



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: 0214918303 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- SHAWN I MCKNIGHT Hearing Date: 04/16/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$250.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0214918303	Sustained	01/09/2026	1750 Amsterdam Ave Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD6L	AC 19-190(B)	Sustained	\$250.00

Findings of Fact & Conclusions of Law

Michael Nacmias, Esq., appeared on behalf of the Respondent, Shawn McNight.

The summons alleges a violation of NYC Administrative Code 19-190(B), at T/P/O, Respondent was operating SC Plate #965BSH, made a left turn while pedestrian was crossing with signal. The vehicle struck pedestrian causing head injury. Conditions clear. Pedestrian in crosswalk was visible. Respondent admitted to hitting pedestrian.

Mr. Nacmias did not challenge service.

Mr. Nacmias argued that the summons was a kind of hearsay as the officer did not assert personal observation of the incident.

The summons states, in pertinent part, "I was informed of the commission of the violation by a reliable witness that is known to the Department," and is signed by the officer. I find that the officer not witnessing the incident directly does not render the summons defective.

Mr. Nacmias stated that the summons does not state that the Respondent was in a motor vehicle, an element of the violation, however, Mr. Nacmias does not present any evidence that South Carolina requires plates on non-motorized vehicles.

I find that Mr. Nacmias' assertion here is speculation and that in the absence of evidence to the contrary, a vehicle with a license plate in the roadway can be presumed to be a motor vehicle.

Mr. Nacmias argued that the summons does not assert that the pedestrian had the right of way.

I find that the summons' statement that the pedestrian was in the crosswalk, crossing with the signal, is sufficient to establish that the pedestrian had the right of way.

Mr. Nacmias states that the injury alleged in the summons did not meet the definition of physical injury as defined in Penal Law Section 10.00.

Penal Law Section 10.00 states that "Physical injury" means impairment of physical condition or substantial pain.

I find that "head injury" sufficiently descriptive of an impairment of physical condition to meet the definition of Penal Law Section 10.00.

I find that the Respondent did not present a valid defense or credible rebuttal to the summons.

The summons is sustained.

Sean Gralton

04/16/2026

04/16/2026

Sean Gralton, Judicial Hearing Officer

Date