



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: 0220650834 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- ZHIYU ZHU Hearing Date: 02/03/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0220650834	Dismissed	12/15/2025	Northern Blvd and 171 Street Queens

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 motorist was making a left turn at the intersection and hit a pedestrian on the crosswalk causing minor physical injury.

Respondent appeared via a remote hearing by MICHAEL NACMIAS, counsel for Respondent, and waived the right of the presence of the IO.

Counsel argues that the summons fails to indicate the Respondent was operating a motor vehicle and failing to yield and that pedestrian has the right of way and physical injury. Counsel argues that the term "motorist" is conclusive and does not state

the right of way or failure to yield. Counsel further argues that physical injury is defined by statute as requiring a substantial injury or serious impairment and is not described in the facts. Therefore, counsel concludes that there is no prima facie case.

Code § 19-190(b) makes it unlawful for the driver of a motor vehicle to fail to yield to a pedestrian who has the right of way "and whose motor vehicle causes contact with a pedestrian . . . and thereby causes physical injury." See *NYPD v. Hershel Rosenfeld*, Appeal No. 1900526 (June 27, 2019).

I find the summons fails to establish a prima facie case against Respondent. Here, the IO does not allege sufficient facts to establish Respondent's conduct as to whether the pedestrian/cyclist had the right of way, or was operating a motor vehicle, a necessary element of a Code § 19-190(a) charge.

Accordingly, the Summons is dismissed.

	
02/03/2026	02/03/2026
Patricia DeSalvo, Judicial Hearing Officer	Date