

# First the Crash, Then the Impact:

## COCAINE

### Introduction

“The excited, energized cocaine user, teeming with self-confidence is not the individual we normally picture when we think of impaired driving, but this overconfidence leads to dangerous driving patterns characterized by high speed, aggression, reckless passing or other hazardous maneuvers, and loss of control. Cocaine...increase[s] impulsive behaviors with tendencies to take more risks and create confusion within the user. A person using cocaine maintains the illusion of being alert and stimulated, although physical reactions are impaired.”

Driving is a complex skill. Many take it for granted. The driver who is high has impaired judgment and motor skills, yet they believe they are in control. In reality, the drugs are in control. Anyone can be a victim of the illicit drugged driver – the young friends, full of promise, the innocent child trapped by her mother’s addiction, the families and friends left to grieve.

This exhibit, through words and images, portrays people whose lives were put in danger by someone’s choice to mix cocaine with driving. It focuses on fateful events in a forensic style. As you tour and reflect, get to know these people and their stories. They had everything to live for. Everyday life met a culture of the extreme and in one second, everything changed.

– Introduction crafted with the assistance of Dr. Jeanne M. Beno, Ph.D., Chief Toxicologist, Monroe County Medical Examiner’s Office, Rochester, New York

# First the Crash, Then the Impact:

# COCAINE

## In Harm's Way

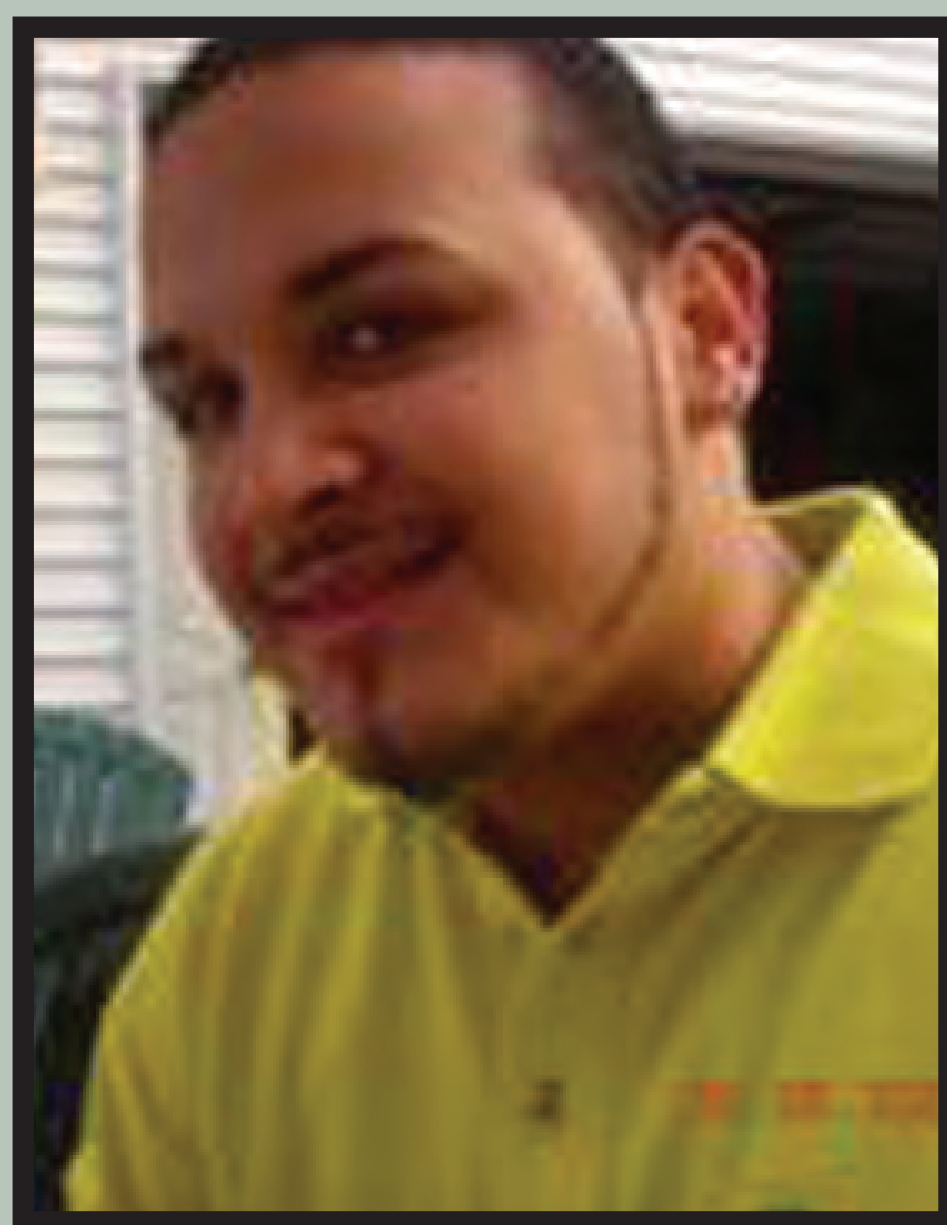


---

### Ashley Bleier, 16

*"When I woke up later on in the hospital one of the first things I remember asking was if I could still go to prom. That was before I saw what my face looked like."*

– Email correspondence with Ashley Bleier, crash survivor, 01.18.13

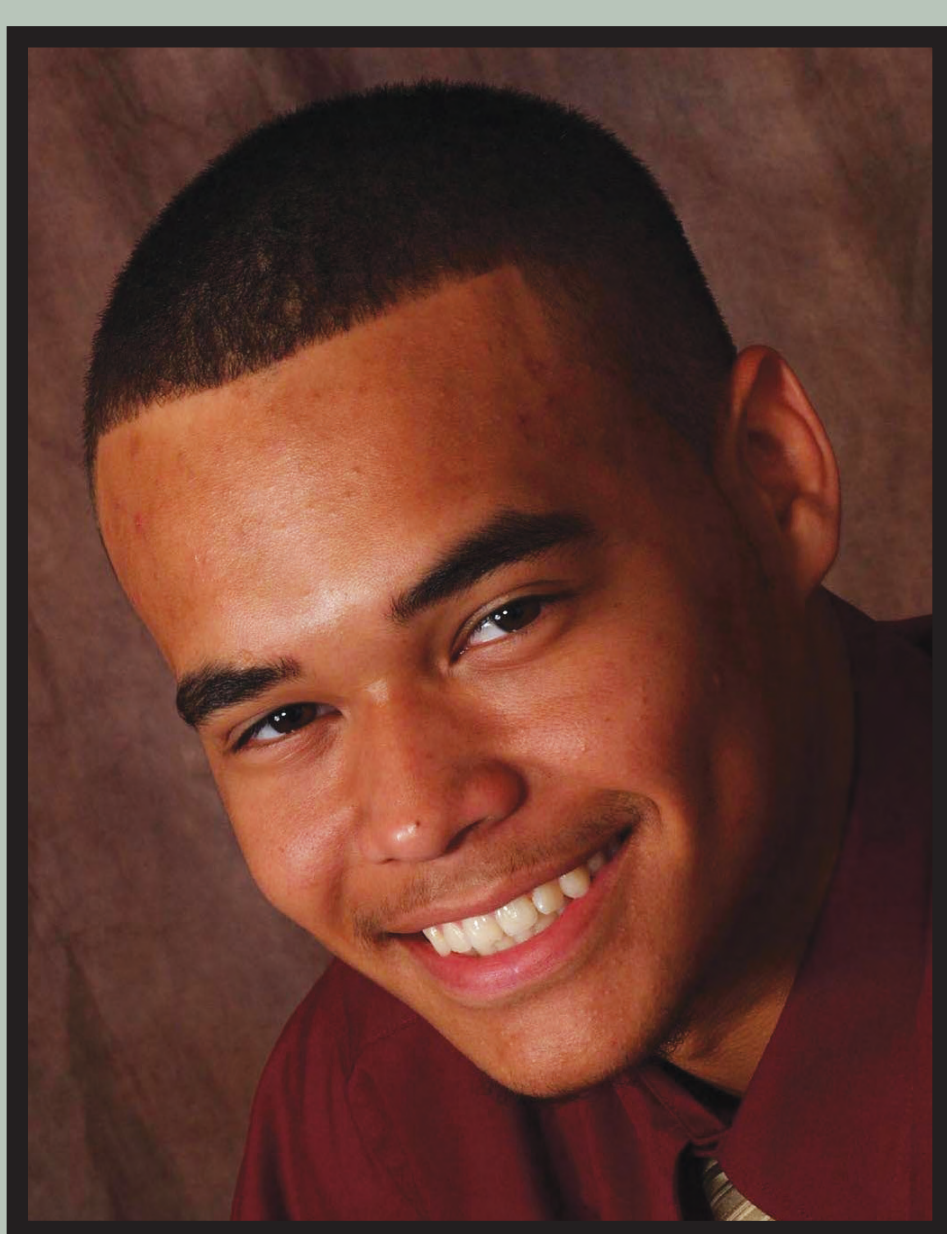


---

### Pedro Hernandez, 20

*"Pedro was an effective leader that was always willing to help... Giving and not expecting back did not stop with Pedro when he left Wegmans. He was a caring and thoughtful individual day in and day out."*

– Email correspondence with Tyler French, Wegmans coworker and friend, 01.17.13



---

### Henry "Alex" Rivera, Jr., 18

*"I remember sitting at the kitchen table telling my son (Henry) that I had lost my job at Time Warner and that we would have to tighten up. He said he would work some extra hours."*

– Interview with Henry Rivera, Sr., Irondequoit, New York, 12.10.12

*"Henry was always in a good mood and made the workday fly by."*

– Email correspondence with Tyler French, Wegmans coworker and friend, 01.17.13

*"They were both always smiling and just tried to make the best out of every day. They were both great guys who can never be replaced and will most definitely never be forgotten."*

– Email correspondence with Ashley Bleier, crash survivor, 01.18.13

# First the Crash, Then the Impact:

## COCAINE

### Cocaine



Lines of Cocaine

“Cocaine is a central nervous system stimulant widely abused for the intense euphoria that it produces. Cocaine has pronounced effects on vision. It causes the pupils to dilate and slows the ability of the pupil to respond to light making it very difficult to see in bright sunlight or when confronted with oncoming headlights or bright road illumination at night. Cocaine users commonly report blurred vision, difficulty focusing and visual hallucinations.

