



Office of the New York State Attorney General Letitia James

Office of Special Investigation

October 21, 2026

Report on the Investigation into the Death of William Huertas

OVERVIEW

New York Executive Law Section 70-b (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 peace officer. When, as in this case, OSI does not seek charges, Section 70-b requires issuance of a public report detailing its investigation. This is the public report of OSI's investigation of the death of William Huertas, who was struck and killed by a car driven by off-duty New York City Police Department (NYPD) Officer Justin Belhouji, on December 13, 2025, in Orangeburg, Rockland County

On December 13, 2025, at 9:05 p.m., Officer Belhouji was off duty, in his personal car, and traveling north on New York State Route 303 (Route 303) near 206 Route 303, a Lowe's Home Improvement Store (Lowe's) in Rockland County. Mr. Huertas entered the southbound lanes of Route 303, walked east across the two southbound travel lanes, entered the northbound travel lanes, and was struck by Officer Belhouji's car under the Joseph B. Clarke Rail Trail pedestrian bridge. Mr. Huertas's body came to rest between the left and right northbound lanes east of 252 Route 303, a Bill Kolb Subaru car dealership. Mr. Huertas was transported to a local hospital and pronounced dead shortly thereafter. The investigation showed that Officer Belhouji was not speeding excessively, nor intoxicated or impaired at the time of the collision.

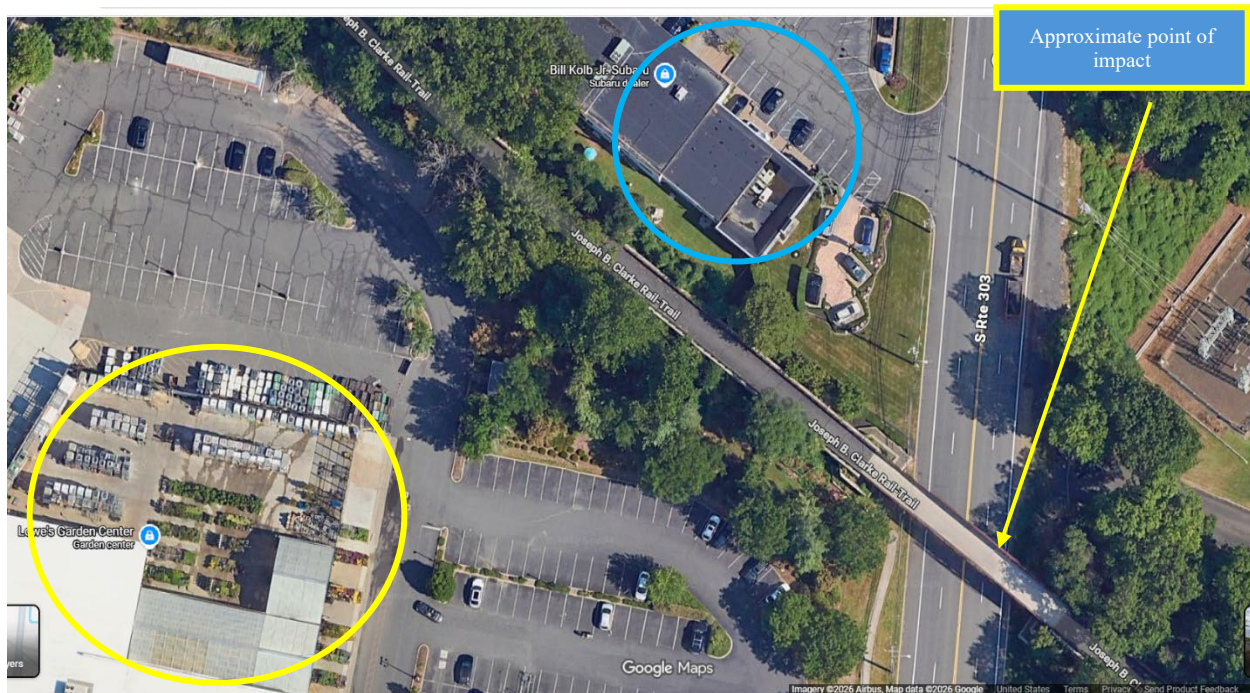
Mr. Huertas was 45 years old at the time of his death.

