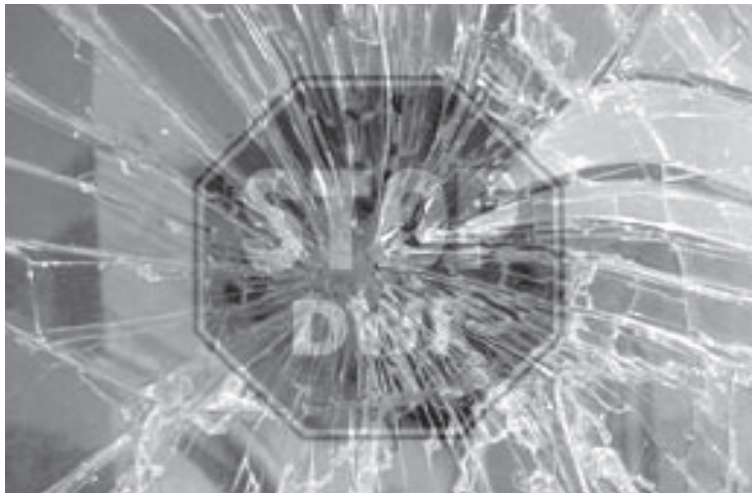
Shattered Lives
Drunk Driving Tragedies
Victim Perspectives



Dedication

This publication is dedicated to the victims of drunk driving crashes.

Acknowledgements

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The most sincere acknowledgement goes to the courageous people who were wiling to share their painful stories with the reader to prevent future tragedies related to impaired driving.

Denise Cashmere, Editor
NYS STOP-DWI Foundation Board

Each county in New York State has a STOP-DWI Program. These programs are funded by the fines paid by people convicted of impaired driving.

To contact a county STOP-DWI Coordinator please visit www.stopdwi.org

Introduction

Victims of drunk driving and their families have had a tremendous impact upon our society during the past two decades. Because of their pain, they have demanded change in the ways our communities view drunk driving and the criminal justice system treats drunk drivers. Many of these changes have occurred – stronger police response, stiffer penalties, mandatory ignition interlock devices for convicted offenders and changed citizen behaviors. But the stories in the pages of this book tell us that more still needs to be done. The pain and sadness caused by drunk driving is incalculable. We must read the stories of "Shattered Lives". And do better.

Gerald F. Mollen
Broome County District Attorney

Shattered Lives

By Maureen McCormick

Chief of Vehicular Crimes
Nassau County
District Attorney's Office

Depraved Indifference Murder.

I am a prosecutor. I am a mom. I remember the moment I heard about the crash that took the lives of 7 year old Katie Flynn and 59 year old Stanley Rabinowitz. It was July 2, 2005 - a Saturday. It was a beautiful, hot summer day. I was in my brother's backyard in Nassau County, Long Island and we were celebrating both my Dad's 73rd birthday and my niece, Olivia's 4th birthday. Both were born on July 2. The radio was on and the commentator was describing a horrible collision that had occurred hours earlier.

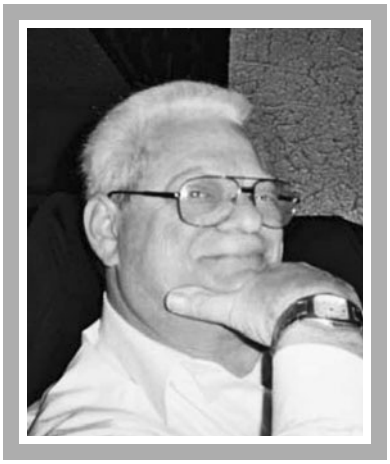
At 2 am twenty-four year old Martin Heidgen changed forever the lives of everyone in his path. He had driven for miles the wrong way on the Meadowbrook Parkway, a major artery that leads to Long Island's famous Jones Beach. Heidgen would later say he had been in "self-destruct mode" and that following an argument with his girlfriend he decided he "just had to go out and drive.". He also said he drank a fifth of Scotch before driving. Heidgen had a .28 blood alcohol concentration - three and one half times the .08 limit for intoxication in New York. We later learned he had been coming from a friend's house party, where he had been invited to stay.

