



Orange County News

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District Attorney Hoovler Announces Guilty Plea in Kayak Homicide Case

Defendant Pleads Guilty to Criminally Negligent Homicide

Defendant to be Sentenced to State Prison

Orange County District Attorney David M. Hoovler announced today that on Monday, July 24, 2017, Angelika Graswald, 37, of Poughkeepsie, pleaded guilty before Orange County Court Judge Robert H. Freehill, to the felony of Criminally Negligent Homicide, in connection with the drowning death of her fiancé, Vincent Viafore, while they were kayaking on the Hudson River on April 19, 2015.

At the time she pleaded guilty, Graswald admitted she caused Vincent Viafore's drowning death by removing the plug from his kayak. She also admitted she knew that the locking clip to Vincent's kayak paddle was missing, that he was not wearing a life vest, or a wet suit, and knowing that the waters in the Hudson River where they were kayaking were dangerously cold and rough at the time. Evidence shows that at the time of the incident Graswald was wearing a life jacket. Graswald admitted her actions constituted a gross deviation from the standard of conduct that a reasonable person would have observed in the situation, and that her actions caused the death of Vincent Viafore.

On April 19, 2015, the Orange County 911 Center received a call that Viafore's kayak had capsized during a kayaking trip on the Hudson River. The New York State Police and other first responders searched the river for Viafore, eventually recovering his kayak, and that of Graswald, who had been taken aboard a private vessel. On April 30, 2015, Graswald was arrested by the New York State Police. On May 23, 2015, the Orange County Sheriff's Office Marine Unit were notified about a body floating in the Hudson River in the vicinity of West Point. They located and secured the body until the New York State Police could respond and recover the body from the river. The body was positively identified as that of Vincent Viafore.

The plug, which was missing from Vincent Viafore's kayak, was eventually recovered from the center console of the car Graswald was driving. The plea will render Graswald, who is a lawful permanent resident, liable for deportation, although that decision will ultimately be made by a Federal Judge.

This plea agreement was entered into after extensive consultation with the victim's family, who understand the reasons for the plea agreement. Graswald is scheduled to be sentenced on November 1, 2017. The plea agreement, which was placed on the record at the time that Graswald pleaded guilty, mandates that she be sentenced to one and one-third to four years in state prison, the maximum sentence for the charge of Criminally Negligent Homicide. At the time of the plea proceedings Judge Freehill found that the interests of justice would be served by the plea agreement and that he believed it to be an appropriate disposition.

District Attorney Hoovler thanked the New York State Police for their investigation of the case. In addition, District Attorney Hoovler thanked all the first responders and civilian volunteers for their efforts in searching for and trying to rescue the victim. Agencies which aided in the search and attempted rescue included the Westchester Department of Public Safety, Rockland County Sheriff, Cornwall Volunteer Fire Department, West Point Fire Department, Fort Montgomery Fire Department, Vails Gate Fire Department, Stony Point Fire Department, City of Newburgh Fire Department, City of Newburgh Police Department, Cornwall-on-Hudson Police Department, Town of New Windsor Police Department and Town of Cornwall Police Department, as well as other agencies.

The case is being prosecuted by Senior Assistant District Attorney David Byrne and Chief Trial Assistant District Attorney John Geidel.

"While no outcome can compensate for the loss of a beloved son, brother, and uncle, this disposition will hopefully bring a measure of closure to the Viafore family," said District Attorney David M. Hoovler. "This plea ensures that the defendant will be held criminally liable for her actions. By pleading guilty the defendant has acknowledged that Vincent Viafore's death was not simply a tragic accident, but the result of this defendant's criminal conduct."

A criminal charge is merely an allegation that a defendant has committed a violation of the criminal law, and it is not evidence of guilt. All defendants are presumed innocent and entitled to a fair trial, during which it will be the State's burden to prove guilt beyond a reasonable doubt.