Having thoroughly investigated the facts, including review of commercial security videos, and analyzed the law, OSI concludes a prosecutor would not be able to prove beyond a reasonable doubt that Officer Belhouji committed a crime when he caused Mr. Huertas's death. As a result, OSI will not seek charges and closes the matter with this report.

FACTS

The Scene

Route 303, in the area of the collision, had four travel lanes, two southbound and two northbound, divided by a double-yellow centerline. The northbound and southbound travel lanes were separated by white dashed lane divider pavement markings. The point of impact did not occur at or near an intersection or pedestrian crossing. There were no overhead traffic signals, pedestrian signals, or posted stop signs near the collision site, and the area did not have a marked crosswalk or center median between the northbound and southbound travel lanes. The posted speed limit on Route 303 was 40 mph. On December 13, 2025, at 9:05 p.m., the weather conditions were cold and clear, and the area of the collision was dark.



Aerial view of Route 303 in the area of the collision, showing Joseph B. Clarke Rail Trail pedestrian bridge, Lowe's Home Improvement store south of the bridge (circled in yellow), and Bill Kolb Subaru car dealership north of the bridge (circled in blue). [Google Maps, Lowe's Home Improvement Route 303.](#)

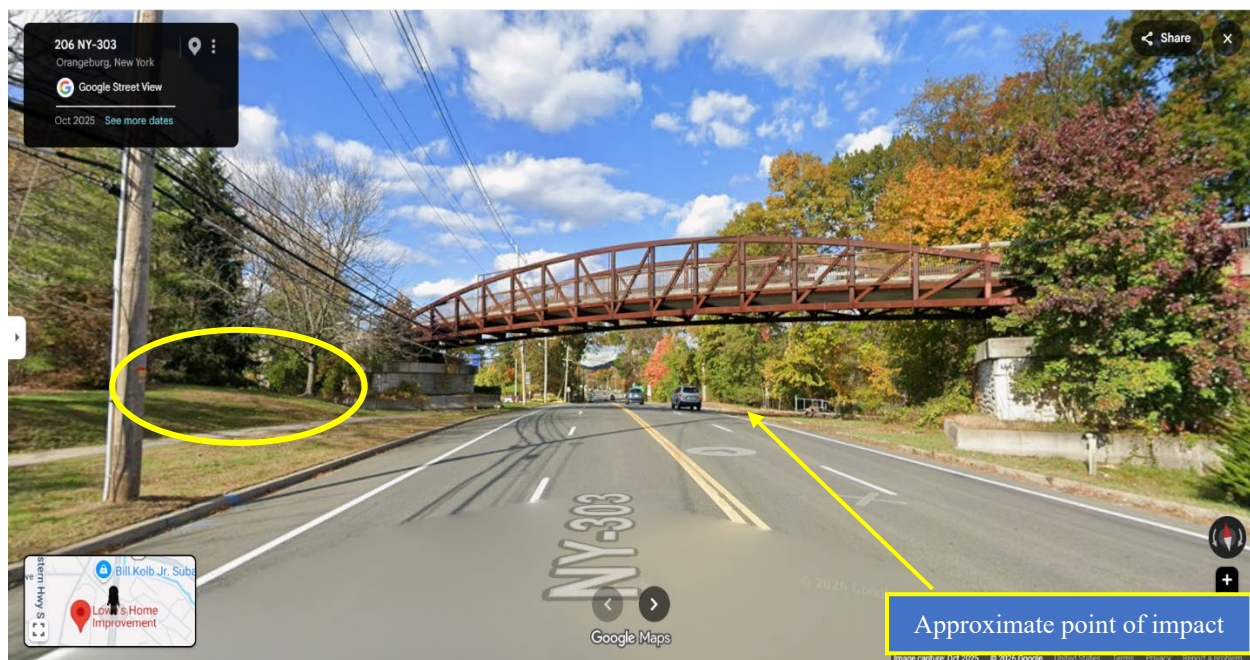


Photo of Route 303, south of the Joseph B. Clarke Rail Trail pedestrian bridge. The southbound lanes are to the left; the northbound lanes are to the right. Lowe's is located to the left, beyond the grassy embankment circled in yellow. [Google Maps, Lowe's Home Improvement Route 303.](#)