On 5/27/2007, Herman Bank was traveling the wrong way on a brightly lit, divided expressway when he collided head-on with a second vehicle at 1:00 am, killing two of its occupants. Blood drawn 4 hours after the accident was sent to the Monroe County Forensic Toxicology Laboratory for analysis. Comprehensive toxicology testing showed the presence of cocaine and cocaine metabolites consistent with recent use of the drug and with Mr. Bank having been under the influence of cocaine at the time of the accident. At trial, Mr. Bank, a pharmacist, argued through his defense attorney that his behavior that night was due to an imbalance in the drugs he used to treat a medical condition, but toxicology was able to show that in fact he wasn't taking any of the prescriptions he claimed had affected his behavior.”

– Email correspondence with Dr. Jeanne M. Beno, Ph.D., Chief Toxicologist, Monroe County Medical Examiner's Office, Rochester, New York, 02.12.13

# First the Crash, Then the Impact:

# COCAINE



05/28/2007

## Fatal crash linked to drugs

**Gary McLendon**  
Staff writer

State Police believe some kind of drug played a role in a head-on crash that killed two men in Brighton early Sunday.

Herman Bank, 37, of Rochester was charged with driving while ability impaired by drugs after the crash on Interstate 590 at about 1 a.m.

Two men were killed and a teenage girl was injured in the crash that involved a car headed in the wrong direction on the highway.

State Police are continuing the investigation, and a decision on additional criminal charges is pending, said Investigator Chris Burns.

"It's up to the DA (Monroe County District Attorney Michael C. Green). All we've got right now are traffic and vehicular-related charges," Burns said. "It hinges on further investigation and the blood work. It's possible, based on the fact two people have died."

Police had not determined what the drug was as of Sunday evening.

Police identified the victims of the crash as Henry Rivera, 18, and Pedro Hernandez, 20, both of Rochester. A 16-year-old female passenger was injured, police said.

The crash happened when Bank drove a 2004 Mercury Sable south in the northbound lanes of I-590, striking a 1996 Nissan Altima operated by Rivera, State Police said.

Rivera of North Winton Road, Hernandez of Seneca Manor Drive and the injured girl were friends.

Hernandez was pronounced dead at the scene and Rivera died at Strong Memorial Hospital.

Bank, who has no prior offenses for driving while impaired, was taken to Strong Memorial Hospital. He was being treated for two broken legs.

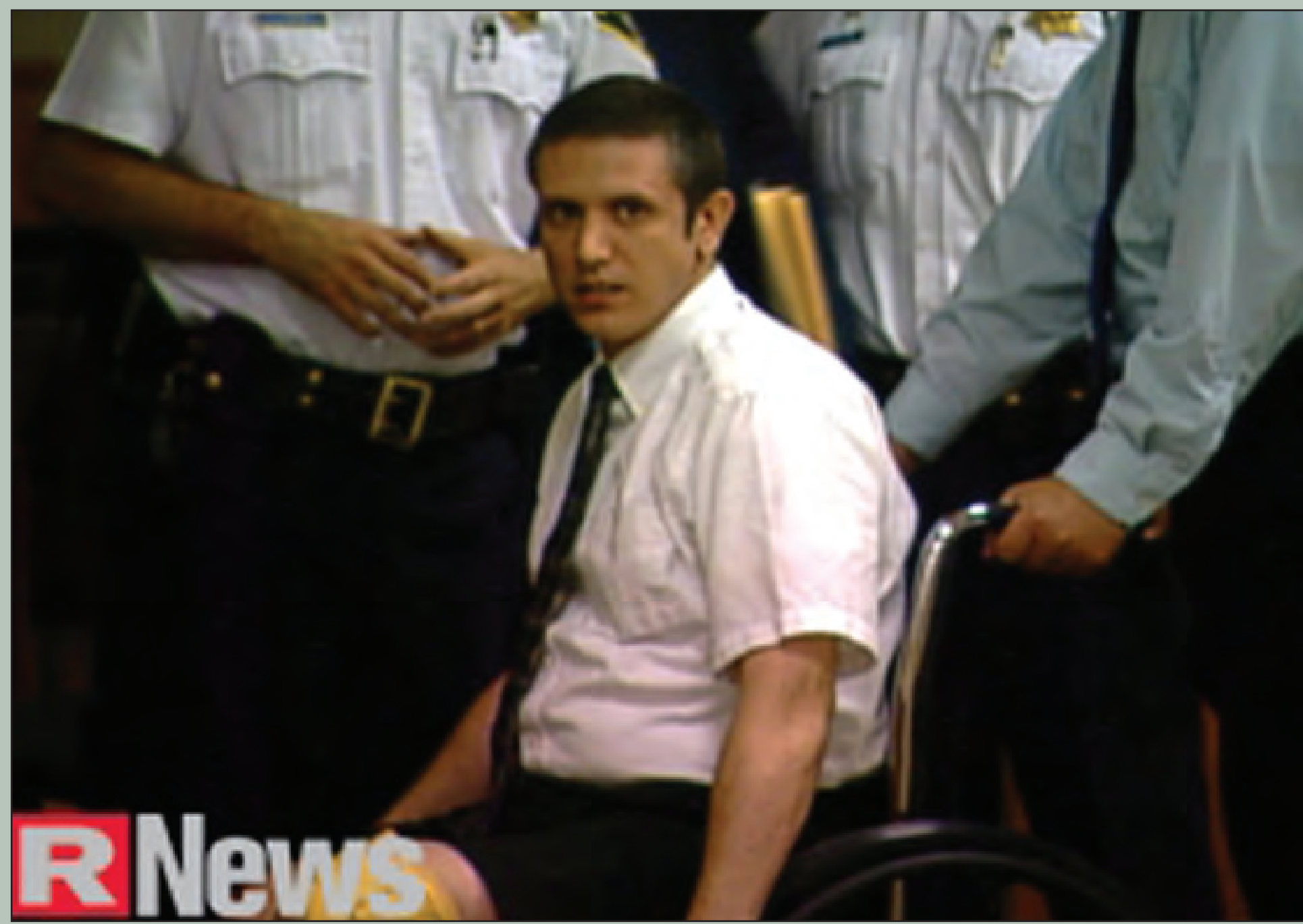
He will answer the traffic violation in Brighton Town Court.

*GMCLENDN@DemocratandChronicle.com*

# First the Crash, Then the Impact:

## COCAINE

### A Crash Waiting to Happen: Herman Bank



Herman Bank in court

“Getting in a cocaine-related crash was not unique for Mr. Bank, but it was unique for people like the kids he killed.

This was one crash, but it was only a matter of time before it would happen... He had three prior crashes involving drugs. They weren't in Monroe County, they were all over New York State and they involved cocaine. This was his fourth drug-related crash in New York State.

On March 25, 2006 in Pavillion, NY on River Road he crashed in a field, went a quarter mile, and drove the car into a drainage ditch. A passerby took him to the hospital. He told the state police, Sergeant Michael Hockey, Troop K, that he was addicted to smoking cocaine and that on July 23rd and 24th he had smoked cocaine... He was taken to the hospital. How can you prove he was the operator? There was no evidence.”

– Interview with Julie Hahn, Chief of the Non-Violent Felony Bureau, Assistant District Attorney, Monroe County, New York, 12.10.12

“Upon his release from Wyoming County Hospital at 8:20am on July 26, 2006, subject [Herman Bank] was transported to the accident scene to retrieve the rental car which was pulled from the ditch by Jim Rudger's Towing.”

– New York State Incident Report (Short Form Report), A1 Troop A-Zone-1, 07.26.06

# First the Crash, Then the Impact:

## COCAINE

### Cocaine Effects



Crack pipe

“Cocaine may successfully mask fatigue, however, high dosages impair judgment and interfere with the ability of the driver to concentrate. Coordination and vision are impaired. There is an increase in impulsive behaviors with tendencies to take more risks and create confusion within the user. A person using cocaine maintains the illusion of being alert and stimulated, although physical reactions are impaired.

Additive effects are noted when cocaine is combined with over-the-counter products, such as diet pills or antihistamines. Cocaine taken with psychotropic drugs, especially antidepressants, can be extremely detrimental. Some users combine cocaine with alcohol and sedatives to cushion the ‘crash’ or feeling of depression and agitation that sometimes occurs as the effects of cocaine wearing off. Further research indicates that additive and antagonistic effects can be produced when cocaine is mixed with alcohol.”

