



*Office of the New York State Attorney General Letitia James*

Office of Special Investigation

May 6, 2026

# Report on the Investigation of the Death of Margaret Lucey

*ag.ny.gov/osl (800) 771-7755*

## OVERVIEW

New York Executive Law Section 70-b authorizes 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, as defined. When OSI, as in this case, does not seek charges, Section 70-b requires OSI to issue a public report. This is the public report of OSI's investigation of the death of Margaret Lucey.

On January 8, 2024, in Suffolk County, off-duty Quogue Village Police Officer Jonathan Stanton was driving his personal car when he struck Ms. Lucey as she was crossing Ponquogue Avenue at the intersection with Good Ground Road. Ms. Lucey was transported to Stony Brook Southampton Hospital and died of her injuries the same day.

Ms. Lucey was 89 years old when she died.

Having thoroughly investigated the matter and analyzed the law, OSI concludes that a prosecutor would not be able to prove beyond a reasonable doubt at trial that Officer Stanton committed a crime when he caused Ms. Lucey's death and, therefore, will not seek charges and closes the matter with this report.

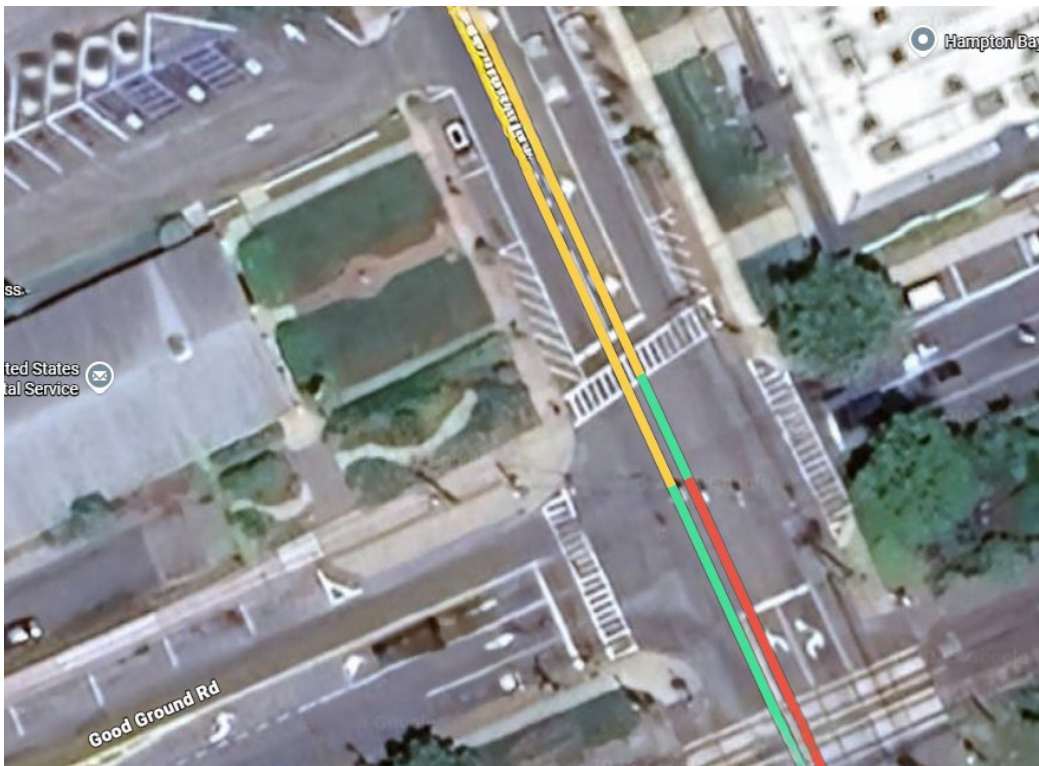
## FACTS

### The Scene

Ponquogue Avenue runs in a north/south direction through Suffolk County and intersects with Good Ground Road in the hamlet of Hampton Bays within the Town of Southampton. At that intersection, Ponquogue Avenue contains one northbound lane, one southbound lane, and one southbound turning lane. The northbound and southbound lanes are not physically divided. The posted speed limit is 30 miles per hour (mph). The intersection is controlled by traffic lights suspended over the roadway. On the south side of the intersection there is a marked pedestrian crosswalk across all lanes of Ponquogue Avenue and a crosswalk signal light, shown below. On the morning of January 8, 2024, there was no precipitation; the roadway was clear and dry.



