LONG ISLAND

Not-guilty plea in alleged hit-and-run

Police: College student struck officer with car

BY ROBERT BRODSKY
AND BRIDGET MURPHY
robert.brodsky@newsday.com
bridget.murphy@newsday.com

A college student pleaded not guilty to several charges Thursday after authorities said he hit an Old Westbury police officer who was investigating a crash and drove away before a civilian witness chased him down.

A judge released Benjamin Zavala, 19, of Uniondale, on his own recognizance after his Hempstead District Court arraignment on misdemeanor charges of leaving the scene of a crash involving injury, reckless endangerment, assault and reckless driving.

The alleged hit-and-run at about 6 a.m. Wednesday near the intersection of Glen Cove and I.U. Willets roads in Old Westbury left Officer Matthew Martines with head, neck and back injuries, according to court records.

Police said the officer suffered serious but not life-threatening injuries and an ambulance took him to NYU Langone Hospital-Long Island before he was admitted for treatment.

"There's plenty of mitigating factors, Your Honor," Zavala's attorney, Meir Moza, said during his client's arraignment.

The defense lawyer said after court that his client, a sophomore at New York Institute of Technology who has no criminal record, was heading to work at the time of the crash.

"On behalf of my client, we pray for his recovery," Moza said of the injured officer. "There was absolutely no intent whatsoever by my client to do any harm."

The Mineola attorney said Zavala "panicked" after his passenger suggested that Zavala's Nissan Rogue may have hit someone and then he pulled over at a gas station.

"He didn't realize that there was a hit," Moza added of his client. "It was very dark."

The hit-and-run took place as the officer was investigating a separate single-car crash that occurred at 5:15 a.m. near the intersection, according to Old Westbury Det. Edward Kehoe Jr.

Witness Lenny Rivera, 33, of South Richmond Hill, owned the vehicle involved in the earlier crash and had arrived at the scene in a separate vehicle before stopping in the right northbound lane of Glen Cove Road, according to authorities.

Zavala was driving crossing across the intersection in his red 2020 Nissan Rogue when his front passenger-side mirror and window hit the officer after the motorist tried to change lanes to avoid striking Rivera's vehicle, court records say.
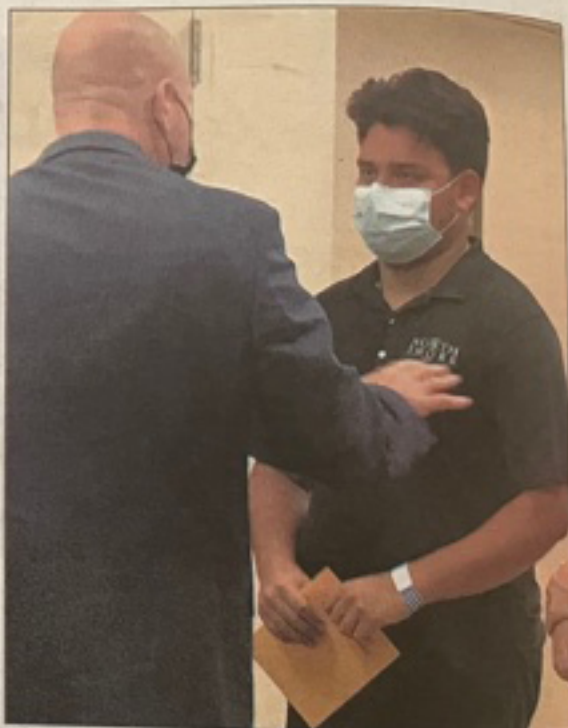
"The officer looked like he flew through the air about seven to eight feet," Jerry Rivera, 59, Lenny's uncle and a fellow crash witness, wrote later in a statement he gave police.

After striking Martines, Zavala didn't stop his vehicle or call 911 and continued driving northbound on Glen Cove Road, according to police.

That's when Lenny Rivera — and his uncle — got into his vehicle and began following Zavala, honking the horn and directing him to pull over, which Zavala ultimately did at the 76 gas station on Glen Cove Road in Roslyn Heights, according to court records.

"I jumped in my Nissan Altima and followed the red Nissan that struck the officer. I was able to wave the driver down," Lenny Rivera said later in a statement he gave police.

His statement also said the Rogue's driver told him after stopping that "he wanted to leave and drive back to the location that he struck something." But the Queens man reported that he told Zavala to stay where he was and then stood next to the Rogue until police arrived.

Police arrested Zavala at the gas station.

Zavala's 35-year-old passenger, who was commuting with him to their Glen Head workplace, said in a police statement later he "could not clearly see" in the dark, but that he believed Zavala "hit a pedestrian" and that he'd told him to stop at the gas station.

Kehoe said police generally discourage civilians from taking actions against alleged hit-and-run drivers.

"But in this case the officer was by himself and no other police were on scene to assist," the detective said. "The witness did what he did and we are unable to control that. He was being compassionate."

Benjamin Zavala, right, talks to his attorney, Meir Moza, at court.