Photo of Route 303, north of the Joseph B. Clarke Rail Trail pedestrian bridge. The southbound lanes are to the right; the northbound lanes are to the left. Lowe's is located to the right, beyond the grassy embankment circled in yellow. [Google Maps, Lowe's Home Improvement Route 303](#).

The Collision

Lowe's Security Videos

Mr. Huertas was employed by Lowe's, 206 Route 303, in Orangeburg, and had worked at the store on December 13, 2025.

OSI reviewed security video from Lowe's. The video did not capture audio. The security video showed that on December 13, 2025, at 9:01 p.m., Mr. Huertas walked out of Lowe's and into the store's parking lot. He walked north across the parking lot and through a clearing over a grassy embankment. Mr. Huertas walked onto Route 303 and was struck by Officer Belhouji's car. According to the video, Officer Belhouji traveled north on Route 303 before the collision, and applied the brakes seconds before he struck Mr. Huertas. It is unclear from the video what lane Mr. Huertas was in when he was struck, or what lane Officer Belhouji's car was in prior to the collision. Mr. Huertas's "final rest" point was not visible on the video.

OSI enhanced Lowe's security video by magnifying the point of impact. The video can be accessed [here](#).

Officer Belhouji's personal car was not equipped with a dashboard camera.

911 Calls

At 9:05 p.m. Officer Belhouji called 911, provided his location, and said he was involved in a

car accident. He told the dispatcher that as he drove on Route 303, “Somebody crossed the street in front of [him]” and he was not sure where the man had come from. Officer Belhouji requested an ambulance and said he was performing chest compressions on the man. A nurse who had stopped at the site of the collision took Officer Belhouji’s phone and spoke with the 911 dispatcher and said a man had jumped into the middle of the road and was struck. The woman said the man did not have a pulse and advised that she and Officer Belhouji were performing chest compressions.

At 9:05 p.m., KM (OSI does not publish the names of civilian witnesses) called 911 and reported that a dark pickup truck or SUV had stopped short and appeared to have struck a man on Route 303. KM said the man was lying in the middle of the road, and the driver of the car had stopped.

Witness Interviews

HM

OSI interviewed HM who said she was driving north on Route 303 on the evening of December 13, 2025, and that the weather conditions were clear. HM said when she approached the underpass, a typically dark area of Route 303, she saw that the car in front of her had stopped suddenly in the middle of the roadway. HM said the driver (Officer Belhouji) got out of the car and walked to the front of the car. HM got out of her car and saw a man (Mr. Huertas) lying on his back in the northbound lane of Route 303. According to HM, Mr. Huertas was unconscious and bleeding from the head. HM checked Mr. Huertas’s wrist for a pulse but did not feel one. HM said she and Officer Belhouji performed chest compressions on Mr. Huertas until an ambulance arrived and assumed medical care for Mr. Huertas.

HM was interviewed by members of Orangetown Police Department (OPD) and provided OPD with a written statement which was consistent with what she told OSI. In her written statement, HM said Officer Belhouji drove in the left northbound lane of Route 303 before he struck something in the roadway, and that she did not see Mr. Huertas prior to the collision. During her interview with OPD, she said she was traveling at the speed limit, and it appeared that Officer Belhouji was traveling at the same speed.

KM

According to KM’s written statement to OPD, KM was a passenger in a car driven by her husband, TM, on the evening of December 13, 2025. KM and TM were traveling south on Route 303 near the Rail Trail underpass when she saw a black pickup truck in the northbound lane of Route 303 swerve right (away from her lane of travel). KM said TM stopped the car and she saw the driver of the pickup truck (Officer Belhouji), stop his car and get out. KM said she saw a body lying on the roadway and called 911.

