



Office of the New York State Attorney General Letitia James

Office of Special Investigation

April 14, 2026

Report on the Investigation into the Death of Erasmo Huerta Gonzalez

OVERVIEW

New York Executive Law Section 70-b (Section 70-b) directs the Attorney General's Office of Special Investigation (OSI) to investigate and, if warranted, to prosecute offenses arising from any incident in which the death of a person is caused by a police officer or a peace officer. When, as in this case, OSI does not seek charges against the officer, Section 70-b requires OSI to issue a public report describing its investigation. This is the public report of OSI's investigation of the death of Erasmo Huerta Gonzalez, who was struck and killed by a car driven by New York City Police Department (NYPD) Officer Levonje Devone in Queens County.

On August 23, 2025, at 4:37 p.m., a marked NYPD car driven by Officer Devone ran over Mr. Huerta Gonzalez as he lay on a roadway in Flushing Meadows Corona Park. Mr. Huerta Gonzalez was transported to New York Presbyterian Queens Hospital where he was pronounced dead. Mr. Huerta Gonzalez was 38 years old when he died.

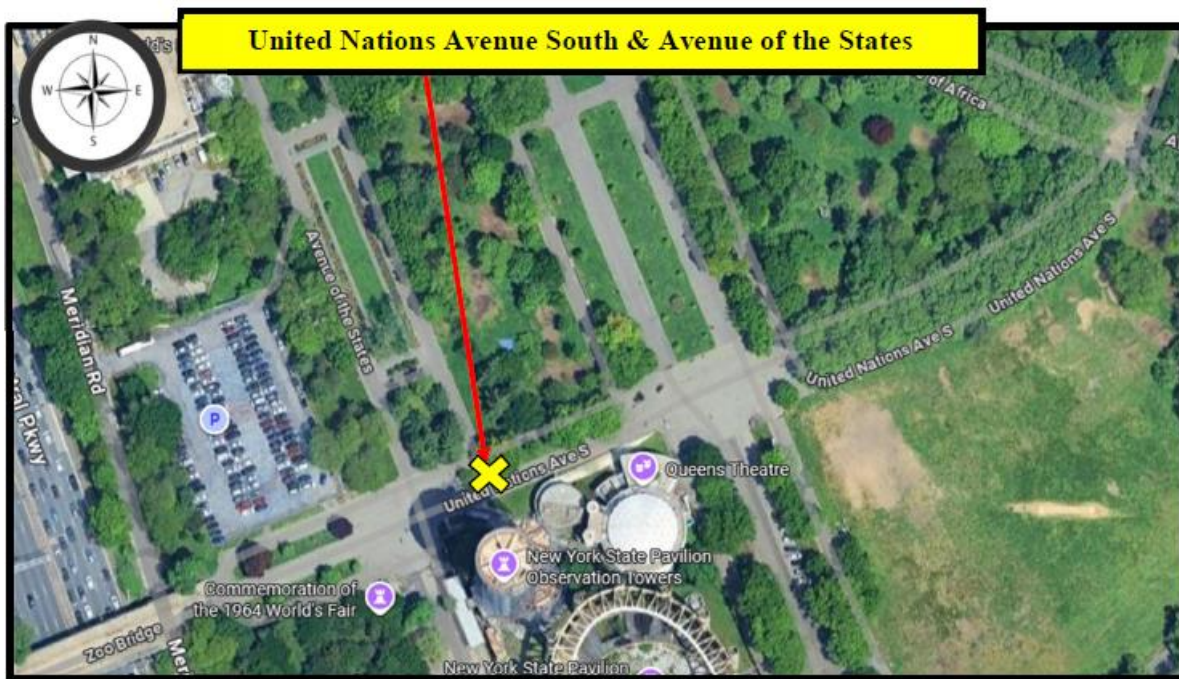
Having thoroughly investigated the facts and analyzed the law, OSI concludes a prosecutor would not be able to prove beyond a reasonable doubt that the officer driving the car that ran over Mr. Huerta Gonzalez committed a crime and, therefore, will not seek charges and closes the matter with this report.