Scene photograph of the crosswalk across Ponquogue Avenue.

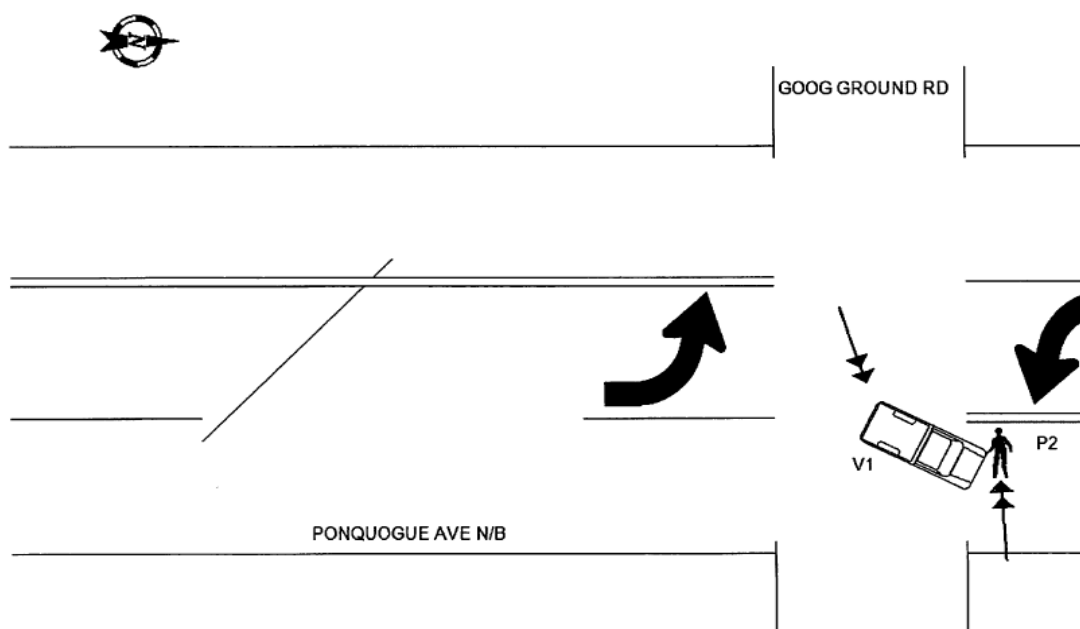


Google Maps image showing the intersection of Ponquogue Avenue and Good Ground Road.

## Incident

Based on the New York State Department of Motor Vehicles Police Accident Report (MV-104A Report) and Police Report for Fatal Motor Vehicle Accidents (MV-104D Report), body-worn

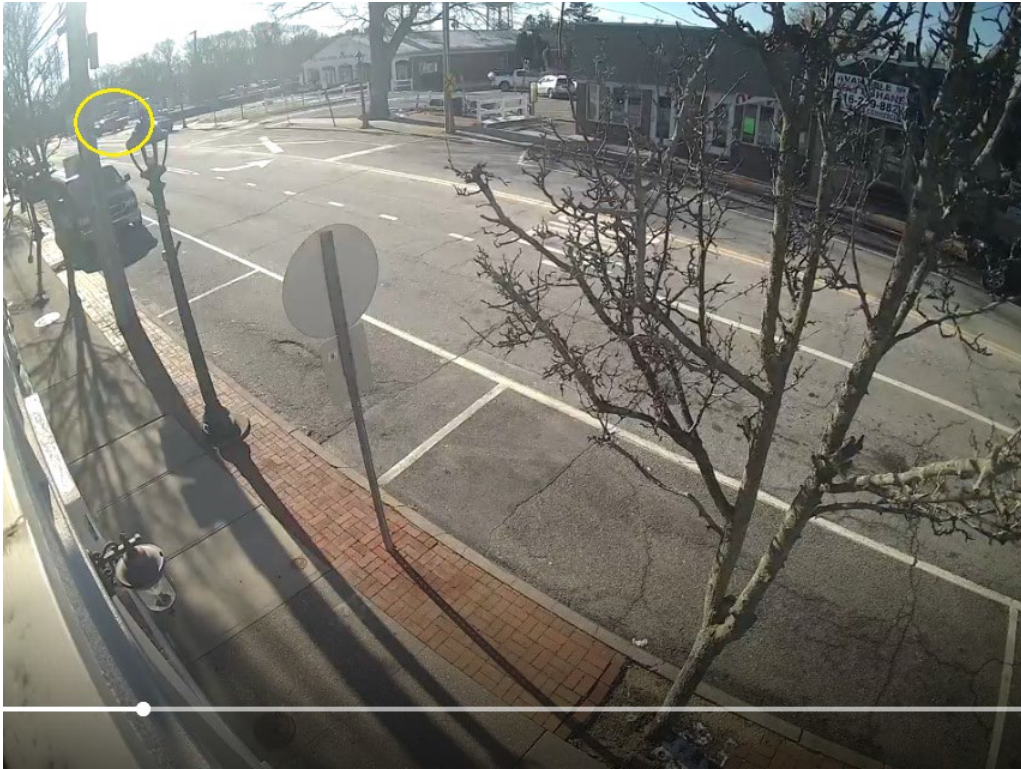
camera (BWC) videos of responding officers, and scene photographs, on January 8, 2024, at 10:52 a.m., Officer Stanton was driving his personal vehicle, a Dodge Ram 1500 pick-up truck. As detailed below, Officer Stanton made a left turn from Good Ground Road onto Ponquogue Avenue, where he struck Ms. Lucey, causing severe injuries which ultimately led to her death. Ms. Lucey was crossing Ponquogue Avenue, walking westbound toward Officer Stanton's turning truck, when she was struck by the front of the truck. Emergency Medical Technicians (EMTs) from the Hampton Bays Volunteer Ambulance Corps responded to the scene at 10:56 a.m.