– Excerpts taken from email correspondence with Michael R. Brodeur, Pharm.D.,CGP, FASCP, 07.15.13

# First the Crash, Then the Impact:

# COCAINE

## The Wegmans Crew



Henry's Wegmans cash register

“Working with Pedro and Henry was great. Pedro was a coordinator on the front end... He would answer pages from the cashiers, help customers with any questions, run the schedule for the day... He was pretty easy going and it typically was a fun day at work if Pedro was there. Henry worked on both cash register and Helping Hands. If he was working register, he was sure to have a bag of gummy bears in his drawer. They were both always smiling at work and just tried to make the best out of every day.”

– Email correspondence with Ashley Bleier, crash survivor, 01.18.13

“I turned on the television and the news was that a head on crash had fatal injuries and I saw Henry’s car. The names had not been released, but I had been in that car so many times I knew right away that the puzzle pieces were starting to paint a horrible picture. I rushed into Wegmans so I could see for myself that this was reality.

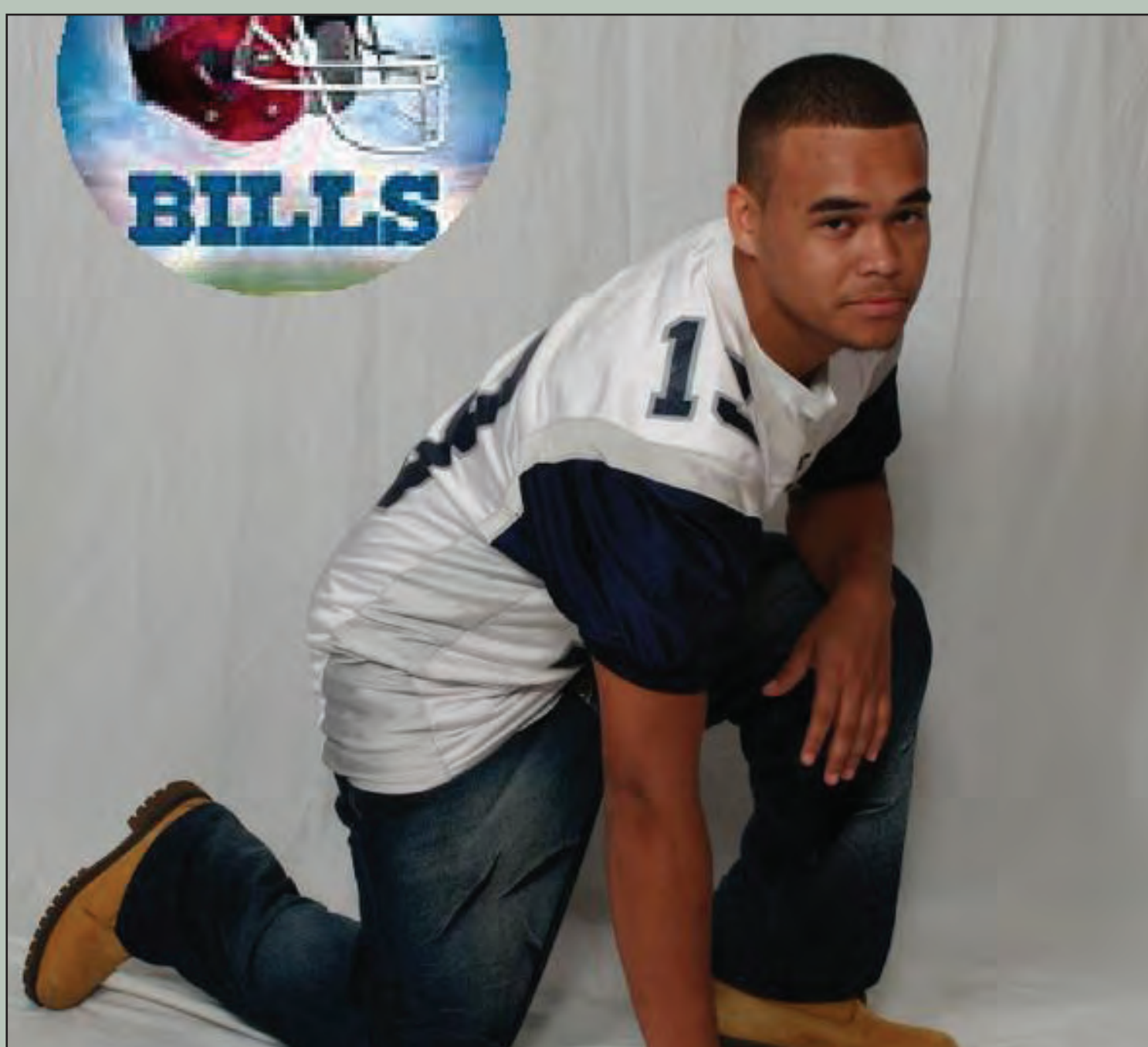
Pedro attended Monroe Community College with me for a year before he passed away. The demand for more training and knowledge is something Pedro and I knew would, in the long run, separate us in the work place. Pedro, like at work, was dedicated and would use his opportunities to the fullest.”

– Email correspondence with Tyler French, Wegmans coworker and friend, 01.17.13

# First the Crash, Then the Impact:

# COCAINE

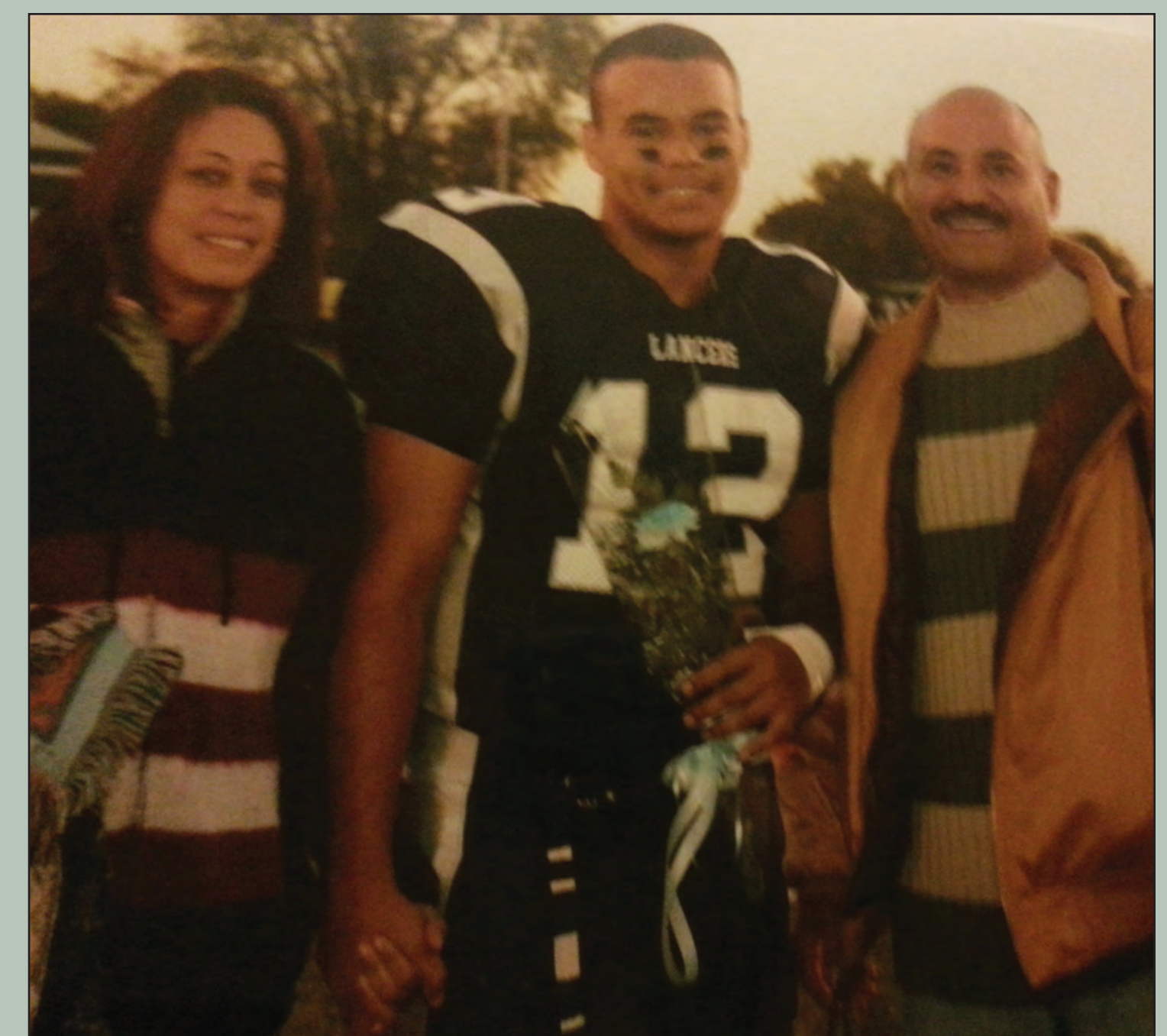
## Henry: An Athlete



Henry "Alex" Rivera, Jr.



Eastridge Lancers, Henry's team



Migdalia and Henry Sr. with their son

"His passion was football. I was a Red Skins fan and my brother-in-law was a Bills fan, and he took Alex (Henry, Jr.) to a Bills game and Alex became a Bills fan. He would dress up in Buffalo Bills football pajamas and shirts. He would watch the game and his brother would be dressed in Red Skin garb, and we would watch the game as a family."