TM

According to TM's written statement to OPD, TM was driving south on Route 303 when he saw a car swerve to the right. TM said the driver of the car (Officer Belhouji) got out of his car and TM saw a man lying on the roadway. According to TM, the area was very dark, and he did not see the person on the roadway until Officer Belhouji's car lights were on him. TM's wife, KM, called 911.

Officer Interview

Officer Justin Belhouji

OSI interviewed Officer Belhouji in the presence of his attorney. He said that on the evening of December 13, 2025, he was driving home from work in his personal car and traveling north on Route 303. Officer Belhouji said that at 9:00 p.m. he suddenly saw Mr. Huertas at the front of his car, near the passenger side, and applied the brakes and swerved to the left to avoid striking him. Officer Belhouji said he struck Mr. Huertas with the front right corner of his car, stepped out of the car, and saw Mr. Huertas on the ground in front of his car. He began cardiopulmonary resuscitation (CPR) as he called 911. According to Officer Belhouji, Mr. Huertas was not breathing. Officer Belhouji continued to perform CPR until a woman, who identified herself as a nurse, appeared and assisted him with chest compressions. They checked Mr. Huertas for a pulse, but the nurse said he did not have a pulse.

Officer Belhouji said the lighting conditions in the area of the collision were very dark, the roadway was poorly lit, and Mr. Huertas was wearing all black. Officer Belhouji and the nurse continued CPR until an ambulance arrived.

Officer Belhouji said he did not know the speed he was traveling before the collision but estimated that he may have been driving between 40-50 mph. When asked by OSI if he would consent to a download of his car's event data recorder (EDR), Officer Belhouji refused. (An EDR records data, including vehicle speed, accelerator use, brake use, and steering, for a number of seconds before, during, and after a crash; not all impacts are strong enough to trigger the EDR to preserve data.) Officer Belhouji said his personal car was not equipped with a dashboard camera, and he was not speaking or texting on his cell phone prior to, or at the time of, the collision.

According to Officer Belhouji, he did not see Mr. Huertas enter Route 303 but thought that Mr. Huertas may have entered from the shoulder of the northbound lanes since Mr. Huertas appeared to his right and he hit Mr. Huertas with the front right side of his car. Officer Belhouji did not remember which of the two northbound lanes he was in prior to the collision but said he never entered the shoulder of the northbound lanes.

Officer Belhouji acknowledged that he initially told OPD officers that he was in the right

northbound lane, and that he did not know where Mr. Huertas came from. He told OPD that Mr. Huertas appeared suddenly in his lane.

Post-Collision Investigation

Sobriety Tests

OPD Detective Patrick Casey performed a preliminary breath test (PBT) on Officer Belhouji. (A PBT device is a handheld assessment tool that tests blood alcohol concentration (BAC) by analyzing a breath sample.) According to Det. Casey, Officer Belhouji's sample registered a 0.00% BAC.

OPD Police Officer John Gernon administered a horizontal gaze nystagmus (HGN) test and a lack of convergence (LOC) test on Officer Belhouji. (HGN and LOC are eye examinations used by law enforcement to detect drug and/or alcohol impairment.) The results of both tests were negative for impairment.

Police Officer Belhouji's Phone Records

OSI subpoenaed Officer Belhouji's cellphone records. A review of the records showed that Officer Belhouji did not make or receive any phone calls or text messages at or around the time of the collision.

Collision Reconstruction

Sergeant Richard Holihan of the OPD Accident Investigation Team (AIT) responded to the collision scene and prepared an AIT reconstruction report.