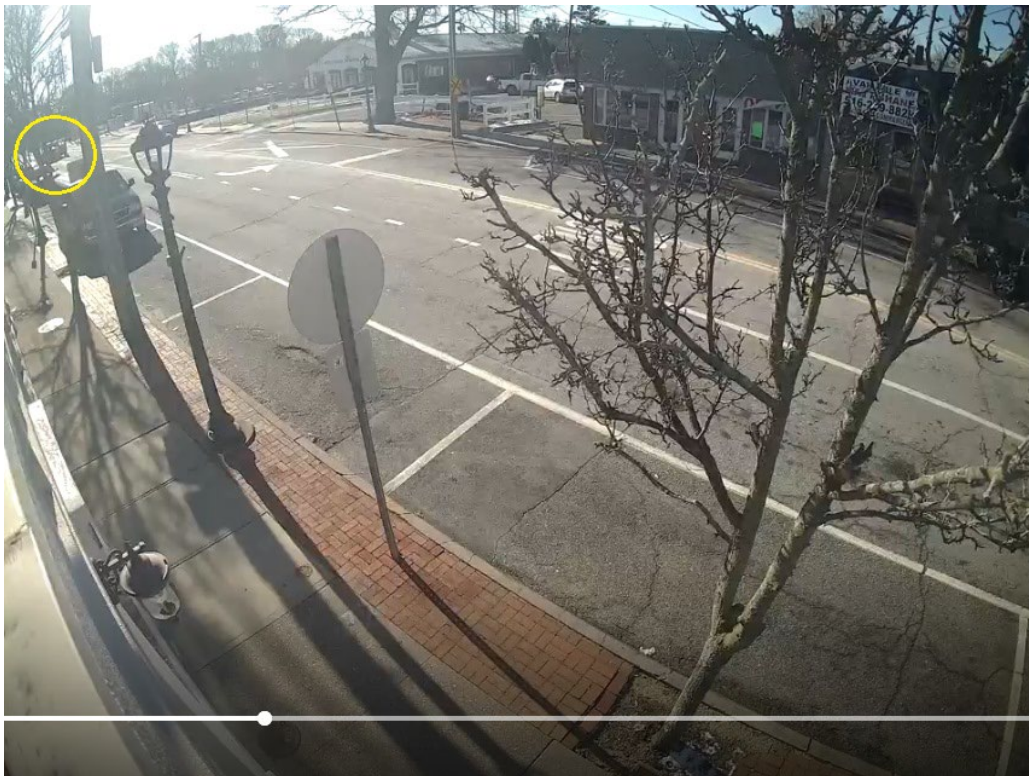
*Diagram of incident from Police Accident Report (Form MV-104A) (misspelling of Good Ground Road in original)*

## Video

Two surveillance videos captured the incident. [Video footage](#) from Francesca's Pizza, located north of the crash site at 9 Ponquogue Avenue, showed a truck turning and hitting Ms. Lucey at a distance. Specifically, at 23 seconds into the video, the truck turned onto Ponquogue Avenue after waiting at a light on Good Ground Road; the truck appeared to be accelerating slowly. The video showed that Ms. Lucey walked across the road and was hit by the truck. The officer got out of his truck, walked over to Ms. Lucey, and returned to his truck to retrieve something (most likely his cell phone based on the timing of the 911 call he made following the collision, as detailed below) before returning to Ms. Lucey.

