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Appellate Division Unanimously Upholds Conviction in 2014 Aggravated Vehicular Homicide Case



ALBANY, NY - District Attorney P. David Soares announced today that the New York State Supreme Court, Appellate Division, Third Judicial Department, upheld the 2017 conviction of TYLER PASCUZZI. The case was argued by Assistant District Attorney Vincent Stark of the Legal Affairs Unit. The decision can be found [here](#).

On February 8, 2017, PASCUZZI was found guilty after a jury trial of (2) Counts of Manslaughter in the Second Degree, each Class C Felonies, and (1) Count of Aggravated

Vehicular Homicide, a Class B Felony. PASCUZZI was sentenced on April 5, 2017 to 8 1/3 to 25 years in State Prison before the Honorable Thomas A. Breslin in Albany County Supreme Court.

On July 4, 2014, at approximately 11:40 p.m., PASCUZZI caused the death of Alicia Tamboia and Cody Veverka while recklessly driving in an intoxicated state while operating a 2004 Volkswagen R32 at a speed in excess of 150 miles per hour on I-90 in the Town of Guilderland. Toxicology reports revealed PASCUZZI had a blood alcohol content level of .18% approximately two hours after the incident.

PASCUZZI appealed the conviction to the New York State Supreme Court, Appellate Division, Third Judicial Department, on the basis that the verdict was against the weight of the evidence in that the People's expert testimony failed to prove the location of the driver in the vehicle during the incident. PASCUZZI also argued that the Supreme Court had erred in preventing PASCUZZI from presenting a defense by granting the People's objections on hearsay grounds. The Appellate Division rejected PASCUZZI's assertions in full and denied his appeal unanimously.

A webcast of the oral arguments before the court can be found [here](#).

Assistant District Attorney Vincent Stark of the Legal Affairs Unit argued this case before the Appellate Division on April 23, 2019. Vehicular Crimes Unit Bureau Chief Mary Tanner-Richter and Assistant District Attorney Michael Shanley prosecuted this case at trial.

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