– Interview with Henry Rivera, Sr., Irondequoit, New York, 12.10.12

"Henry was a successful high school football player at East Irondequoit Eastridge... There were countless days that we would be on cashier together and talk sports and school and before we knew it the day was gone. Henry and I were huge Buffalo Bills fans and many of our sports talks were about football."

– Email correspondence with Tyler French, Wegmans coworker and friend, 01.17.13

"Eastridge High School remembered Henry Rivera during the football team's first game of the season. His teammates raised a memorial flag to him before kickoff. The physical education department gave Henry's family his sports locker door. In June, Eastridge honored Rivera by awarding his diploma to his parents."

– *Eastridge Honors Fallen Friend*, YNN News Report, Rochester, New York, 09.01.07



# First the Crash, Then the Impact:

## COCAINE

### I-590, Brighton, NY, Crash Timeline, May 27, 2007



Hometown



Regal Theater



I-590 where crash took place



First responders

***"[Herman Bank's crashes] were all over New York State and they involved cocaine. This was his fourth drug related crash in New York State. He had drug related crashes in 1987, 1990, and 1992."***

— Julie Hahn, Chief of the Non-Violent Felony Bureau, Assistant District Attorney, Monroe County, New York, 12.10.12

**Driver: Herman Bank, 37    Victims: Henry Rivera, 18 (Driver)    Pedro Hernandez, 20    Ashley Bleier, 16**

"Defendant's license, license number 389793077, or Defendant's privilege of operating a motor vehicle in New York State or Defendant's privilege of obtaining a license issued by the commissioner was suspended on the 14 day of Feb. 2007."

— People of the State of New York v. Herman H. Bank, Supporting Deposition Aggravated Unlicensed Operation of a Motor Vehicle in the Third Degree Section 511-1A

**Herman Bank's license is suspended February 14, 2007**

"Pedro and I were at a 'Going Away' party for one of our co-workers. We had plans to be picked up by Henry and go to the movies. When Henry arrived, I decided to stay at the party and they were going to come back to the party after the movies and pick me up."  
— Email correspondence with Tyler French, friend and colleague of the victims, 01.17.13

**Change in Plans**

"As the night wore on, we were all texting back and forth until after midnight. Henry told me they had just left the movies and were on their way to come back and pick me up... this was the last message that I received from either one of them."  
— Email correspondence with Tyler French, 01.17.13

**Henry's Last Message Sunday May 27 12:47 am**

"As 1 am came and left, I was stuck at the party thinking they were bringing Ashley home or stopping at Pedro's apartment."  
— Email correspondence with Tyler French, 01.17.13

**At the Party 1:00 am**

**Saturday May 26 Shopping and a Movie**

"Henry and I had been together just about all day, Saturday, May 26. We went shopping at the mall because my Junior prom was the next day and I needed a few last minute things. After that we decided to go see the third Pirates of the Caribbean movie at the Henrietta Regal theater. We picked up Pedro, who was at a friend's house [and] the three of us were on our way."  
— Email correspondence with Ashley Bleier, 01.18.13

**Mom's Warning**

"I had talked to my Mom a few times during the movie; she did not want us going all the way out to Henrietta so late on a holiday weekend... She told me many times while at the movie, 'Be careful driving home!...' She kept telling me, 'Wear your seat belt!!!' which was never really an issue, more times than not, I wore my seat belt... For whatever reason, that day I did not wear my seat belt all day... luckily I wore it on my way home from the movies."  
— Email correspondence with Ashley Bleier, 01.18.13

**12:58 am Bank Drives the Wrong Way on I 590**

Bank passes Marcus LaBarbera, LaBarbera calls 911. Bank passes Mitchell Krieger, Krieger calls 911.  
— Witness Statements the night of the crash, New York State Police, 05.27.07

**1:00 am In the Car**

"Pedro was on the phone just about the whole time we were in the car. He was in the back seat behind Henry who was driving, and I was in the front passenger seat. We were driving down the left hand lane on 590 North. All of a sudden Henry leans up pointing in between our seats saying, 'OH MY GOD, WATCH OUT!!' Henry swerved the car to the right, and all we saw were head lights."  
— Email correspondence with Ashley Bleier, 01.18.13

# First the Crash, Then the Impact:

# COCAINE

## I-590, Brighton, NY, Crash Timeline, May 27, 2007



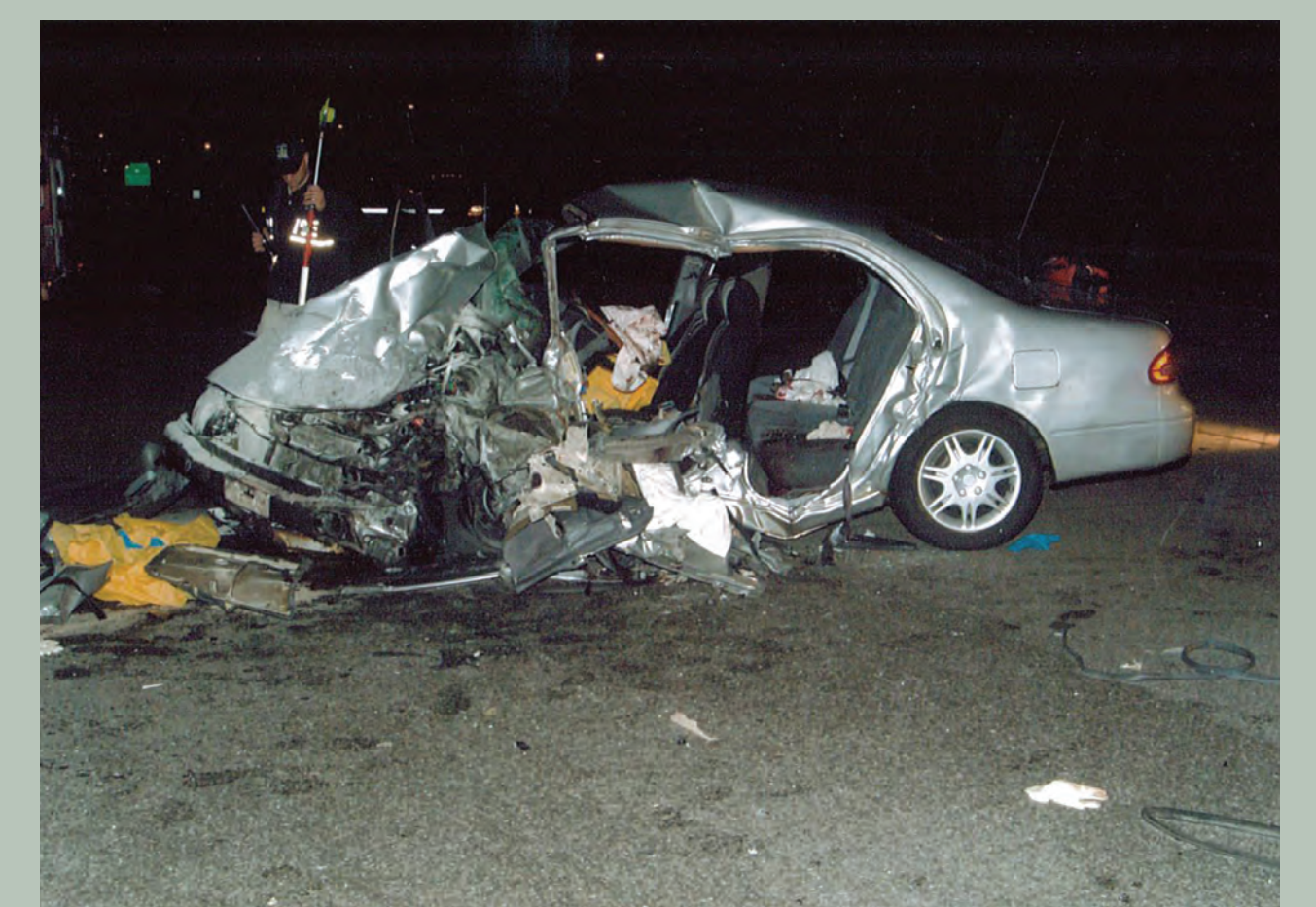
Emergency vehicles at crash scene



Herman Bank's 2004 Mercury Sable



Front view of Herman Bank's Sable



Henry Rivera's 1996 Nissan Altima

***"As Bank's car struck Henry's vehicle, Pedro was trying to get his seatbelt on. He had seen the lights coming."***

– Julie Hahn, Chief of the Non-Violent Felony Bureau, former Assistant District Attorney Monroe County, 12.10.12



# First the Crash, Then the Impact:

# COCAINE

## I-590, Brighton, NY, Crash Timeline, May 27, 2007



Tire marks from crash, Henry Rivera's Altima in background



Rear view of Herman Bank's Sable



Herman Bank's mug shot



Memorial

***"2 am came and left and I started to call and worry that they were upset or had a flat tire. I never thought of what reality had in store. I found a ride home and left them both messages thinking they were angry for some reason [because] I decided not to go to the movie earlier."*** – Tyler French