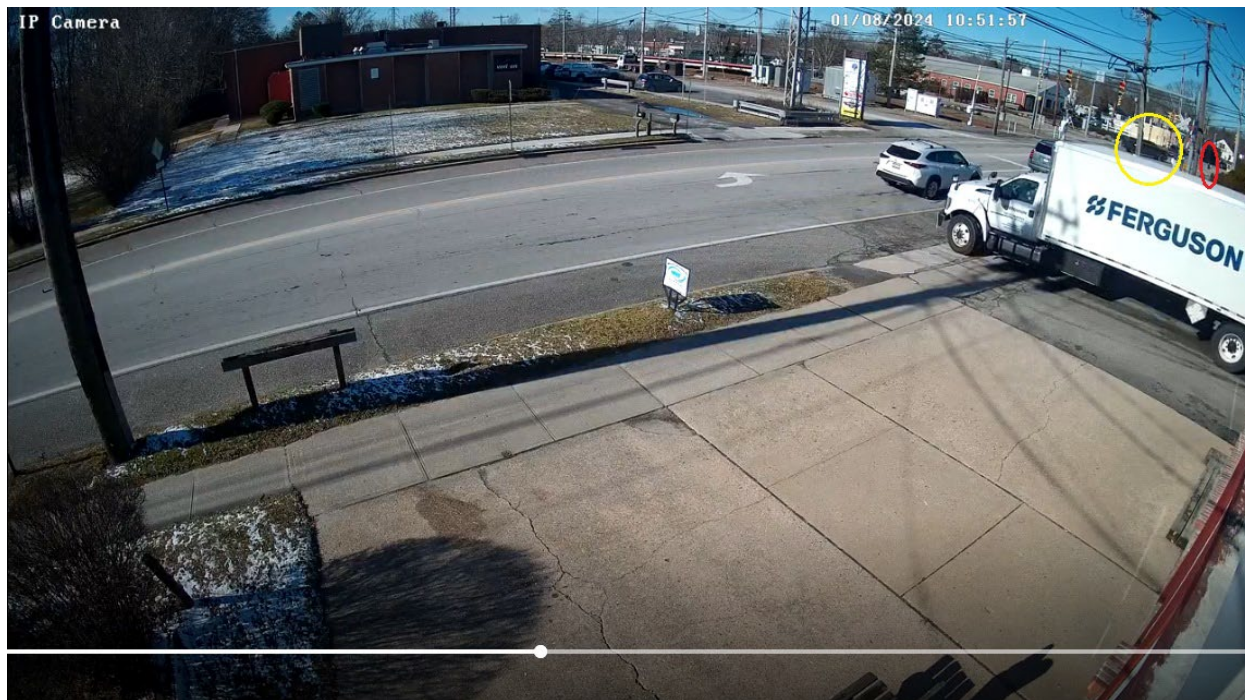


Still image from Francesca's Pizza video showing the truck, circled in yellow, turning onto the roadway.



Still image from Francesca's Pizza video showing the collision, circled in yellow.

The second video, from Ricky's Plumbing, located at 31 Ponquogue Avenue, showed the truck driving through the intersection at 10:51 a.m., turning from Good Ground Road onto Ponquogue Avenue, and hitting Ms. Lucey, who had been crossing Ponquogue Avenue, walking toward the truck. The video showed the truck stopping after hitting Ms. Lucey.



*Still image from Ricky's Plumbing video showing the truck, circled in yellow, turning just prior to the collision, and Ms. Lucey, circled in red, crossing the street.*

## **Officer Statements**

OSI asked Officer Stanton for an interview, but, through his attorney, he refused.

Based on the 911 audio recording, Officer Stanton called 911 at 10:52 a.m., immediately after striking Ms. Lucey with his truck. On the 911 call, Officer Stanton provided his name and phone number and said he had hit an elderly woman crossing the street with his truck. Officer Stanton told the 911 operator that the elderly woman was bleeding from her ears and nose, did not have a pulse, was not breathing, and that he had started CPR.