FACTS

The Scene

Mr. Huerta Gonzalez was run over in front of 14 United Nations Avenue South in Flushing Meadows Corona Park. According to the New York City Department of Parks and Recreation, Flushing Meadows Corona Park is the largest park in Queens and home to several attractions and cultural institutions such as the Queens Wildlife and Conservation Center, Queens Zoo, Queens Theater and Queens Museum. The park also contains Citi Field, home to the New York Mets, and the Billie Jean King National Tennis Center which hosts the U.S. Open tennis tournament.

At the time of his death, Mr. Huerta Gonzalez was lying on a roadway by the Queens Theater. The road was not open to civilian car traffic but was used by NYPD cars, Parks Department cars, and the cars of some employees of the various attractions located in the park. There were no traffic signals on the roadway.



A map generated by the NYPD's Force Investigation Division. The "X" marks the approximate location where Mr. Huerta Gonzalez was run over by the NYPD car.

Background of the Officer-Driver

NYPD Officer Levonje Devone was the driver of the car that ran over Mr. Huerta Gonzalez. Through her attorney, Officer Devone refused to speak with OSI. According to NYPD records, Officer Devone joined NYPD in April of 2022. In February of 2023, she was assigned to the 109 Precinct in Queens. In May of 2024, she was temporarily assigned to the Flushing Meadows Park summer detail. The detail ended in September of 2024, and she returned to the 109 Precinct. In May of 2025, Officer Devone was again assigned to the Flushing Meadows Park summer detail.

Officer Devone had never been involved in an on-duty motor vehicle accident.

Events Leading to the Accident

OSI spoke with Officer Keisha Compere, Officer Devone's partner on August 23, 2025. Officer Compere said that she and Officer Devone were both assigned to the Flushing Meadows Park detail. The purpose of the detail was to address quality of life issues in the park during the summer months such as illegal food vending and public intoxication. Officer Devone was Officer Compere's regular partner.

Officer Devone and Officer Compere began the morning of August 23, 2025, with roll call at the 110th Precinct where they were assigned police car 3406. Officer Compere said that car

3406 was their usual car and she usually drove but did not on August 23rd. Officer Compere said that there were no mechanical problems with the car.

Officer Compere told OSI that she and Officer Devone were assigned to Post 3 on August 23rd, which encompassed the Flushing Meadows Park marina and boat house. Officer Compere described the weather as sunny and hot. She said that Officer Devone had two cell phones: a personal cell phone and an NYPD-issued phone. Officer Compere said it was Officer Devone's practice to have a set of headphones plugged into her personal cell and to have one earbud in her ear as she patrolled.

OSI spoke with MC and EB (OSI does not release names of civilian witnesses), employees of the New York Mets. MC said that August 23rd was a busy day in the park because there was a Mets game and US Open tennis matches occurring at about the same time. MC said she traveled around the park grounds in a golf cart. At about 3:30 p.m. on August 23rd, MC said she was on a golf cart headed back to Citi Field when she saw a man sleeping against an exterior wall of the Queens Theater. MC had never seen the man before.

At about 4:30 p.m., MC and another Mets employee, EB, were driving separate golf carts to a parking area in the park. As they passed by the Queens Theater, MC said the man who had been sleeping against the wall of the museum had now moved onto the roadway. MC and EB said the man appeared to be sleeping. EB described the man as wearing dark clothing. MC said because of the coloring of the man's clothing, he blended in with the asphalt. They pulled their golf carts to the side of the road. At 4:36 p.m., MC texted an NYPD sergeant that there was a person lying in the road outside the Queens Museum. MC also took a photo of the person and texted it to the sergeant.



The photo of Mr. Huerta Gonzalez taken by MC and texted to an NYPD sergeant at 4:36 p.m.

A civilian witness, MP, also took a photo of Mr. Huerta Gonzalez as he lay in the middle of the roadway.



Photo taken by civilian witness MP

OSI spoke with NYPD Lieutenant Maritza Meade, as more fully described below. Lt Meade was assigned to the U.S. Open detail which ran about three weeks until the end of the tennis tournament. August 23, 2025, was the first day of the U.S. Open. At 4:35 p.m., she was finished with work and walking to her car.

