals with minor cuts and bruises, but none seriously hurt after a crash at East Street and Poplar Road.

In April 1997, three adults were hurt when an EBT school bus, which was carrying no students, struck a UPS delivery truck in a storm-related accident. In May 1987, six Educational Bus Transportation buses were taken out of service for inspection violations, including one whose driver was issued a misdemeanor summons for faulty steering. The inspections were conducted by Suffolk police and state transportation employees. As many as 28 were taken out of service for safety violations, including faulty steering and brakes.

May 23, 2006

The New York Times  
nytimes.com

# Girl, 8, Killed in Brooklyn by a Runaway School Bus

By JENNIFER 8. LEE and ANN FARMER

An 8-year-old Brooklyn girl was killed yesterday afternoon after she was pinned on the sidewalk underneath a runaway school bus in Crown Heights, the police said.

The bus had been left empty and legally parked by the driver while he went to lunch, the police said. An 8-year-old neighborhood boy, who witnesses said had entered the empty bus with a companion before it started moving, was taken in for questioning, the police said.

The victim, Amber Sadiq, was crossing Nostrand Avenue near Crown Street with her 10-year-old brother at 3:16 p.m., the police said.

The school bus had been parked north of that intersection but started moving down a slight incline.

The bus gathered speed as it moved across the intersection, and it hit Amber about 100 feet from where it had been parked, the police said. The brother was not injured.

"She tried to run but the garbage can was in the way," said Kassandra Polanco, 12, a witness. The bus swerved onto the sidewalk, pinning Amber underneath.

A group of 20 to 25 neighbors tried to lift the bus off her, witnesses said.

"Someone in the crowd was yelling, 'One, two, three,' and it wouldn't move, it was heavy," said Sulanch Lewis, a witness. A nearby Con Edison truck with a crane on it was used to lift the bus.

"But she looked dead and we were just crying," Ms. Lewis said.

Amber was taken to Kings County Hospital Center, where she was pronounced dead at 3:40 p.m., the police said.

The driver, Jean Lima, had parked the bus and taken a brown-bag lunch down the block to JRN Realty to eat with a friend, Richard Joseph. The police said they were not sure whether the front door of the bus had been locked; the back door, an emergency exit, cannot be locked. The operator of the bus is Jofaz Transportation of Red Hook.

Witnesses said they had seen two neighborhood boys enter the bus. One of them, Safari James, 8, was taken in by the police for questioning, said Rosslyn James, 79, his grandmother.

Amber was in the second grade at Public School 161, her family said. She lived on Crown Street with her extended family, including her brother, Umar, and an older sister.

"She was just a happy kid all the time," said Lucy Caba, 29, her aunt. At the family apartment last evening, Umar was crying and trembling.

"I saw it happen and someone carried me home," he said, with tears on his face.

Neighbors described Amber and Umar as close. They would cross Nostrand Avenue twice a day, walking together the two blocks to and from school. They would sometimes play jump rope and basketball together outside.

Amber was a tidy, well-behaved girl, neighbors said. She would do her homework after school and be in bed by the time her mother, Reina, arrived home from work.

Her hair was always combed, said Christen Delacruz, 14, who lives in the building. Her clothes were always ironed and she was always on time for school, he said.

By evening, a makeshift memorial had been set up at the intersection where the accident occurred, which had votive candles, furry teddy bears and a shiny pink pillow that said, "I love you."

One neighbor, Sheena Rose, left a card with a poem that read: "You could make anyone laugh if they were having a bad day. No matter how sad I was, you could take the hurt away."

*Al Baker contributed reporting for this article.*

June 21, 2006

The New York Times  
nytimes.com

## **5-Year-Old Girl Is Killed in Accident in Brooklyn**

By **AL BAKER**

A 5-year-old Brooklyn girl was killed yesterday morning when she ran toward a school bus and was struck by a sport utility vehicle that went past it, the police said. The accident occurred at 8:15 a.m., the police said, when the girl, Chana Friedlander, darted out between two cars parked outside her home on Marcy Avenue, near Lorimer Street, in Williamsburg, and was struck on the head by the approaching vehicle. She was taken to Brooklyn Hospital Center, where she was pronounced dead on arrival, the authorities said.

Tricia Thomas, 27, the driver of the sport utility vehicle, was treated at Wyckoff Heights Medical Center and released, the police said. A witness said Ms. Thomas, an occupational therapist who works with special education students at Public School 141, appeared traumatized by the crash; she got out of her car to ask, "What happened?" as she dialed 911 from her cellphone. "She said, 'Oh my God. Somebody help. Somebody call the ambulance,' " according to the witness, Solange Nsunda, 35.

