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Driver in fatal crash cited for speeding, reckless driving

Aspen Hill incident results in death of RHS junior

by Melissa J. Brachfeld | Staff Writer

The driver of the car that crashed into a tree off Veirs Mill Road in Aspen Hill Feb. 1, resulting in the death of a Rockville High School student, was cited with speeding, negligent driving and reckless driving, according to a Montgomery County Police accident report.

Investigators determined that Johvanny Garmendez, a 17-year-old Wheaton resident, was driving 56 mph to 65 mph in a posted speed limit zone of 45 mph when he lost control of his Toyota Camry, according to the report. The car left the roadway, hit a sign and then struck a tree, which caused it to split in half, police reported. The front of the car rolled down an embankment into the parking lot of an apartment complex at 12630 Veirs Mill Road.

Andrew Jezic, Garmendez's Wheaton attorney, signed Garmendez's citations when presented to him by police on Aug. 26.

"Mr. Garmendez is terribly tormented by what happened to his close friend, Thiago," Jezic said last week. "He will never be able to forget what happened. He is grateful that Thiago's family has expressed some forgiveness."

The Montgomery County State's Attorney's Office will not prosecute Garmendez on other charges, State's Attorney's Office spokesman Seth Zucker said. "After a thorough review by the police department, these were the charges that were supported by the evidence and there is not sufficient evidence to proceed with additional charges," he said.

Garmendez will go before a juvenile court judge for the citations, all of which carry fines and driver's license points, but no jail time, Jezic said.

Thiago Andrade, a 17-year-old Aspen Hill resident and junior at Rockville High, was riding in the front passenger seat and was wearing a seat belt when the crash occurred. According to the report, the force of the impact caused Andrade's seat belt to break and flung him from the car into the tree.

A state medical examiner reported that Andrade died from multiple injuries, the report states.

Marcio Figueiredo, Andrade's stepfather, said he and his wife Marcilene know that Garmendez did not set out to kill their son, but feel traffic citations are "not enough."

"We would have liked to see the prosecutors proceed with additional charges," the Danbury, Conn., resident said, adding he thinks Garmendez should at least lose his license.

Andrade's father, Frank Andrade, could not be reached for comment.

Andrade's death was met with shock and mourning, with fellow students meeting at the scene of the crash for a makeshift vigil the following day. A second vigil was held at Rockville High a few days later

and hundreds of friends and acquaintances placed messages on the social Web network Facebook.

Investigators stated in the report that the crash came as a result of Garmendez and another car weaving in and around traffic while traveling east on Veirs Mill Road. Witnesses also said the vehicles may have been racing, according to the report.

Garmendez told investigators that he braked and swerved to avoid hitting the other car, according to the report.

A police spokeswoman said the driver of the other car was not cited.

Debra S. Munk, principal of Rockville High, said it was good to know that Garmendez would receive some punishment for his actions, but she feels bad for the teenager because he still has to live with the consequences of his actions. Conversely, she said, the citations likely do not bring much comfort to Andrade's family. "It's really a tragedy on both sides," she said.