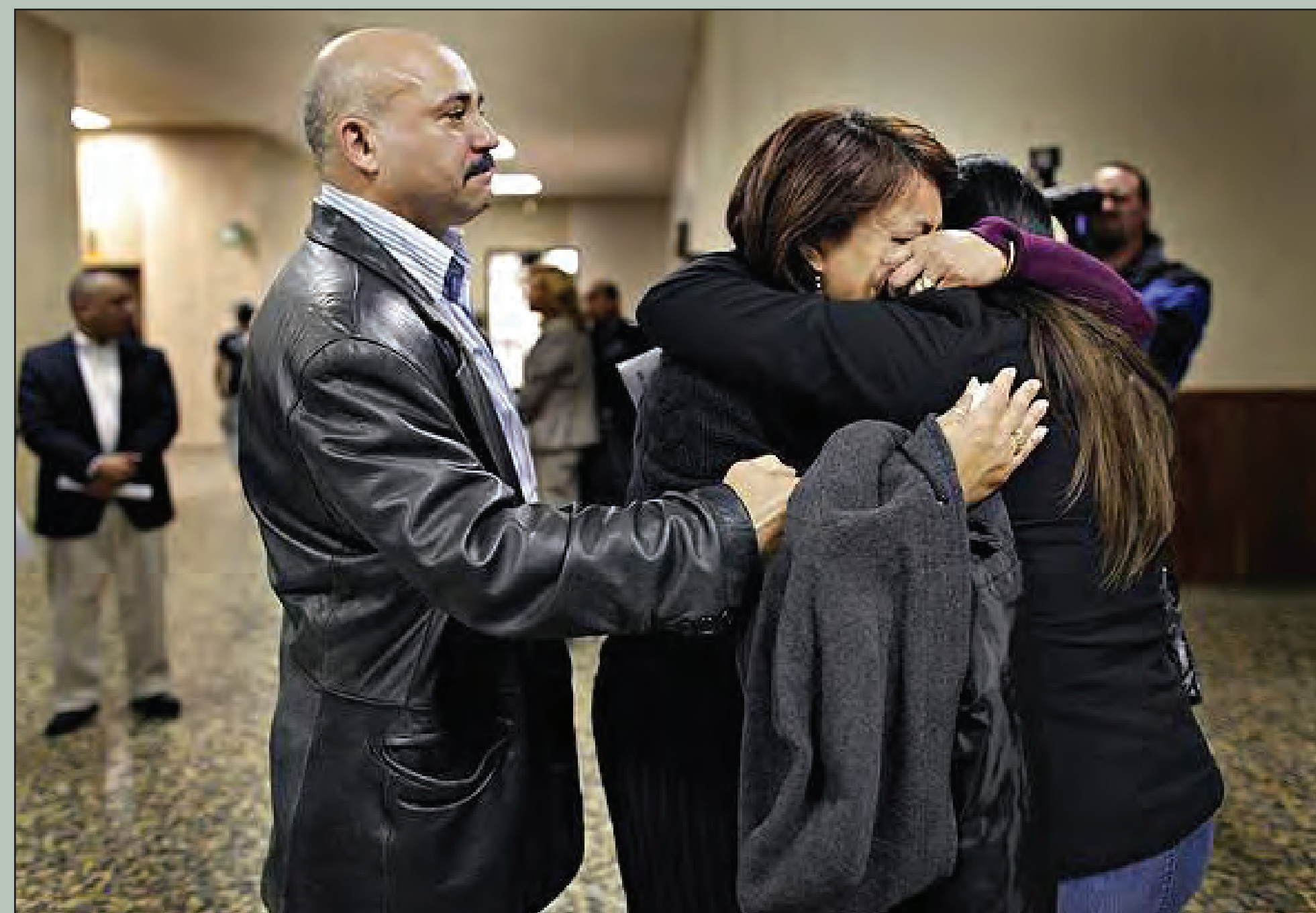
# First the Crash, Then the Impact:

# COCAINE

## Aftermath



Irondequoit High School memorial statue



Henry Rivera stands by his wife Migdalia and Ana DeLaPaz as they hug outside the courtroom after the sentencing of Herman Bank.



Memorial plaque

“I could not let Mr. Banks take anything else from me, so I had to forgive him, and heal with my wife and son, and not let the actions of one person ruin my life.”

– Interview with Henry Rivera, Sr., Irondequoit, New York, 12.10.12

“Joshua [is our] second child. He copes in a different way. He dropped out of sports. He fell into a depression. He did not know how to deal with this. You struggle to get the energy, I was out of work three months. I needed my mind changed, because the tragedy was on my mind constantly, I go into the shower with my pain and I cry for hours.

You should die before your children. It’s like a lightning bolt that hits you and it breaks your heart in pieces. No matter how many years, it is beyond your imagination. No one can know how it hurts to lose a child, you never think you’ll bury your son.”

– Interview with Migdalia Rivera, Irondequoit, New York, 12.10.12

# First the Crash, Then the Impact:

# COCAINE



05/30/2007

## Somber mood fills two schools

**Erica Bryant and Alan Morrell**

Staff writers



Migdalia, Joshua and Henry Rivera Sr. at memorial service.

Following a tragic Memorial Day weekend, many students at Eastridge and Churchville — Chili High schools returned to their classes in tears.

Grief counselors were on hand in both schools Tuesday to help students cope with two Sunday car crashes that left four young people dead.

Eighteen-year-old Henry Rivera of Rochester, a senior at Eastridge High School in the East Irondequoit Central School District, and Pedro Hernandez, 20, of Rochester were killed in a two-car crash on Interstate 590 early Sunday morning.

Then Sunday night, Brian Sayasith and Kaitlyn Palmer, both Churchville-Chili juniors, were killed in a one-vehicle accident

on Ballantyne Road in Chili. Three other teens were in the car, two of whom remain hospitalized in guarded condition, one on life support.

Tuesday afternoon about 1 p.m., police sectioned off space on I-590 to allow about 50 people to gather at the site of the first collision, which police say was caused by Herman Bank. Bank was charged with driving with ability impaired by drugs after he allegedly drove his car south in the northbound lane and struck the vehicle Rivera was driving.

Ashley Bleier, 16, of Irondequoit, was in the car with Rivera and Hernandez during the crash. Her mother, Ellen Bleier, said Ashley was recovering from her injuries and remained pretty shaken.

Mourners left candles, crosses, photographs, flags, prayers and dozens of roses at the memorial to the young men.

"He was such a good guy," said David Lopez, an Eastridge junior who said Rivera had been looking forward to his senior ball and graduation. "I don't know why he had to die."

"He was the nicest guy you'll ever meet," Alana Lacava said of her classmate, Rivera. "He always had a smile on his face."

Employees at the Hudson-Titus Wegmans where Rivera, Hernandez and Bleier worked said that both young men were known for their smiles. Rosemary Rivera (no relation to Henry) remembered Hernandez as an artistic dancer who was full of life. "He was always willing to help," she said. "Where he could and beyond."

"He was a ray of sunshine," said Steven Wright, a prepared food clerk at the same Wegmans.

The store is planning a memorial for Rivera and Hernandez on June 10. "They were well loved," said Wegmans Employee Representative Jim Loiacono. "Customers are coming to me and asking about them."

Gary Dermody, who taught Hernandez chemistry at East High School, called his former student an inspiration. He hopes that others will learn from this tragedy. "Don't get in a car after using a substance and take innocent and decent lives," he said. "We need men like Pedro Hernandez, and the premature passing of Pedro and his friend Henry Rivera is an enormous loss."

*EBRYANT@DemocratandChronicle.com*

*AMORRELL@DemocratandChronicle.com*

*Includes reporting by staff writer Victoria Freile.*

# First the Crash, Then the Impact:

## COCAINE

### In Harm's Way

---



#### **Sierra Gore, 3**

*"[Kim Gore] was all over the road. She was over the double yellow line, and back, and over and back. She narrowly missed colliding with pedestrians, and narrowly missed colliding with cars traveling in the opposite direction as the defendant veered into their lane of travel... Oblivious to her surroundings, oblivious to offers of help, and wearing her seatbelt. And, she was not alone. In the front passenger seat next to the defendant was the defendant's own three year old daughter, Sierra, unrestrained by any seatbelt, not protected by any car seat."*

– Excerpt taken from Orange County Assistant District Attorney Karen Edelman Reyes' closing argument, Goshen, New York, 03.30.10



#### **Conor Gore, 10**

*"[Conor] cried in the back of the house for 20 minutes, 'Why not me?' He felt responsible immediately; he felt there was something he could've done to stop it... [Kim Gore] was confused at the scene of the accident, she yelled out, 'Conor, Conor! Where is Conor?' She was confusing the crashes; she did not know Sierra was in the car. She thought Conor was, and that is why she asked for him."*

– Interview with Kathy Daub-Stearns, Conor and Sierra's Aunt, Whitehall, New York, 04.16.13

*"[Kim Gore's] son Bradley says, when Conor was three, he was in the vehicle with Conor. His mother was high on cocaine and rolled the vehicle over."*

– Interview with New York State Trooper Eric Haydt, Goshen, New York, 10.20.12

# First the Crash, Then the Impact: COCAINE

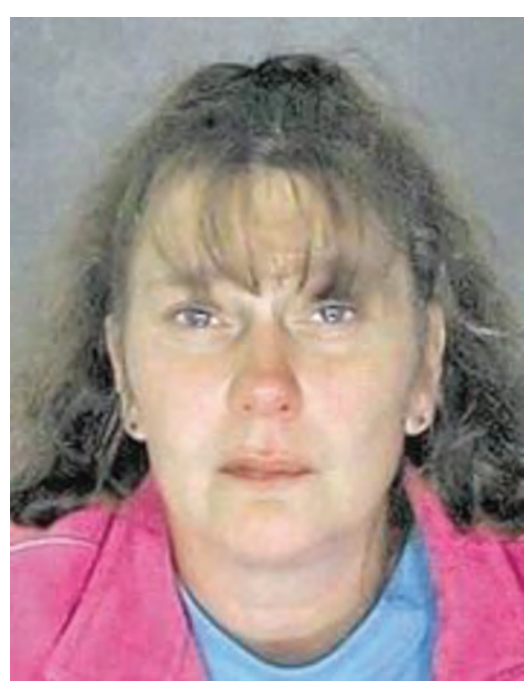
**TIMES HERALD-RECORD**

SERVING  
THE CATSKILLS  
AND HUDSON VALLEY

## Mother didn't protect girl in fatal crash, prosecutor says

By **BY KEITH GOLDBERG**

Times Herald-Record, Published : 2:00 AM - 03/16/10



GOSHEN - Kim Gore had cocaine in her system when she crashed her car, killing her 3-year-old daughter, Sierra, last June, a prosecutor said.