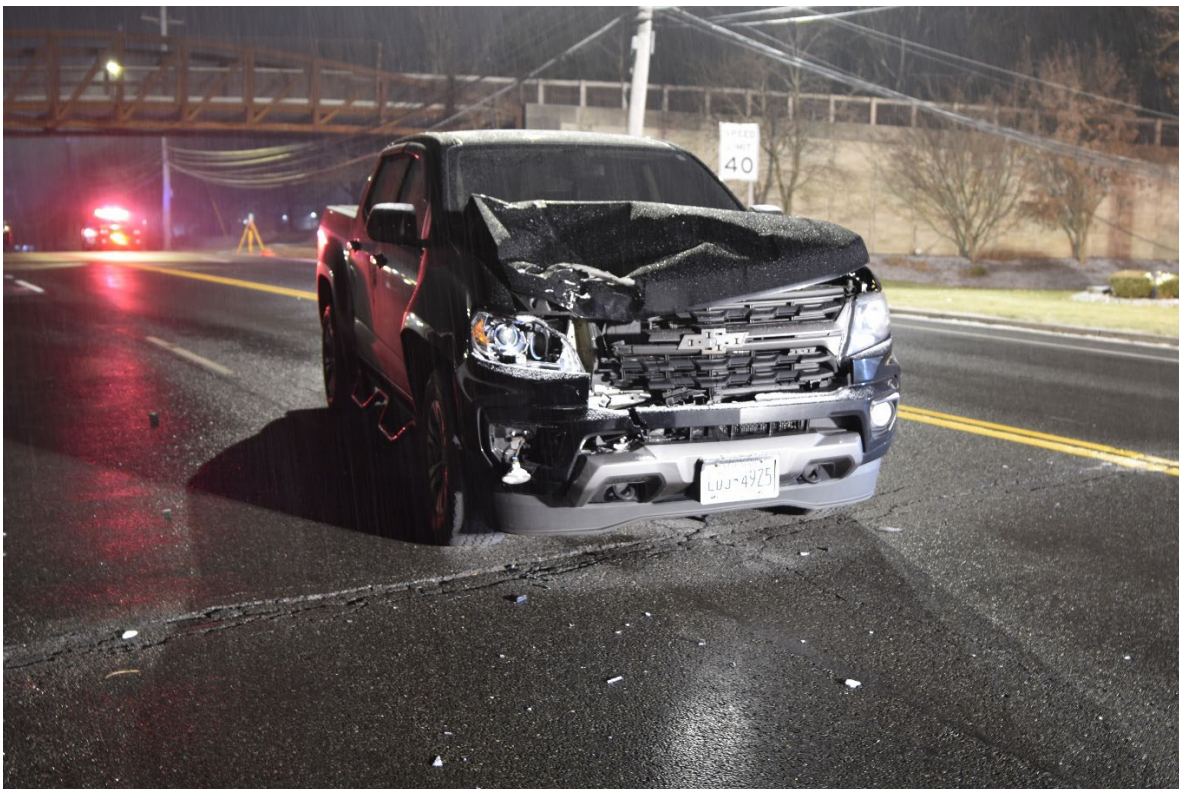
Sgt. Holihan analyzed Lowe's security videos and determined that Mr. Huertas traveled diagonally in a northeast direction across Route 303 and estimated that the point of impact was in the right northbound lane under the Rail Trail pedestrian bridge. He compared the approximate point of impact with a scale diagram of the scene and determined that Mr. Huertas's "final rest" was approximately 200 feet north of the point of impact and 28 feet from where Officer Belhouji's car came to a complete stop after the collision. Officer Belhouji's car traveled 175 feet after the collision. Utilizing the Searle throw formula, Sgt. Holihan calculated Mr. Huertas's minimum projectile speed to be 52 mph, and the maximum projectile speed to be 63 mph. (The Searle throw formula is a mathematical model used in traffic collision reconstruction to estimate the speed of a vehicle, or a projected cyclist/pedestrian, based entirely on the total distance the body was thrown after the impact.) According to Sgt. Holihan's report, the figures assume Mr. Huertas was thrown the full distance after the impact. Sgt. Holihan cautioned that the calculations may be overestimated if Mr. Huertas was "partially vaulted," and indicated that factors existed to support a partial vault. (A partial vault occurs when a person is lifted onto a car and either falls from the car to the ground or is propelled forward and falls to the ground. A full vault

occurs when a person is struck by car and their body is propelled upward and completely over the car). Sgt. Holihan was not able to estimate Officer Belhouji's speed but opined that Officer Belhouji "was not traveling at an excessive speed."

