

NEW YORK POST

JANUARY 20, 2010

'DWI cop' victim was drunk herself: autopsy

By ALEX GINSBERG

The minister's daughter run down and killed by an allegedly drunk off-duty cop last fall was drunk herself, with a blood-alcohol percentage more than three times the legal DWI limit, sources told The Post.

Findings from an autopsy performed on Vionique Valnord, 32, showed blood alcohol levels of .22 percent in the blood, .23 percent in the eye fluid and .28 percent in the urine, the sources said.

The legal limit for driving is .08 percent.

The results bolster Officer Andrew Kelly's claim that it was Valnord who was to blame for the accident last Sept. 27 accident on East 56th Street and Avenue N in

Flatlands, when she raced out into the street mid-block with no warning.

"Basically, it's an accident," said Kelly's lawyer, Arthur Aidala. "It was a dark, rainy, foggy night and it was an accident that he's terribly sorry about."

The lawyer for the Valnord family, Sanford Rubenstein, said the autopsy findings were a distraction from the real issue: that cops waited seven hours to draw Kelly's blood, by which time no alcohol was in his system.

"Why wasn't he given the appropriate blood-alcohol test?" said Rubenstein. "She's a victim, irrespective of what her blood-alcohol level was."