OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn,NY 11217	**Summons No: 0196394871 et al. (1 Summons)** **NEW YORK CITY POLICE DEPT,** **-against-** **GERNANNI P BARNWELL** **Hearing Date: 09/28/2026** **Hearing Location: Remote** **Type of Hearing: By Telephone**

Total Penalty Amount:**$0.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0196394871	Dismissed	08/08/2026	PRINCE STREET AND MYRTLE AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD6L	AC 19-190(B)	Dismissed	$0.00

Findings of Fact & Conclusions of Law

The summons alleges that the respondent violated NYC Administrative Code 19-190(b) by failing to yield at the intersection of Prince Street and Myrtle Avenue Brooklyn on August 8, 2026. Michael Nacmias, Esq., appeared for the respondent Gernanni Barnwell. The petitioner NYPD did not appear.

The issuing officer stated in the sworn summons "At TPO I/O is informed by D1 Barnwell Geranni (sic) whose address is known to NYPD that D1 Barnwell Geranni (sic) was the motorist who failure to yield to pedestrian D2 Donta Pitt."

The respondent moved to dismiss the summons on the ground that it fails to establish a prima facie case. The issuing officer

does not allege any physical injury or whether the pedestrian had the right of way.

NYC Administrative Code 19-190(b) provides that any driver of a motor vehicle who fails to yield to a pedestrian when such pedestrian has the right of way and whose motor vehicle causes contact with a pedestrian or person riding a bicycle and thereby causes physical injury, shall be subject to a civil penalty of not more than two hundred fifty dollars which may be recovered in a proceeding before the environmental control board. For purposes of this section, "physical injury" shall have the same meaning as in section 10.00 of the penal law.

Section 10.00 of the NY Penal Law defines "physical injury" as impairment of physical condition or substantial pain.

The issuing officer here does not allege that a pedestrian had the right of way or that a pedestrian was physically injured. I find the summons fails to allege sufficient facts on which the respondent could be found in violation. I find the summons fails to establish a prima facie case. The summons is dismissed.

10/09/2026

10/09/2026

Anthony Feldmesser, Judicial Hearing Officer **Date**