The Accident

Officer Compere said, and BWC video showed ([Officer Compere](#); [Officer Devone](#)), that Officer Devone was making a right turn in her police car to continue on a path that would have taken

them past the Queens Theater. Officer Devone was in the driver's seat and Officer Compere was in the passenger seat. The windows of the police car were closed.

BWC video showed that Officer Devone made a slow right turn onto United Nations Avenue South at 4:37 p.m. MC and EB witnessed the police car make the right turn. They said the car was moving slowly and they believed that NYPD was responding to the text MC sent to the NYPD sergeant and were going to help the man lying on the roadway.

Officer Devone's BWC video showed that as Officer Devone turned the police car's wheel to the right, her right hand was on the steering wheel. She had what appeared to be an open tube of lip gloss between the thumb and index finger of her right hand as it gripped the wheel.



Still photo from Officer Devone's BWC as she made the right turn.

Officer Compere said that after making the right turn, Officer Devone headed straight down United Nations Avenue South. She said they were driving in the direction of the sun, and she could not clearly see in front of her. Lt Meade said she heard a commotion and turned and saw a police car slowly moving along United Nations Avenue South directly in the path of a person who was lying on the roadway. She said she rushed toward the driver's side of the police car to tell the officers to stop. Officer Compere said she and Officer Devone looked to the left and saw Lt. Meade gesturing and trying to communicate with them, but Officer Compere was not clear what she was saying and thought Lt. Meade was telling them to roll down the car window. Officer Compere said she also heard someone yelling "hey" from somewhere behind the car.

OSI spoke to civilian witness CF who said that she saw the NYPD car as it moved slowly in the direction of the man lying on the roadway. CF said that she could see the driver and passenger in the car and they appeared to be talking. She said the driver was looking straight ahead, in the direction of the man on the roadway.

According to BWC video, at 4:37:24 p.m., the car shook as it appeared to go over a bump. Officer Compere said it felt like they had gone over a speed bump. CF said she saw the two front tires of the police car go over the man lying in the middle of the roadway. Officer Devone stopped the car.

After the Accident

Officer Compere said she heard what sounded like low screams and moaning coming from under her seat. According to BWC video, Officer Compere and Officer Devone immediately got out of the car. Officer Devone's camera fell to the ground as did two cell phones. Mr. Huerta Gonzalez was under the police car between the front and back tires. Officer Compere called over her police radio for an ambulance and NYPD's Emergency Services Unit to extricate Mr. Huerta Gonzalez from under the car. Lt. Meade also called for assistance and an ambulance. Lt. Meade said she told Mr. Huerta Gonzalez that help was on the way and asked his name. Mr. Huerta Gonzalez was able to respond.



Still from Officer Devone's BWC showing Mr. Huerta Gonzalez's feet sticking out from under the police car and Lt. Meade calling for assistance; two cell phones (circled) can also be seen on the ground by the driver's side door.

According to BWC footage, responding officers attempted to raise the police car with a jack. ESU responded at 4:41 p.m. and used a floor jack to lift the car off Mr. Huerta Gonzalez. Mr. Huerta Gonzalez was conscious and able to communicate. He was taken out from under the car at 4:47 p.m.

According to medical records, Mr. Huerta Gonzalez was taken by ambulance to New York Presbyterian Queens. During the ambulance ride, he became unresponsive. The ambulance arrived at the hospital at 5:05 p.m. Mr. Huerta Gonzalez was pronounced dead at 5:14 p.m.

Collision Investigation Squad Findings

The NYPD Highway Unit's Collision Investigation Squad (CIS) responded to the accident scene. CIS is a specialized unit within NYPD that collects and analyzes motor vehicle crash evidence and data to aid in accident reconstruction. CIS detectives obtained the NYPD car's Automated Vehicle Location (AVL) information. The AVL system determines and transmits the car's

geographic location. Along with recording the car's location, it records the speed of the car at intervals. At the approximate time Officer Devone ran over Mr. Huerta Gonzalez, the car was travelling at 7.14 miles per hour (mph). CIS also determined that the car dragged Mr. Huerta Gonzalez for about ten feet before coming to a full stop.

An officer from the NYPD's Highway Unit administered a portable breath test to Officer Devone at 6:07 p.m. on August 23, 2025. The test indicated that Officer Devone had no alcohol in her system.

