

**AGGRAVATED VEHICULAR HOMICIDE
PENAL LAW 125.14(3)**

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 (a previous conviction for a violation of VTL 1192 or its equivalent in another jurisdiction within the previous ten years) can be added to those first two elements if it is required to be charged to complete a charge for this subdivision.

Pursuant to CPL 200.60(3), the defendant must be arraigned upon a special information alleging the previous conviction. If, upon such arraignment, the defendant admits the previous conviction, 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 the previous conviction or remains mute, the court must add this element to the definition of the crime and the list of elements. See, *People v. Cooper*, 78 NY2d 476 (1991).