It was unclear yesterday who was at fault in the accident as witness accounts varied on whether the bus driver had activated flashing lights and a stop sign. Still, as the investigation continued, the police yesterday issued summonses to the driver of the school bus and its owner for various violations. Relatives of the dead girl, meanwhile, held a service for her outside the Kehilath Yakov Pupa synagogue at Penn Street and Bedford Avenue. "She was so young, we hardly got to know her," said Rachel Wiesenfeld, 57, a relative of Chana's. "As a mother, who would ever think that when you sent your kid off to school, you'll never see her again?"

Ms. Wiesenfeld and others said that Chana's father was a Talmudic student and that he and his wife were raising three children. "Her parents are the best of the best," said a woman, Rose, who declined to provide her last name.

The accident happened as Chana was about to get on the bus to take her to the Beth Chana School for Girls, on Bedford Avenue, where she was preparing to enter first grade in September. But as the girl ran into the street, the vehicle being driven west by Ms. Thomas, toward Middleton Street, moved past the bus and struck the girl, the police said.

The driver of the bus, Jenoe Lichtman, 68, was issued two summonses, one for having an improper commercial driver's license and another for operating without a necessary medical certificate, the police said.

The police said the owner of the bus got three summonses for equipment violations: for having the cab and body of the bus improperly secured to the frame; for improperly secured seats on both sides of the bus; and for not displaying a New York City Department of Transportation certificate number on the bus.

A woman who answered the phone at the Beth Chana school yesterday said, "Our buses are up to date and everything's fine." She said the buses were "constantly" taken to a mechanic for maintenance.

The police said there was not much room for Ms. Thomas to pass the bus. How fast she was driving was a question investigators were sorting out, but it appeared she was traveling fairly slowly as her car was not damaged in the accident, the police said. No one answered the door at Ms. Thomas's home in Brooklyn last night. At Mr. Lichtman's home, his daughter said he was not there.

Meanwhile, those at Chana's school were mourning. "She was a very smart, good-hearted, kind girl," said the principal, Esther Salamon. "She had a good home. Her parents are very involved in her education and school."

*Ann Farmer and Michael Amon contributed reporting for this article.*

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09/14/2005

# Negligent homicide trial opens

By ANDREW BROWN , Dispatch Staff Writer

**WAMPSVILLE - Prosecutors opened the trial of David Bennett on Tuesday by attempting to establish the possibility that Bennett could have done more to avoid killing 8-year-old Mallory Eddy last May.**

In a clarification of the charges against Bennett prior to the opening statements of the trial, Madison County District Attorney Don Cerio explained that Bennett committed criminally negligent homicide by ignoring the risk of passing a stopped school bus on the right hand side. Bennett's defense attorney, Frank Mellace, countered that Bennett did everything he possibly could to avoid the accident, but in the end was left with the one fatal option. Central to this question was whether there was oncoming traffic that would have prevented Bennett from driving to the left of the school bus. Witness testimony varied on this question.

The trial began at the Madison County Courthouse in Wampsville just two days before the defendant's 19th birthday. Bennett is accused of criminally negligent homicide for his role in the death of 8-year-old Mallory Eddy, who was struck by Bennett's car as she stepped off a school bus on May 21, 2004. Bennett, who lives on Barrington Road in Oneida, pleaded not guilty on Dec. 23, 2004, to four charges: Criminally negligent homicide - a Class E felony, as well as second-degree reckless endangerment, passing a stopped school bus, and operating a motor vehicle with inadequate brakes.

On May 21, 2004, Bennett was driving his 1989 Ford Tempo on Peterboro Road through the Town of Smithfield when he came upon a stopped school bus. Unable to stop his car, Bennett drove to the right of the bus, striking Eddy as she exited the door onto the shoulder of the road. Bennett told police that the brakes on his car failed.

Before opening statements were made by Cerio and Mellace, Madison County Judge Biagio DiStefano asked the attorneys for clarification regarding the language of Bennett's indictment. Bennett waived his right to a jury trial, and the case will be decided by the judge. DiStefano noted that the first count of the indictment, criminally negligent homicide, alleges that Bennett failed to perceive a risk in committing his crime, but it neglects to mention anything about Bennett's brakes. DiStefano asked Cerio what risk Bennett failed to perceive.

Cerio explained that the risk was passing a stopped school bus on the right hand side. "That failure is a gross deviation from the standard of care that a reasonable person would observe," Cerio said outside of the courtroom. In his opening remarks, Cerio explained that the circumstances of the case were well-known, but that it would be proven that Bennett was at fault for Eddy's death.

After Cerio's brief opening statement, Mellace stressed the fact that Bennett was a safe driver who believed his car was in good working condition until his brakes failed minutes before the accident. "He came down that hill and did everything he possibly could to stop this car," Mellace said. "This was an accident," he said. "This was not criminally

negligent homicide, nor reckless endangerment in the second degree."

Before allowing the prosecution to call its first witness, DiStefano stressed that the current case is completely separate from the trial of Morris Briggs, the Oneida auto mechanic originally charged with criminally negligent homicide in Eddy's death. Briggs's trial in April was dismissed by DiStefano because prosecutors failed to prove a case against him.