On Monday, the first day of Gore's manslaughter trial in Orange County Court, Assistant District Attorney Karen Edelman-Reyes told jurors that Sierra Gore was standing in the front passenger seat of her mother's Toyota Camry around 6:15 a.m. on June 23 when the car ran off Route 209 and crashed into an earthen embankment.

"Sierra was unprotected," Edelman-Reyes said. "She had no car seat, she had no seat belt, she was not with a mother that was protecting her at that time."

Gore's lawyer, Doug Jones, urged jurors to consider all the evidence and testimony before reaching any conclusions.

Gore, of Cuddebackville, faces six felony charges: first- and second-degree manslaughter, aggravated vehicular homicide, criminally negligent homicide,

two counts of vehicular manslaughter and driving while ability impaired by drugs — plus reckless driving, a misdemeanor. Her trial is expected to last at least a week.

As she took her seat at the defendant's table, Kim Gore mouthed the words, "I love you" to her relatives sitting directly behind her.

As Edelman-Reyes presented autopsy photos to her first witness, the paramedic who treated Sierra Gore at the crash, Kim Gore wept.

Sierra's father, David Gore, sat with his relatives on the opposite side of the courtroom. After lunch, Judge Robert Freehill ordered David Gore to leave the courtroom because he is a potential witness.

With David Gore out of the courtroom, Edelman-Reyes began questioning Trooper Jared Lamonica, who responded to the crash. She asked Lamonica what Kim Gore said in a police car after she was arrested last September.

Lamonica said Gore kept asking how Sierra died.

# First the Crash, Then the Impact:

## COCAINE

### The Girl in Pink



Beautiful Sierra

***“Sierra was a joy to behold; a little girl who already knew accessories make the outfit by wearing a tiara, glass slippers (two sizes too big) and a pink dress over her blue jeans.”***

– Email correspondence with Kathy Daub-Stearns, Sierra’s Aunt, Whitehall, New York, 03.04.13

“I thought something was wrong when I got to the scene because I had heard she had made a very wide turn and it was a straightaway. How could she have missed seeing that embankment? She never mentioned her little girl... Ron (a witness) told be about the wide turn, and the girl with her hands on the window, standing up in the pink dress.”

– Interview with New York State Trooper Eric Haydt, Goshen, New York, 10.20.12

“She loved making me tea and she loved making cakes. She had a toy kitchen set, pots and pans- she was just getting into the pretend stage, she liked rhyming poems because she could remember them. She would make conversation in rhyme.”

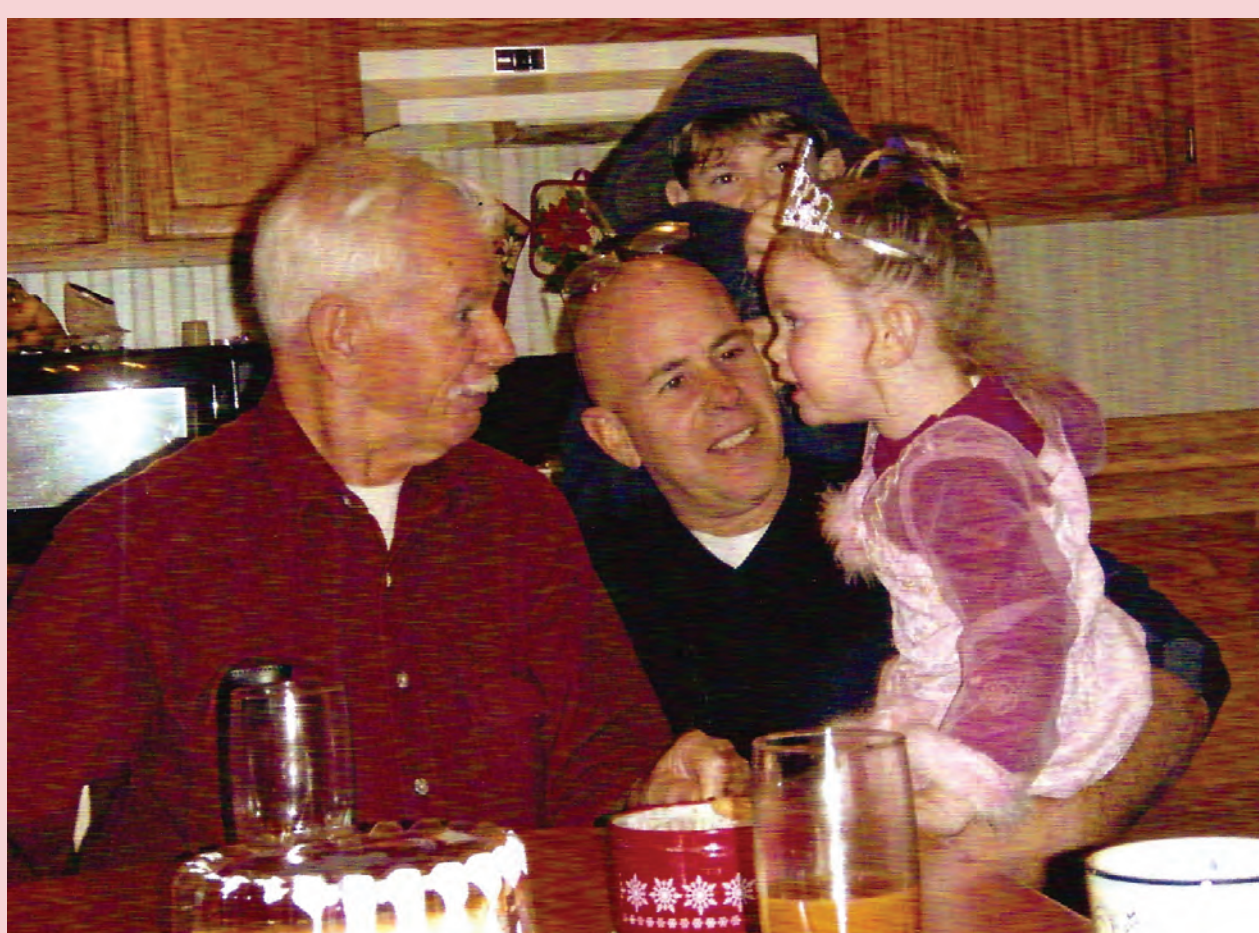
– Interview with Kathy Daub-Stearns, Sierra’s Aunt, Whitehall, New York, 04.16.13



# First the Crash, Then the Impact:

## COCAINE

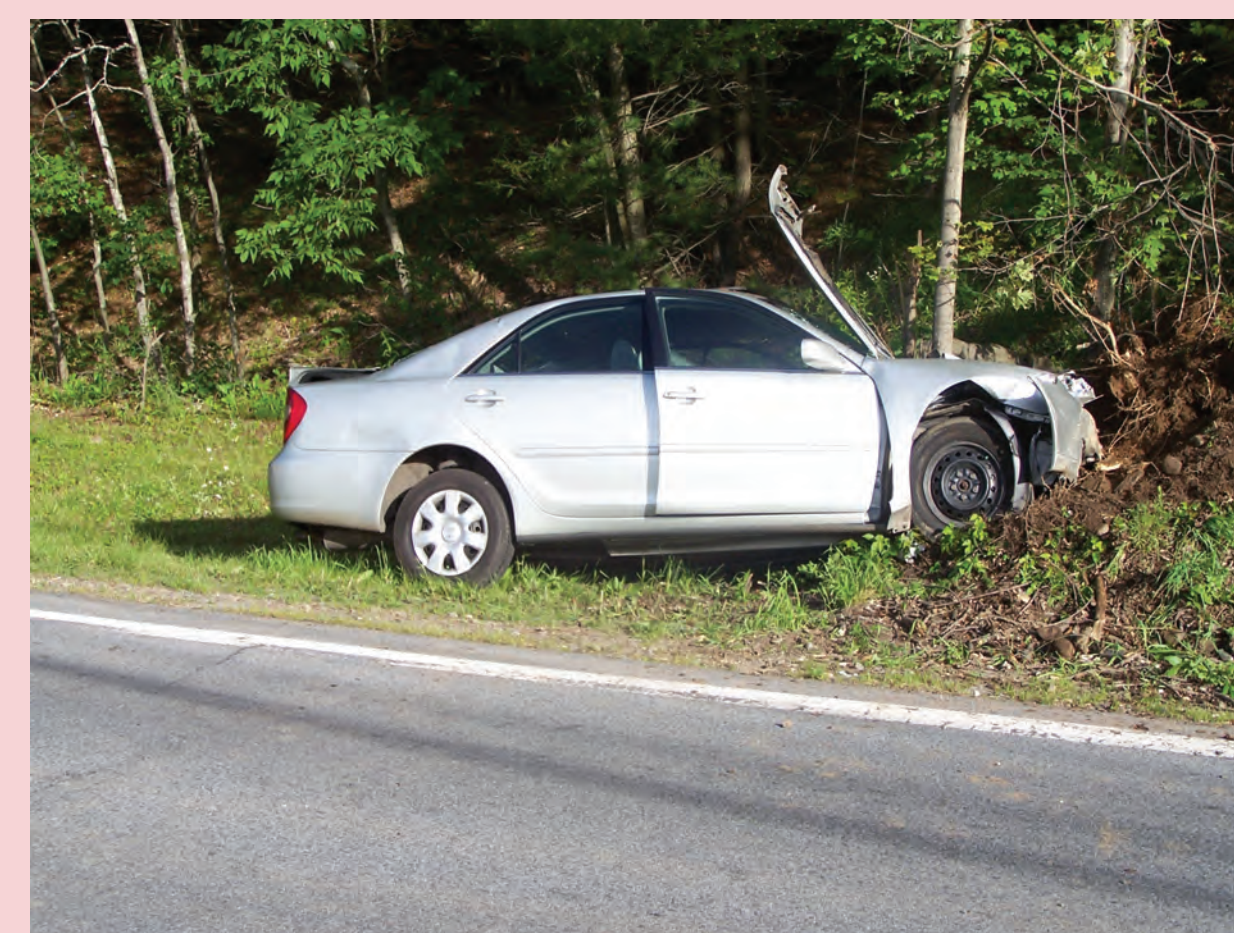
### Route 209, Cuddebackville, NY, Crash Time Line, June 23, 2009