Heidgen was going around 60 miles per hour when he smashed his pick-up truck head-on into a wedding limousine driven by Stanley Rabinowitz. The limousine was returning two flower girls, Katie and Grace Flynn, their parents, Neil and Jennifer Flynn, and their grandparents, Chris and Denise Tangney, to their home on Long Island's south shore. Jennifer Flynn's sister Lisa was the bride and it had been a picture perfect wedding and a day that Katie Flynn had, only hours earlier, called "the greatest day of her life."

The crash itself was captured on videotape by a "Drivecam" system that had been installed in the front of the limousine. It showed the headlights of the pick-up truck coming directly toward the limousine in the moments leading up to the crash. It showed Mr. Rabinowitz trying to steer out of the way. And it captured the deafening sound of the impact followed by the haunting groans of a family that would never be the same. The final sound on the tape is Jennifer Flynn calling out for her daughter: "Katie!"

Newsday Long Island

Jennifer and 5 year old Grace had been sitting with their backs against the driver's compartment with Neil. Miraculously their physical injuries were considered minimal by comparison. Emotionally, Jennifer has been crippled. Neil's back was broken. Chris Tangney was entangled in the bar and his leg was almost completely severed. He had lost so much blood that he was not expected to live. Chris' wife, Denise's legs were crushed and she has endured countless surgeries since that night. Stanley Rabinowitz, the driver, husband, and father of two, was crushed into the metal and glass of what used to be the limousine. Later, during the trial we brought the limousine to the court house for the jury to examine. Mr. Rabinowitz's eye glasses were still embedded in the shattered windshield. It was a split second. It was a terrible way to die.



Stanley Rabinowitz

I remember listening to the commentator's description of the crash and telling my horrified family that I hoped the Nassau County District Attorney's Office would charge murder. And then I heard something that will haunt me forever about this crash: Katie had been decapitated. Her mom, Jennifer, had found her daughter's head under the mangled bodies of her parents and her husband. Jennifer carried her daughter's head from the limo and sat on the center median of the parkway cradling her daughter's remains for more than an hour. She refused to leave until all of her family was removed to hospitals. She later told me she put it off as long as possible because she knew when she let go of Katie, she would never see her again. The image of Jennifer Flynn clinging to her daughter's head made me cry on July 2, 2005. It makes me cry now.

I am a prosecutor. I am part of a law enforcement team. I work with the brave men and women of police agencies to hold criminal drivers responsible for their actions. On July 2, 2005 I was an Executive Assistant District Attorney in the Kings County District Attorney's Office. I was in my 10th year running the only Vehicular Crimes Bureau in New York City. I knew the Depraved Murder charge would be difficult to prove at trial. I had done it in Brooklyn. I knew it is a thousand times harder to build a case than it is to tear it down as a defense attorney. I knew Vehicular Crimes are not like any of the other crimes I had prosecuted during my 19 years in Brooklyn. They involve "regular guy or girl" defendants that could be your neighbor or friend - or more importantly, a typical juror. Most importantly they involve random, innocent victims whose only crime was being in the wrong place at the wrong time.

Vehicular crimes are different than other crimes. Every one of them carries unmistakable heartbreak and pain. Every one of them stays with me. Every one of them reminds me how the thoughtless, selfish acts of a drunk, drugged or reckless driver can leave an innocent family in perpetual sorrow. In each case I can imagine my own children - trapped in a car with the friend who said he was "all right to drive" or blind-sided in an intersection by the drunk who missed the light. I thank God I have not had to sit on the other side of my desk as the family member of a victim listening to where the "process" will go from here – knowing that no result will change the suffering. The arrogance and stupidity, the preventable pain and loss of life makes me angry and sad.

I was grateful that Nassau County took the bold step of charging **Murder** in the case against Heidgen. I felt strongly that the extreme nature of his conduct - not the horror of his results - deserved that charge. I never thought that I would be trying the case with my new colleague, Bob Hayden.

In 2006 Kathleen Rice challenged the incumbent District Attorney, Denis Dillon with a platform that emphasized the need to be tougher on drunk driving. I was impressed with Rice's candidacy because it had seemed to me that drunk driving had fallen off the fickle public's radar screen. More than 17,000 people are killed nationally each year and yet society seems to accept these unnecessary deaths as inevitable – the cost of a mobile society. I had always maintained that if you sat at my desk and talked daily with the victims' families, complacency would not be an option. If you had to explain to people who were destroyed by others' selfish choices that the laws are weak and do not adequately address the issue, you would fight for better legislation. But in 2005 it was not a "popular" issue. I thought it was brave to take on drunk driving in a suburban county that loved its cars - a county which had more than 4,500 DWIs in 2005 and the second highest alcohol-related fatality rate in the state.