As part of his investigation, Sgt. Holihan measured the light transparency level of Officer Belhouji's car windshield. The windshield's light transmittance measured 28%, which was below the 70% light transmittance requirement. According to Sgt. Holihan, "Mr. Belhouji was operating a vehicle equipped with a windshield that was fully tinted below the 70% light transmittance requirement. Given the nighttime conditions this further diminished Mr. Belhouji's ability to perceive and react to avoid a collision."

Collision Scene Investigation

The Rockland County Sheriff's Office, Bureau of Criminal Investigation (RCBCI) responded to the collision scene and took photographs.





Three RCBCI photos showing Officer Belhouji's car, with visible front-end damage, and the Rail Trail pedestrian bridge. The photos show the car's final stop after the collision.

Medical Treatment and Autopsy

On-Scene Medical Response

According to the Prehospital Care Report (PCR), South Orangetown Ambulance Corps Emergency Medical Technicians (EMTs) Jamie Spadafora and Isabella Matthew responded to the collision scene at 9:07 p.m. Mr. Huertas had “an obvious head injury...laceration to forehead with bleeding from ears and nose.” EMT Matthew said bystanders were performing CPR on Mr. Huertas when they arrived. Mr. Huertas did not have a pulse and the EMTs took over medical care. The PCR noted that an automated external defibrillator was applied to Mr. Huertas and indicated “no shock.” Mr. Huertas was placed in an ambulance and transported to Montefiore Nyack Hospital.

Mr. Huertas was declared dead by Dr. Ramona Vanel at 9:42 p.m.

Autopsy

Dr. Laura S. Carbone of the Rockland County Office of the Medical Examiner performed the autopsy of Mr. Huertas and determined that the cause of Mr. Huertas’s death was “multiple blunt impact injuries due to pedestrian struck by pick up truck,” and deemed the manner of death to be “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 . . .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’ (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."

New York State Vehicle and Traffic Law (VTL) Section 375 (12-a) (b)(1) and (2) prohibits the use of windshield and side window coverings with any material which has a light transmittance of less than 70%.

The court in *People v Gomez*, 85 Misc. 3d 1276(A) (Queens Co Ct 2024), in finding the evidence presented to a grand jury to be competent and legally sufficient on the charge of Manslaughter in the Second Degree noted that while a single traffic violation "existing alone, might not rise to the level of seriously blameworthy conduct. . ." the aggregate of numerous violations "supports a logical inference that defendant exhibited 'seriously condemnatory behavior' which created a substantial, unjustifiable risk of death in the event of a pedestrian getting in the way of the vehicle." *Gomez*, 85 Misc. 3d, citing *People v Pino*, 162 AD3d 910 (2nd Dept 2018). The defendant in *Gomez* was unlicensed and uninsured when he drove an unregistered car with illegal windshield (11% light transmittance) and side window tints (0% light transmittance) and left the scene of a fatal accident. *Gomez*, 85 Misc. 3d.

Here, the evidence does not establish that Officer Belhouji's speed was "dangerous speeding," or that he was driving well above the posted speed limit, immediately prior to the collision. HM said she was traveling behind Officer Belhouji prior to the collision, that she was driving within the speed limit, and that Officer Belhouji's speed was consistent with hers. Sgt. Holihan noted that, based on his analysis of all the available evidence, Officer Belhouji's speed was not excessive. There is also no evidence of an additional affirmative act, or risk-creating behavior amounting to "seriously blameworthy carelessness" to sustain a charge of Criminally Negligent Homicide. Officer Belhouji was not intoxicated, he was not on his cell phone prior to the collision, and he did not drive through a steady red traffic light or stop sign.

The illegally tinted front windshield on Officer Belhouji's car, alone, does not elevate the VTL violation to criminally negligent homicide.

Based on the evidence in this investigation, OSI concludes that a prosecutor would not be able to prove beyond a reasonable doubt that Officer Belhouji committed a crime when he caused Mr. Huertas's death. As a result, OSI 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: October 21, 2026