Celebrating third birthday with family



Route 209



Kim Gore's 2003 Toyota Camry



Sierra's unused car seat

#### **"Mommy, the man..."** – Sierra Gore **Driver: Kim Gore, 40** **Victim: Sierra Gore, 3**

"[Kim Gore] had two prior convictions for 11-94.4, driving while high on cocaine, and we could not tell the judge. She was arrested in the Village of Monticello.

She told a police officer that she was driving high on cocaine and gave a blood sample and was released.

She went back to the party and got high again and was rearrested in Fallsburg.

She crashes her car and again tells the officer she is high on cocaine."

– Interview with Assistant District Attorney Karen Edelman-Reyes, Goshen, New York, 10.20.12

"A check of the operator's driving history in the State of New York revealed...

a conviction for driving while ability impaired by drugs which resulted in a personal injury collision on 6/16/04

and a conviction for driving while ability impaired by drugs on 6/21/04."

– Excerpt taken from "Driver History," New York State Police Troop "F" Collision Reconstruction Unit, SP Middletown FIU Case #09-360, SP Middletown BCI Case #3070476, pg 6, 06.23.09

"I, Joseph Gallo, a New York State Correction Officer in uniform, was on my way to work...[when] I came across [a car] pulled over on the right side of State Route 211... I stopped parallel to the car [and] pulled up to the driver's side of her car and rolled down my passenger side window and her driver's side window was open.

I asked if she was stuck, do you need help? I will help you.

But received no acknowledgement from the woman...

The little girl, standing on the passenger seat in the front of the car, said,

'Mommy, the man....,' paused and started crying.

The woman just rolled up her window,

locked her door and continued to try to get the car in gear."

– Excerpts from Supporting Deposition (CPL Sec. 100.20) of Joseph Gallo, 06.24.09

"A guy...also stopped when I stopped. We were trying to get into the car to help, but the doors were locked...We saw the little girl under the dashboard, face up with her feet up by the seat...she was coughing up blood...

The driver was pinned under the steering wheel screaming for her kids."

– Excerpts from Supporting Deposition (CPL Sec. 100.20) of Ronald Zingaro, 06.23.09

#### **Drugged Driving Pattern** **June 2004**

#### **Monday, June 22nd, 2009** **Sierra Is Not Buckled In**

"Kim takes her husband Dave to work. He is going to California... He gives her \$100 dollars.

[That] afternoon, [Kim's son] Conor is playing with his friends.

His mother comes up to get some money from him.

He sees Sierra in the back of the car, but the car seat is not buckled.

He tells his mother that Sierra is not buckled.

He is 12 and he will not give his mother the money she asked for because he doesn't want her to spend it on drugs.

He only gave her \$20. He had taken the money that was on the table, so that his mother could not have it. It was \$63 remaining from the \$100.

[Conor] goes home that night and sleeps on the couch next to the doorway...

Sierra and her mother spent the whole night in the car."

– Interview with Assistant District Attorney Karen Edelman-Reyes, Goshen, New York, 10.20.12

#### **"Do You Need Help?"** **Tuesday, June 23rd, 2009** **6:00 am**

#### **Trying to Help** **6:18 am**

#### **6:10 am** **CRASH**

"I observed a vehicle make a right turn into the southbound lane onto State Route 209 from State Route 211. The vehicle stayed in the southbound lane for about 15 feet and swerved back into the northbound lane to avoid a southbound car. The vehicle then stopped in the northbound lane.

I pulled up along the passenger side...[and] rolled my window down and saw a little girl between the ages of 3 or 4 years old standing on the front passenger seat with her hands on the passenger front door crying like she needed help.

The driver looked like she was leaning over by the left hand side of the car like she dropped something. I asked if everything was ok and did not get a reply. The driver...then pulled the little girl down by her left arm and sat her in the front passenger seat and did not put restraints on her.

She then...continued to travel northbound and swerved back into the southbound lane... almost [hitting] four people walking along...and swerved back into the northbound lane to avoid a second southbound vehicle...she continued ...at a fast rate of speed and drifted back to the southbound land and swerved back to avoid a third vehicle...then drifted back into the southbound lane onto the dirt shoulder, then hit a dirt embankment...I was on the phone with 911 to report what I was seeing."

– Excerpts from Supporting Deposition (CPL Sec. 100.20) of Ronald Zingaro, 06.23.09

# First the Crash, Then the Impact:

## COCAINE

### Route 209, Cuddebackville, NY, Crash Timeline, June 23, 2009



Rear view of Camry on embankment



First responders at crash scene



Front view of Camry



Interior view of Camry on embankment

"Kim Gore was transported by Regional Ambulance to Cuddebackville Fire Department to an awaiting helicopter... was [then] flown to Westchester Medical Center, Valhalla, NY."  
 – Investigator Joseph Gallagher, New York State Incident Report, pg 4, 06.25.09

"Sierra Gore had been transported to Bon Secours Community Hospital... Port Jervis, NY where she succumbed to her injuries."  
 – New York State Department of Motor Vehicles, Police Report for Fatal Motor Vehicle Accidents, MV-104d (3/02), written by Trooper J.L. Lamonica, pg 1 and Investigator Joseph Gallagher, New York State Incident Report, pg 4, 07.10.09

"[After Trooper Rosenthal read refusal...and Miranda...]  
 Kim Gore then admitted that she has prescriptions for Percocet and Xanax, but did not state whether she had taken any tablets prior to operating the vehicle. [She] also stated she does not drink, referring to alcohol. Kim...signed off on the consent...to obtain blood for the purpose of testing it for narcotics."  
 – Investigator Joseph Gallagher, New York State Incident Report, pg 4, 07.10.09

"[Kim] had admitted to using drugs in the ER because she was afraid they would give her something that could cause her to overdose and that she had kept asking about her son, where was her son."  
 – Email correspondence with Kathy Daub-Stearns, Sierra's Aunt, Burlington, Vermont, 03.23.13

"I first heard from my brother David the morning of the accident. I was his first call after being contacted by the police. When David called he was hysterical. I couldn't understand what he was trying to tell me, he was crying so hard. I eventually understood that Kim had been involved in an accident with Sierra in the car. Kim had been airlifted to a Level 1 Trauma Center and Sierra was taken to Bon Secours Hospital and that Conor had been home alone all night."  
 – Email correspondence with Kathy Daub-Stearns, Sierra's Aunt, Burlington, Vermont, 03.23.13

**Emergency Medical Services Arrive at the Scene 6:33 am**

**Sierra is Pronounced Dead 7:05 am**

**At the Hospital 9:10 am**

**Sierra's Aunt Learns of the Crash 9:40 am**

7:00 am

**Investigator Joseph Gallagher joins Sr/Inv. Mullen, Sgt. Beers, Troopers Rapp and Lamonica on scene investigating the crash.**

8:45 am

**Seeking the Next of Kin**

Officer Joseph Gallagher and Trooper Rapp go to the home of Kim Gore and find 12 year old Conor home alone. "Conor stated that his mother was not home and did not know her whereabouts... continued to tell us that his father, David Gore, was in California... installing sprinklers."  
 – Investigator Joseph Gallagher, New York State Incident Report, pg 4, 07.10.09

9:34 am

**Sierra's Father Learns of the Crash**

"I contacted David Gore who was in California on business. I stated to him that he needed to get home as soon as possible... David said he would contact his father, [Alfred Gore], in New Jersey and his sister, [Kathy Daub-Stearns], in Vermont."  
 – Investigator Joseph Gallagher, New York State Incident Report, pg 4, 07.10.09

11:30 am

**Sierra's Aunt Learns of her Death**

"An officer called me on my cell and asked if I was at the hospital. I said I was on Interstate 84. I should be there within a hour. He said he would meet me at the hospital morgue. I immediately pulled over and shook violently and cried uncontrollably...Until that moment I didn't know she was gone..."  
 – Email correspondence with Kathy Daub-Stearns, Sierra's Aunt, Burlington, Vermont, 03.23.13 & 04.18.13

# First the Crash, Then the Impact:

## COCAINE

### Route 209, Cuddebackville, NY, Crash Timeline, June 23, 2009



Open glove box in Gore's car



Prescription pill bottle at crash scene



Front view of impact damage on Gore's Camry



Impact of Gore's Camry on embankment

***"Sierra was a three and half year old in a full diaper...Sierra and her mother spent the whole night in the car."***

– Interview with Assistant District Attorney Karen Edelman-Reyes, Goshen, New York, 10.20.12



# First the Crash, Then the Impact: COCAINE

**TIMES HERALD-RECORD**

SERVING  
THE CATSKILLS  
AND HUDSON VALLEY

## Mom gets max in tot's death

Judge, family  
condemn her  
lack of remorse

BY HEATHER YAKIN  
Times Herald-Record

**GOSHEN** – Her father remembers how Sierra Gore used to hold his hand and ask questions, and how she loved chasing butterflies. The bubbly 3-year-old called her aunt on the phone to sing her songs.

