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**CRIMINAL CHARGES AGAINST ALLEGED DRAG RACERS TO BE UPGRADED
TO MANSLAUGHTER FOLLOWING DEATH OF 12-YEAR-OLD PASSENGER**

Queens District Attorney Richard A. Brown today announced that criminal charges against two Flushing teenagers accused of participating in an illegal street race last week – in which their cars collided and critically injured a 12-year-old passenger – will be upgraded to include second-degree manslaughter following the 12-year-old’s death this past weekend. The new charges carry a maximum prison term of 15 years upon conviction.

“In view of the tragic death this past weekend of 12-year-old Aviv Babayev who succumbed to injuries suffered in the crash, the charges against the two teenage defendants will be upgraded to include second-degree manslaughter,” said District Attorney Brown. “Drag racing is a serious threat to public safety. Immature young drivers get behind the wheel and turn our streets into speedways. Their reckless conduct endangers lives. Such illegal speed contests have no place on the streets of our city.”

The District Attorney identified the defendants as David Lakhchakov, 16, of 153-25 76th Road, and David Badalov, 18, of 135-11 78th Drive, both of Flushing. The existing charges against the defendants include second-degree assault, endangering the welfare of a child and various violations of the vehicle and traffic law – including reckless driving, speed contest and, in the case of Lakhchakov, driving by an unlicensed driver. Bail for both defendants has been set at \$250,000.

District Attorney Brown said that, according to the criminal charges, Badalov and Lakhchakov were racing upwards of 76 miles per hour along Francis Lewis Boulevard in the vicinity of Weeks Lane, a 35 miles per hour zone, on Wednesday, August 12, 2009, when Badalov lost control of his 2004 BMW and slammed into the 2009 Lexus being driven by Lakhchakov and then struck a parked 2004 Ford van. Badalov and two passengers in the BMW – 18-year-old Illya Ishakov and 12-year-old Aviv Babayev – were taken to a local Queens hospital. Babayev, who was sitting in the backseat and was the most seriously injured, suffered two broken femurs, a broken pelvis, severe trauma to his torso and head, and swelling to his brain. He succumbed to his injuries this past weekend.

Assistant District Attorney George Kanellopoulos, of the District Attorney’s Homicide Investigations Bureau, is prosecuting the case under the supervision of Assistant District Attorneys John W. Kosinski, Chief of the District Attorney’s Vehicular Homicide Unit, Peter T. Reese, Bureau Chief, and Peter J. McCormack III, Deputy Bureau Chief, and the overall supervision of Executive Assistant District Attorney for Major Crimes Charles A. Testagrossa and Deputy Executive Assistant District Attorney for Major Crimes Daniel A. Saunders.

It should be noted that a criminal complaint is merely an accusation and that a defendant is presumed innocent until proven guilty.

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Note to Editors: E-version of this press release posted at www.queensda.org.