Kathleen Rice won the election on that platform. She invited me to come and start the first vehicular crimes bureau on Long Island. In her first year she has toughened policies that have resulted in a steadily rising conviction rate. She has placed emphasis on treatment for those who are substance-dependent. She has upgraded law enforcement's technology and has launched an unprecedented education program aimed at high school students and prevention. I am proud to say she is keeping the promises she made that brought me to the Nassau District Attorney's Office.

The Heidgen trial was a circus. Each day the local press solicited comments from the defense and so-called "experts" and continually asked the question: "*But is it murder?*" We worried how the jury was receiving the evidence. Were they able to see through the defense attacks? I worried I would not be able to do the closing arguments without crying. The image of Jennifer Flynn with her daughter was always in the forefront of my mind. The testimony of each of the family members, including Jennifer's uncle Mike, who was among the first people to come upon the scene of the crash, was heartbreaking. Hardened police officers and EMS workers were obviously still traumatized by what they had seen that night. Everyone in the court room cried - except Heidgen.

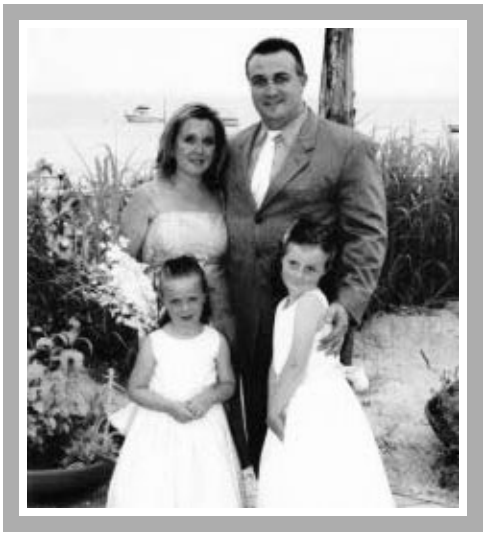
After 6 weeks of testimony and 5 days of deliberations the jury convicted Martin Heidgen of **Depraved Indifference Murder**. While any other result would have been an injustice, the fact is that a conviction for a lesser crime was a real possibility. Through it all, the Flynns, the Tangneys and the Rabinowitzs were stronger and more courageous than I could ever imagine being. Prosecutors fight for victims. As corny as it sounds we fight for justice within the laws we are given - and then fight to

change those laws when they are so obviously wrong. We worry about letting our victims' families down.
The Heidgen case will certainly be appealed and the poor families know that the recent rulings and attitudes of the appellate courts could put the conviction in jeopardy. In the meantime, these brave families have allowed their private pain to be displayed publicly for the purpose of bringing change. Their efforts have resulted in the passage of an Aggravated Vehicular Homicide law that finally gives prosecutors and police a B felony (up to 25 years incarceration) in terrible cases that will not support a murder charge. The fact-pattern of the Martin Heidgen case is rare and will always be murder. The selflessness of the families in this case to push for a law that will provide the families of other victims some sense of justice, is nothing short of heroic.

Till then everyone should remember the suffering inflicted upon these families. Could you live with yourself after selfishly - stupidly - causing this pain? Time will not heal these wounds. The families will have to learn to live around their losses and their injuries but they will never heal.

Be decent. Safe transportation must be a part of an evening's plans like dinner reservations and baby sitting. Make arrangements for sober transportation when you are going out. That does not mean the least drunk person in your group, it means *sober* transportation. If you are an alcoholic, you know better than anyone that you should not be driving. If you are a person who no longer shows the effects of alcohol on the outside – you don't stumble, you don't slur your words, etc. - you need to know that your reaction time is just as bad as if it were your first night drinking. Your judgment about the relationship between time, speed and distance - and the time and distance you need to stop is still bad – no matter how good you look on the outside.