Officer Devone's Cell Phones

When Officer Devone got out of the car after running over Mr. Huerta Gonzalez, two cell phones fell to the ground – Officer Devone's NYPD-issued cell phone and her personal cell phone. OSI obtained cell phone records from Officer Devone's personal phone. Mr. Gonzalez was run over at 4:37 p.m. The phone records show that there were no texts sent and no incoming or outgoing calls around that time. The closest text or call activity was a text sent at 5:06 p.m. Officer Compere told OSI that Officer Devone was not on her phone as she drove. BWC video showed that when the phone fell to the ground as Officer Devone exited the car, the phone's screen was locked.



Still from Officer Devone's BWC showing the cell phone as it fell.

OSI also obtained usage information from Officer Devone's NYPD-issued cell phone. She last used her department phone at 12:00 p.m. on August 23rd.

Autopsy

OSI reviewed the autopsy report prepared by Dr. Amelia Baxter-Stoltzfus of the City of New York Office of Chief Medical Examiner. Dr. Baxter-Stoltzfus determined that the cause of Mr. Huerta Gonzalez's death was "blunt force trauma of torso" and that the manner of death was "struck and run over by police vehicle." A post-mortem blood sample from Mr. Huerta Gonzalez showed that his blood alcohol concentration (BAC) at the time of death was 0.256. (For comparison, the legal limit of BAC under the Vehicle & Traffic Law is 0.08.)

LEGAL ANALYSIS

Based on the law and evidence, OSI concludes a prosecutor would not be able to prove beyond a reasonable doubt that Officer Devone committed a crime. As a result, OSI will not seek charges and closes the matter with this report.

Under Penal Law 125.10, "A person is guilty of criminally negligent homicide when, with criminal negligence, he causes the death of another person." "Criminal negligence" is defined in Penal Law Section 15.05(4), which states, "A person acts with criminal negligence with respect to a result or to a circumstance described by a statute defining an offense when he fails to perceive a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation."

In a series of decisions, the New York Court of Appeals has required prosecutors to establish "criminal negligence" in vehicular homicide cases with evidence not clearly implied in the statutory definition. Under these decisions, proof of the defendant's failure to perceive a risk is not sufficient to convict them of criminally negligent homicide, even if the failure is a "gross deviation" from a reasonable standard of care. In addition, the prosecutor must prove that the defendant committed an "additional affirmative act" or engaged in "risk-creating behavior" amounting to "seriously blameworthy carelessness." *People v Cabrera*, 10 NY3d 370 (2008); *People v Boutin*, 75 NY2d 692 (1990).

In *Cabrera*, the Court reversed a conviction of criminally negligent homicide based on the defendant driver's excessive speed, saying "it takes some additional affirmative act by the defendant to transform speeding into dangerous speeding; conduct by which the defendant exhibits the kind of seriously blameworthy carelessness whose seriousness would be apparent to anyone who shares the community's general sense of right and wrong." *Cabrera*, 10 NY3d at 377, citing *Boutin*, 75 NY2d at 696 (internal quotation marks omitted).

Based on the prevailing caselaw, Officer Devone's actions on August 23, 2025, did not constitute a gross deviation from the standard of care of a reasonable person. Speed was not a factor in the accident. The police car travelled around 7 mph when it rolled over Mr. Huerta

Gonzalez. Officer Devone was driving in the direction of the sun. Mr. Huerta Gonzalez wore clothing that blended in with the shaded area where he lay on the roadway. It is also unexpected to find a person lying down on a paved roadway in a park. Civilian witness CF said the two people in the car were talking but also said that the driver was facing the road. Officer Devone had a lip gloss bottle in her right hand and an applicator in her left, but there is no indication that she was unable to steer because of what was in her hand. And Officer Devone did not appear to be using either her work phone or personal cell phone at the time of the accident.

OSI concludes that a prosecutor would not be able to prove beyond a reasonable doubt that Officer Devone committed a crime. The collision appeared to be an accident rather than criminal conduct. OSI therefore will not present this case to a grand jury for consideration of criminal charges and closes the matter with the issuance of this report.

Dated: April 14, 2026