## **Condition of Officer Stanton**

Town of Southampton Police Department (TSPD) Officer Miller conducted standardized field sobriety tests on Officer Stanton at 11:15 a.m., which included the horizontal gaze nystagmus (HGN), walk and turn, and one leg stand tests. Officer Miller concluded that the field tests showed no signs of impairment by alcohol or drugs. Officer Stanton also submitted to a

portable breathalyzer (alco-sensor serial # F-000157-01), which registered .000 blood alcohol content (BAC). The field sobriety tests and portable breath test were captured on Officer Miller's BWC video and can be viewed [here](#). OSI reviewed the video, which appears to show that Officer Stanton was not impaired by alcohol or drugs.

### **Speed Estimate**

Based on OSI's review of the video footage, Officer Stanton was stopped at a traffic light immediately before striking Ms. Lucey and then appeared to travel at a slow speed.

### **Phone Records**

Officer Stanton's phone records were obtained by the Suffolk County District Attorney's Office and provided to OSI. The phone records showed that Officer Stanton did not place or receive any calls prior to the collision. Officer Stanton called 911 at 10:52 a.m. to report the collision; the phone records do not show any incoming or outgoing calls prior to that time. The last communication before the incident was a text (SMS) message received at 7:13 a.m.

### **Post-Scene Investigation**

Photographs and an examination of Officer Stanton's truck by TSPD Officer Gaspar Montalbano and Detective Sergeant Laferrera showed no visible damage. A vehicle inspection by Officer Montalbano and Detective Sergeant Laferrera showed Officer Stanton's driver and passenger window had window tints that let in only 20% light, though there were no visible obstructions. New York State Vehicle and Traffic Law (VTL) Section 375(12-a) mandates that window tints on windshields and front side windows must let through at least 70 % light. TSPD issued Officer Stanton uniform traffic tickets for window tints in excess of the legal amount (VTL Section 375(12-a)(b)(2)) and for an uninspected motor vehicle (VTL Section 306B).

### **Collision Reconstruction**

Lt. D'Arce told OSI that TSPD did not conduct a collision reconstruction because personnel at the incident location did not observe any signs of speeding or reckless driving and the truck that hit Ms. Lucey had sustained no damage. TSPD determined a collision reconstruction was not necessary.

### **Civilian Witnesses**

Civilian Witness One (CW-1; OSI does not publish the names of civilian witnesses) provided a written statement to police on the date of the incident.

CW-1 said that on January 8, 2024, she was driving on Good Ground Road toward Ponquogue Avenue; she stopped at the red traffic light at the intersection of Good Ground Road and Ponquogue Avenue. Next to CW-1 was a gray Ram pickup truck stopped in the turning lane. CW-1 drove through the intersection when the light turned green and the gray truck began to make a left turn northbound onto Ponquogue Avenue. CW-1 heard the sound of an impact and saw the gray truck stop suddenly in the road. CW-1 saw an elderly woman lying on the ground; she said the driver of the gray truck got out of his car and was on the phone. CW-1 watched as the driver of the gray truck administered CPR until the police arrived and took over.

### **Life-Saving Efforts**

Officer Stanton, who is also a volunteer firefighter and EMT, started CPR on Ms. Lucey after the collision. EMTs from Hampton Bays Volunteer Ambulance Corps arrived at the scene at 10:56 a.m. and took over life-saving measures at 10:57 a.m. Ms. Lucey was transported to the Stony Brook Southampton Hospital and was pronounced dead at 11:58 a.m.

### **Autopsy**

Dr. Daniel Shapiro of the Suffolk County Office of the Medical Examiner conducted the autopsy and determined that Ms. Lucey suffered multiple blunt force injuries to her head, torso, and extremities. He determined Ms. Lucey's cause of death to be multiple blunt force injuries and deemed the manner of death to be an accident.

## **LEGAL ANALYSIS**

Under Penal Law Section (PL) 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 PL 15.05(4): "A person acts with criminal negligence with respect to a result [e.g., death] ... when he fails to perceive a substantial and unjustifiable risk that such result will occur .... 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 fatal vehicular cases with evidence not clearly implied in the statutory definition. Under these decisions, proof of the defendant's failure to perceive the risk of death is not sufficient to convict him or her of criminally negligent homicide, even if the failure is a "gross deviation" from a reasonable standard of care. Rather, the prosecutor must also 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; emphasis added). The Court continued:

“Thus, in the cases where we have considered the evidence sufficient to establish criminally negligent homicide, the defendant has engaged in some other ‘risk creating’ behavior in addition to driving faster than the posted speed limit (**compare** *People v Haney*, 30 N.Y.2d 328 [defendant was speeding on city street and failed to stop at red light before killing pedestrian crossing street with green light in her favor]; *People v Soto*, 44 N.Y.2d 683 [defendant, who was speeding and drag racing on city street, struck and killed driver stopped at red light]; *People v Ricardo B.*, 73 N.Y.2d 228 [defendant was drag racing at between 70 and 90 miles per hour on a busy metropolitan street, ran a red light and struck vehicle crossing intersection with light in its favor]; *People v Loughlin*, 76 N.Y.2d 804, 807 [intoxicated defendant was speeding on obstructed street under construction in residential neighborhood in Queens]; *People v Maker*, 79 N.Y.2d 978, 980 [intoxicated defendant drove at speeds of 50 to 100 miles per hour in 35 miles per hour zone in Manhattan, disobeying several traffic signals]; *People v Harris*, 81 N.Y.2d 850, 851-852 [‘defendant, while legally intoxicated, drove his motor vehicle in the dark of night from a public highway into an unfamiliar farmer’s field, accelerated at times to a speed approximating 50 miles per hour, intermittently operated the vehicle without headlights, and suddenly and forcefully drove through a hedgerow of small trees and shrubs, not knowing what obstacles and dangers lurked on the other side’]; *People v Ladd*, 89 N.Y.2d 893, 894-895 [intoxicated defendant driving on wrong side of a foggy road at 4:30 A.M.], **with** *People v Perry*, 123 A.D.2d 492, 493 [4th Dept 1986], *affd* 70 N.Y.2d 626 [no criminal negligence present where defendant was driving approximately 80 miles per hour in a 55 miles per hour zone ‘on a rural road, on a dark night,’ struck a utility pole, and killed two passengers; defendant’s ‘conduct . . . (id) not constitute a gross deviation from the ordinary standard of care held by those who share the community’s general sense of right and wrong’ (citations omitted)]). The question [is whether the conduct] constituted ‘not only a failure to perceive a risk of death, but also some

serious blameworthiness in the conduct that caused it' (*Boutin*, 75 N.Y.2d at 696)."

*Cabrera*, at 377-378, emphasis added, all material in square brackets in original.

In *People v Badke*, 21 Misc3d 471 (Suffolk Co Ct 2008), the court dismissed criminally negligent homicide counts, finding insufficient the grand jury evidence that defendant drove at excessive speed with passengers in his car, collided with another vehicle, and caused the deaths of three passengers. The court said, "Criminal negligence requires some additional affirmative act by the defendant to transform speeding into dangerous speeding, that is, 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." 21 Misc3d at 476.

The evidence in this investigation does not meet the standard the courts have set for proof of dangerous speeding or other "seriously blameworthy conduct." Examples of "dangerous speeding" include running a red light while racing another car on a busy city street, *People v Ricardo B*, 73 NY2d 228 (1989); driving drunk in Manhattan while going 25 to 50 mph over the speed limit and disobeying traffic signs, *People v Maher*, 79 NY2d 978 (1989); and driving through a red light at 52 miles per hour, *People v Haney*, 30 NY2d 328 (1972). In contrast, in *People v. Perry*, 23 AD2d 492 (4th Dept 1986), *affd*, 70 NY2d 626 (1987), a court overturned a conviction where the defendant was driving at night and going 25 mph over the speed limit on a rural road when he struck a utility pole and killed a passenger, holding that such "conduct d[id] not constitute a gross deviation from the ordinary standard of care held by those who share the community's general sense of right and wrong." Similarly, in *People v Badke*, 21 Misc3d 471, 477-78 (Suffolk Co Ct 2008), a court dismissed an indictment when the evidence failed to show "any other factor in addition to speed [that] convert[ed] Mr. Badke's actions to dangerous speeding."

Like *Badke* and *Perry*, the evidence does not establish that Officer Stanton's conduct consisted of "seriously blameworthy conduct" or that the truck's speed was "dangerous speeding." Officer Stanton was not intoxicated and was not on his cell phone prior to the collision. Video footage of the crash showed a slow-moving truck making a turn, and review of scene photographs showed there was no rubber residue found on the roadway that might have been caused by speeding.

Based on the investigation, OSI concludes that a prosecutor would not be able to prove beyond a reasonable doubt that Mr. Stanton committed a crime when he caused Ms. Lucey's death, and, as a result, 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: May 6, 2026