

**AGGRAVATED VEHICULAR HOMICIDE
PENAL LAW 125.14(2)**

No charge has been prepared.

However, the first two elements (reckless driving and commission of vehicular manslaughter in the second degree) are identical to the charge prepared for subdivision (1) of this section.

The third element(s) (set forth in subdivision two) can be added to those first two elements if it is required to be charged to complete a charge for this subdivision.

The third element(s) may be subject to the “special information” procedure specified in CPL 200.60. See *People v. Cooper*, 78 NY2d 476 (1991); *People v. Burgess*, 89 A.D.3d 1100 (2nd Dept, 2011); *People v. Alshoaibi*, 273 A.D.2d 871 (4th Dept, 2000); *People v. Orlen*, 170 Misc.2d 737 (County Court, Nassau County, 1996).

Pursuant to CPL 200.60 procedure, the defendant must be arraigned upon a special information alleging the applicable subdivision three element. If, upon such arraignment, the defendant admits that element, the court must not make any reference to it in the definition of the crime or in listing its elements. But if the defendant denies that element or remains mute, the court must add this element to the definition of the crime and the list of elements.