Cerio then called Frederick W. Marshall, the first of six witnesses on Tuesday, to the stand. Marshall was driving the Stockbridge Valley Central School bus at the time of the accident. Cerio asked Marshall multiple questions to establish the position of the bus in relation to the other cars that were present at the scene.

Marshall testified that the bus was stopped in the southbound lane on Peterboro Road between Stockbridge Falls Road and Creek Road at the time of the accident. To the right of the bus there was a guard rail, and Bennett drove his car between the right side of the bus and the guard rail. Marshall also testified that at no point either directly before or after the accident was there any oncoming traffic in the northbound lane. Marshall estimated Bennett's car was traveling 25 to 30 miles per hour when he passed the school bus and hit Eddy.

He told the court he noticed Bennett's car in one of the bus's mirrors only seconds before it struck the girl. He was not able to shut the door in time to prevent her from exiting the bus, but yelled out "Car" to her.

During cross-examination Mellace attempted to undermine Marshall's assertion that there was no oncoming traffic, asking him if he paid more attention to the opposite lane of the road if a child had to cross to the other side when she exited the bus. The house that Eddy was going to was on the right side of the road, so she did not have to cross the road to get to her destination. "To me it doesn't make any difference," Marshall said in response. He did concede that he was focused primarily on getting help to Eddy though, and may have lost track of the position of the cars.

After Marshall, Cerio called Victoria Henkes to the stand. Henkes, a teacher, was driving the car that was parked behind the school bus when Bennett passed both cars on the right. She testified that she noticed the lights on the school bus were working and that she did not see any oncoming traffic in the northbound lane. She told the court that after she noticed the reaction of Eddy's baby-sitter, she got out of her car to see what had happened. Eddy's baby-sitter, Wendy Crosswhite, was at her brother-in-law's house on Peterboro Road waiting for Eddy and three other children to arrive when the accident occurred. Henkes said that Crosswhite ran out of the house toward the front of the bus when the accident occurred.

During cross-examination, Mellace questioned Henkes, like Marshall, on how much of her attention was focused on the movement of the cars involved and the presence of oncoming traffic at the scene. Henkes said she did not specifically check to see if there was any oncoming traffic after she left her car, but that when she looked toward the opposite lane she did not see any.

For his third witness Cerio called Elizabeth Houseman, who lives on Peterboro Road near the accident scene. Houseman said she was sitting in her dining room writing a letter when she heard the accident. "I heard a scream and a car went by very fast," Houseman



said. Like the previous two witnesses, Mellace questioned Houseman on how closely she was paying attention to the surrounding traffic. She said she was more concerned with the welfare of Eddy than with any cars that might have been traveling on Peterboro Road. The next witness, Crosswhite, also said she was preoccupied with the safety of the children she was in charge of, and was not concentrating on the traffic.

The last two witnesses of the day were the two passengers in Bennett's car on May 21, Rebecca Meyer and Jeffrey Truman. Meyer testified that Bennett picked up both her and her boyfriend, Truman, in the afternoon to give them a ride to Morrisville, where Meyer lives. After stopping for gas at the SavOn gas station across from Friendly's on Route 5 in Oneida, they turned left and went south on Route 46, eventually turning right onto Peterboro Road. She testified that between when they started traveling from Oneida Castle to the location of the accident, the car did not start having problems until Bennett applied the brakes as they traveled down the hill towards the accident site. She said she thought she could smell the brakes burning when he put his foot on them.

"The car kind of shook a little bit when he put his foot on the brake," she said, adding that the car did not slow down at all. She also told the court she did not recall Bennett honking the car horn at any time, but that she saw Truman put the car into a lower gear to try to slow it down as it reached the bottom of the hill. When asked about any cars in the oncoming lane, she stated she did recall seeing traffic on the other side of the road. This was inconsistent with earlier testimony by the bus driver. "I saw two or three cars in the oncoming lane and one or two behind the bus," she said. She added that they were newer model cars.

Truman, the final witness of the day, also recalled seeing traffic in the oncoming lane. Unlike Meyer though, he said he saw one black pickup truck up the road farther from where the bus was parked. Truman stated that did not recall Bennett applying the emergency brake or honking the horn as they approached the bus. During cross-examination, Mellace repeatedly pointed out differences in the testimony Truman gave on Tuesday and what he said during two grand jury hearings and on the stand at the Briggs trial. The differences primarily had to do with when Bennett purchased brake pads from the Advance Auto Parts store in Oneida, and when he actually picked them up.

According to Cerio, if Bennett is convicted of criminally negligent homicide he could receive a sentence of one and a half to four years in prison, but that the court could take into account that he is a youthful offender. He added he did not believe there was any extra pressure on the District Attorney's Office to convict Bennett because of the dismissal of the Briggs case. "They rise and fall on their own facts," he said. "You take your case as you find it." The trial was scheduled continue this morning.