Sierra's own mother, Kim Gore, took all of that away.

On June 23, 2009, Kim Gore was on drugs and driving erratically when she crashed into an earthen embankment on Route 209 in Cuddebackville. Sierra, who was not belted into a car seat, was killed.

"When I think back over the last year and three weeks, and what my life has become without Sierra, it's just one of total devastation," Sierra's father, David Gore, told Judge Robert Freehill on Friday in Orange County Court. He spoke at his estranged wife's sentencing; a jury convicted her March 30 of aggravated vehicular homicide and second-degree manslaughter, felonies.

David Gore steeled himself, hands on hips. But his voice shook as he talked about never seeing Sierra go to school or graduate or get married.

"I've been sentenced to a lifetime of wondering, of unfulfilled dreams," he said. "I'm left every day with the image of my baby girl crying out for help, and her mother not paying attention."

He and his sister, Kathy Daub-Stearns, said Sierra's loss has devastated their family.

"They say time heals. I don't think it does. It may change, but this is forever," Daub-Stearns said. "Not once did she (Kim Gore) say 'I'm sorry.' Not once did she show any emotion that wasn't concern about herself. She sentenced us to eternal loss."

David Gore and Assistant Dis-



**"Not once did she (Kim Gore) say 'I'm sorry.' Not once did she show any emotion that wasn't concern about herself."**

KATHY DAUB-STEARNES  
Sierra Gore's aunt

trict Attorney Karen Edelman-Reyes asked Judge Robert H. Freehill to give Kim Gore the maximum sentence.

Just before the crash, Edelman-Reyes noted, a good Samaritan who pulled alongside the car saw Sierra, crying, standing on the passenger's seat with her hands pressed against the window as if asking for help. At trial, Kim Gore blamed the crash on Sierra, on the man who tried to help, on car trouble.

"This is the heart and the mind of the person who killed Sierra Gore," Edelman-Reyes said.



**"I'm left every day with the image of my baby girl crying out for help, and her mother not paying attention."**

DAVID GORE  
Sierra Gore's father

Kim Gore's lawyer, Douglas Jones, asked for the minimum sentence, arguing that a later blood test didn't show cocaine, that the car could have malfunctioned and that a child could unbuckle herself from the car seat.

Kim Gore wept throughout the proceedings. She gulped for breath as she said she misses her daughter, too.

"I wish I could hold her and tell her how sorry I am," she said. "There's not a day that goes by that I don't wish I'd gone with her."

She said she was sorry for put-

ting her family through this, that she would never intend to hurt one of her children, that she'll never forgive herself for not buckling Sierra back in.

Freehill gave her the maximum: 8½ to 25 years for aggravated vehicular manslaughter, with five to 15 years concurrent for manslaughter.

"You blame everyone else but yourself," Freehill said. "And I really do not see at this point that you really do experience any remorse. I think it's 'poor Kim.'"

hyakin@th-record.com

# First the Crash, Then the Impact:

## COCAINE

### Remembering Sierra



Smiling Sierra

“Remembering Sierra brings a smile to my face just as tears fill my eyes... Sierra had a way of making you feel special when truly it was she that was special. She sang little ditties, words and melody made up as she went along, followed by an announcement that the song was just for you, because she loved you. Her laughter was contagious... Sierra’s birthday was a few days ago, reminding us again that we will never get to know the woman Sierra would have become. My heart aches, there will be no new memories. . .”

– Email correspondence with Kathy Daub-Stearns, Sierra’s Aunt, 03.04.13

“Her death infected us and affected us too... my little girl could be an identical twin to Sierra. I wanted to scream to Kim, “Shame on you.”... If you think of the last moments of Sierra’s life, she had her back to her mother and was pleading with a strange man for help. There were handprints on the window and a crying child... After Sierra’s crash we had the Taconic crash and then Leandra Rosado’s crash. How many deaths will it take? I always think, ‘How many criminals are driving drugged and we are missing them?’ If the death of a 3 and half year old child cannot get a change in the law, what can?”

– Interview with Assistant District Attorney Karen Edelman-Reyes, Goshen, New York, 10.20.12

# First the Crash, Then the Impact:

# COCAINE

## Sierra's Law – A Proposal



Public service billboard

In 2013 the New York State Senate passed Sierra's Law, which honors 3 year old Sierra Gore, the innocent victim of her mother Kim Gore's choice to use illegal drugs and drive. The proposed law, which was sponsored by Senator Charles Fuschillo (LI) and introduced in the State Assembly by Assemblywoman Aravella Simotas (Queens), provides law enforcement with a better way to identify the use of drugs, other than alcohol, by drivers through the use of saliva swabs and specially trained law enforcement officers.

Often drivers exhibiting signs of impairment during a field sobriety test may, upon the administration of a roadside breath test, show no or low alcohol. The authorized use of a saliva swab will provide police officers with an alternative, non-intrusive method for confirming or dismissing whether the grounds for failing the Standard Field Sobriety Tests [SFST] is related to impairment by drugs.

Additionally, by combining the use of saliva swabs and increased training of police officers in drug recognition, Sierra's Law could make it possible to establish sufficient grounds to obtain a court order for a mandatory blood test where a suspected drugged driver has caused the death of another, as was the case with Sierra.

**Over the past several years, the number of persons arrested and convicted for driving while impaired by drugs has increased by about 15%, while the number of persons convicted of driving while intoxicated or under the influence of alcohol has dropped by approximately 20%.**

– Created with excerpts from New York State Assembly and New York State Senate memoranda, (A8006-2013 and S5345-2013) in support of legislation, 06.14.13

# First the Crash, Then the Impact:

## COCAINE

### Acknowledgments

#### **Special thanks to the following individuals for their support and participation in this exhibit:**

Melanie S. Beardsley, Dr. Jeanne M. Beno, Ph.D., Ashley Bleier, Michael R. Brodeur, Pharm.D., Erica Bryant, Gary Craig, NYSP Superintendent Joseph A. D'Amico, Kathy Daub-Stearns, DA Sandra Doorley, Peggy Duffy, Linda Edwards, First ADA Michael Finn, Andrew Flynn, R. Ph., Tyler French, Inv. Joseph Gallagher, Joseph Gallo, Keith Goldberg, David Gore, The Gore Family, ADA and Chief of the Non-Violent Felony Bureau Julie Hahn, Christina M. Hale, NYSP Trooper Eric Haydt, John Jones, Rommel Kirchoff, NYSP Trooper J.L. Lamonica, NYSP Trooper T.J. Loewke, NYSP Lieutenant Glenn R. Miner, Alan Morrek, Diana Palotas, DA Terrence M. Parker, DA Frank Phillips, ADA Karen Edelman-Reyes, Henry Rivera, Sr., Migdalia Rivera, The Rivera Family, Dean Sarah Scarpace, Pharm. D., Seth Vorhees, Heather Yakin, Ronald Zingaro

#### **Special thanks to the following institutions and organizations, without which this exhibit would not have been possible:**

Allegany County District Attorney's Office, Albany College of Pharmacy and Health Sciences Department of Pharmacy Practice, City of Rochester, Design Function, Irondequoit School District, Monroe County District Attorney's Office, Monroe County Medical Examiner's Office, Monroe County STOP-DWI Program, Mothers Against Drunk Driving (M.A.D.D.), National Highway Traffic Safety Administration, New World Business Solutions LLC, New York State Governor's Traffic Safety Committee, NYSP Central Records Bureau, New York State Police, Troops A & F, Orange County District Attorney's Office, Orange County STOP-DWI Program, Rachel's Family; the Goldsteins, Rochester Democrat and Chronicle, Shutterstock, Times-Herald Record, Town of Brighton, [www.drugs.com](http://www.drugs.com), [www.towardtheheart.com](http://www.towardtheheart.com), YNN Rochester

#### **Recognition to the Lewis Henry Morgan Institute, SUNY-IT staff and faculty, the creators of this exhibit:**

Kaitlin Altone, Francis Connors, Ilona Flores, Denis Foley, Elizabeth Hall, Andrew Jackson, Bridget Kelly-Stein, Ed Ostberg, Matthan Redman, Maria Sohn, Andrew Wolfe