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**MECHANIC INDICTED ON CRIMINALLY NEGLIGENT HOMICIDE IN FATAL
ELEVATOR PLUNGE IN BRONX BUILDING
Elevator Fell Six Stories, Crushing Victim
Defendant Allegedly Failed to Execute Safety Procedures**

Bronx District Attorney Darcel D. Clark today announced that a mechanic has been charged with Criminally Negligent Homicide for failing to implement critical safety features, which led to an elevator collapse that killed his co-worker.

District Attorney Clark said, “The defendant, a mechanic, was working with the victim to upgrade an elevator inside a Bronx building. The defendant allegedly failed to comply with multiple safety protocols, and because of those faults the elevator car plunged six stories, killing his co-worker. If safety measures had been followed, the victim would still be alive today. The defendant was arraigned today on Criminally Negligent Homicide.

“Coincidentally, this week is Construction Safety Week, which brings awareness to vital safety practices in the construction industry. Jobs in this field can be extremely dangerous, and workers must be protected. Regulations must be followed to prevent perilous situations and work-related deaths.”

New York City Department of Investigations Commissioner Jocelyn Stauber said, “A worker was fatally crushed by a free-falling elevator because his supervisor, an experienced mechanic, failed to follow the most basic safety protocols, as alleged in the indictment. This senseless tragedy was entirely preventable, and I thank District Attorney Clark for her commitment to hold accountable those who flout the City’s Building Code.”

District Attorney Clark said Peter Milatz, 67, of Orange County, NY, was arraigned today on one count of Criminally Negligent Homicide before Bronx Supreme Court Justice George Villegas. He was given supervised release and is due back in court on June 8, 2023.

According to the investigation, on February 18, 2021, the victim, Joseph Rosa, 25, an apprentice mechanic, was working with Milatz, a senior mechanic who has since retired, on the



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modernization of an elevator inside a six-story building located on 133rd Street East Clarke Place. At the time of the incident, Milatz and Rosa were working on replacing the steel-wire ropes that ran between the elevator cabin and the elevator counterweight. Milatz allegedly instructed Rosa to go to the pit at the bottom of the shaft while he worked on the sixth floor, where the elevator cabin was. Rosa secured the counterweight, a standard procedure, then used a small saw to cut through the ropes, at Milatz's instruction. The elevator cabin plunged down the shaft and crushed Rosa.

According to the investigation, the defendant allegedly failed to comply with a procedure that required him to "hang" the elevator cabin, which suspends chains and/or engages the elevator's brake. That procedure prevents the elevator from falling when the ropes are cut. Additionally, the defendant allegedly removed a critical safety feature called the governor--which triggers the braking system on all elevators--two weeks earlier in order to replace it with a new one. The replacement would not fit properly, but instead of reinstalling the old governor, Milatz allegedly continued to work on the elevator without the safety feature.

The case is being prosecuted by Senior Investigative Counsel James Goward, under the supervision of Denise Kodjo, Deputy Chief of the Investigations Division, and Wanda Perez-Maldonado, Chief of the Investigations Division. District Attorney Clark thanked Frank Chiara, Chief of BXDA Detective Investigators, and Trial Preparation Assistant J'Roma Parker.

District Attorney Clark thanked Department of Investigations Confidential Investigator James Ferris, under the supervision of Assistant Inspector General Rob Miller, Deputy Inspector General Ed Zinser, Senior Inspector General Greg Cho, Deputy Commissioner/Chief of Investigations Dominick Zarrella and First Deputy Commissioner Daniel G. Cort.

District Attorney Clark also thanked Department of Buildings Chief Inspector Luis Vazquez.

An indictment is an accusatory instrument and not proof of a defendant's guilt.

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