

GRAND JURY FILES FIVE COUNT INDICTMENT ON CHARGES OF MANSLAUGHTER AND OTHER
OFFENSES IN CONNECTION WITH THE DEATHS OF TWO NYC FIREFIGHTERS AND INJURIES
SUSTAINED BY FOUR OTHERS

Bronx District Attorney Robert T. Johnson announced today that an indictment was unsealed charging three individuals and a corporation with manslaughter and reckless endangerment, in connection with a blaze in which two firefighters were killed and four others were injured on January 23, 2005. The indictment is the result of a 14 month long joint investigation by the Bronx District Attorney's Office, The New York City Department of Investigation and the New York City Fire Department.

The deaths and injuries were the result of firefighters becoming trapped because of the illegal subdivision of apartments in the building at 236 East 178th Street in the Tremont section of the Bronx. Partition walls that were built in order to create additional bedrooms blocked access to a fire escape, thereby forcing the firefighters to jump from a fourth floor window in order to avoid being burned.

Rafael Castillo, 55, has been indicted on two counts of Manslaughter in the 2nd degree, two counts of Criminally Negligent Homicide, and one count of Reckless Endangerment in the 2nd degree. The most serious offense, Manslaughter in the 2nd degree is a Class C felony offense punishable by up to 15 years imprisonment. Criminally Negligent Homicide is a Class E felony offense punishable by up to 4 years imprisonment. Reckless Endangerment in the 2nd degree is a Class A misdemeanor punishable by up to 1 year in jail. The corporation, if found guilty, could be fined as much as \$15,000. Two other individuals named in the indictment, including the building's former owner and the indicted corporation that currently owns the property, will be arraigned at a later time.

District Attorney Johnson said: "It is unconscionable that human life could be sacrificed and destroyed because of hazardous conditions created solely because of someone's hunger for bigger profits. Firefighters risk their lives daily to serve and protect all of us; For them to perish, allegedly at the hands of people with such reckless disregard for human life, is particularly tragic."

Department of Investigations Commissioner Rose Gill Hearn said: "The City of New York suffered a great loss as a result of the fire in the Bronx on January 23, 2005. These defendants' reckless actions created dangerous conditions within this residence where Lt. John Bellew and Lt. Curtis Meyran jumped to their deaths. DOI is pleased to hear of today's indictments and believes justice will be served. DOI thanks District Attorney Johnson for bringing this case which is so important to the families of the victims and to the City."

Fire Commissioner Nicholas Scoppetta said: "Firefighting is an extremely dangerous profession, and it is made all-the-more dangerous when living spaces are illegally carved up by individuals who are motivated by greed. This activity poses a threat not only to our firefighters, but to the individuals living in these unsafe conditions. This indictment sends a strong message to property owners and tenants that we will not tolerate this illegal practice. I want to thank Bronx District Attorney Robert Johnson, DOI Commissioner Rose Gill Hearn and our Chief Fire Marshal Louis Garcia for working together cooperatively and effectively in bringing this indictment."

The top counts in the indictment alleges that Castillo and the other defendants "recklessly caused the deaths of Lt. John Bellew and Lt. Curtis Meyran by creating and allowing dangerous conditions at 236 East 178th Street, which resulted in a fire." The indictment also alleges that the defendants had acted "with criminal negligence" in causing the deaths of the two firefighters, and "recklessly engaged in conduct which created a substantial risk of serious physical injury" to firefighters and residents of an occupied building. Castillo was the lease holder of the third floor apartment where the fire started before spreading to the fourth floor apartment directly above; Both were three bedroom apartments that were illegally subdivided into five bedrooms with locks on each bedroom door. The fire was determined to have originated in Castillo's third floor

apartment in a failed electrical extension cord which overheated and caused a short in an outlet which in turn set a bed on fire. Firefighters were in an identically subdivided apartment on the fourth floor searching for any occupants who may still have been on the premises, when the blaze spread and trapped them.

In addition to the deaths of Lt. Meyran and Lt. Bellew, the crimes alleged caused injuries to Lt. Joseph DiBernardo and Jeffrey Cool, of Rescue Company 3, and Eugene Stolowski and, Brendan Cawley, of Ladder Company 27, The injuries to DiBernardo, Cool and Stolowski were massive, requiring dozens of surgeries and ongoing medical treatment.

District Attorney Johnson and Commissioners Hearn and Scoppetta thanked members of their staffs, as well as federal ATF personnel, for the dedication and hard work that led to this indictment following a 14 month long joint investigation: DOI Deputy Inspector General Joseph Ferraro and Special Investigator John DeValle; FDNY Chief Fire Marshal Louis Garcia, Supervising Fire Marshal John David Lynn and Fire Marshal Lawrence Pliska; Assistant Special Agent in Charge, Delano Reid, U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, & Explosives, Assistant District Attorney Stephen Bookin, Chief of the Investigations Division, Assistant District Attorney Richard Baker, Chief of the Arson /Auto/ Economic Crimes Bureau, Senior Trial Assistant District Attorney Jeffrey Glucksman and Senior Trial Assistant District Attorney Miriam Bell-Blair.

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