Don't kid yourself. You can't "handle it." No one can. It's a myth. You can just push your luck until it runs out. And then you may end up like Martin Heidgen. I don't mean in prison - possibly for the rest of your life - although that is true. I mean having to live with crushing Mr. Rabinowitz into the front of the limousine; having to live with destroying the physical, mental and emotional health of the Flynns and the Tangneys forever; having to close your eyes at night and try to avoid the image of Jennifer Flynn holding Katie's head in her arms at the side of the road - and knowing you caused it. And knowing that you could have prevented it by taking a cab or staying over at your friend's house. Don't be stupid or selfish. It's not worth it.



Jennifer, Neil, Grace & Katie Flynn

Newsday Long Island

Shattered Lives

Katie Flynn

Statement from Jennifer Flynn, Katie's Mother

I loathe standing before you today knowing that I am expected to sum up the impact of the crash in a statement. It cannot be done. But I stand before you because no one should live like I do. I am here for Grace, Eamon, Colm, for my family, friends and neighbors and for the thousands of people that have been extraordinarily kind to us. It is courage that brings me here and not revenge, because it is the right thing to do.

We, as a society, have allowed drunk driving to continue. Kate did not die from Cancer, Cystic Fibrosis or some other terrible disease which compels us to send money to a foundation, praying that scientists will find a cure. We donate all we can afford, we raise funds, we pray and we hope someone will come up with a cure. Everyone agrees that these scourges need be eradicated. Drunk driving exists because we allow it to. With drunk driving we can't just write a check and hope for the best. It requires us to look at how we have been tolerating drunk driving with insufficient jail time, inadequate charges, and ridiculous self-improvement classes.

Why do we accept laws that are written in such a way that law enforcement must prove someone's state of mind? I had the blood, the confession, the witnesses, the video tape and the unrepentant sociopath driver and people actually said to me that if he wasn't convicted of murder, at least he'll get manslaughter and some jail time. Why would I accept that? Why do we accept that?

Kate was murdered, needlessly, by a deliberate act. Drunk driving exists because we allow it to. Drunk driving could be dramatically reduced tomorrow if we changed our mindset and punished drunk drivers. It is easy to give a little jail time. It is easy to stick someone in a program, but it does not work. I wish I could spend Thursday nights in a class somewhere. Pay a fine. I wish I could spend ten years in jail. Buy ten years worth of calendars, crossing off each day until I got my life back. My tomorrow will never get better…ever.

Drunk driving continues because people are not afraid not to. Punishments are not that big a deal. They are not severe enough, because society does not view it as the crime it should.

Which brings me to the trial. Why do we accept it when the *New York Times* writes that this was a drunk driving "bungle." Bungle is the word they actually used. Bungle. Bungle is the term you should use if you drop a bag of chips or at worst, roll through a stop sign. Kate's head was severed from her body. The entire front end of the limo was embedded in Stanley Rabinowitz. To clean it up and water it down, so that it is more palatable for the papers, the news, the jury and the defendant is wrong.

Setting aside how insulting that is to Kate, Mr. Rabinowitz and our families, it is a disservice to drivers everywhere to not discuss the crash as it actually happened. If it were not constantly watered down, maybe we would punish drunk driving appropriately. Maybe if you knew that crash didn't end on impact. If you knew how things unfolded after impact, people could form an informed opinion of drunk driving.

"Two dead, three others maimed in a car accident," as the defense would like to paint this, does not even come close to describing the carnage that night. The defendant has rights and I am a believer in the system, but his rights do not supersede mine. And if decisions are made, they should be based on all the facts; and it didn't end on impact and it should count.

Who cleans it up for me? Who cleans it up for the court officer and the police officers who don't even know us and were still visibly affected during their testimony, by the horrors of July 2nd, a year and a half later? Or the emergency medical technicians and police officers that were not permitted to testify because it would be

prejudicial – who cleans us out of their nightmares? It should count for sentencing today and people should know, so that changes might be made in society's tolerance and acceptance of this crime.

I should not be dismissed as a grieving mother. What happened to my family and me should be known and should be given the weight it deserves. I sat with Kate on the Meadowbrook Parkway and calmly and knowingly told Officer Collins, the officer that was stationed to sit with me, that my life was over.

There was nothing exaggerated or dramatized in that statement. Because he drove 70 miles an hour and mowed us down with a head-on crash, I was left to pick up my most beautiful, loving, first-born, seven year old daughter's head off the floor of a limousine.

To sit on the ground holding her and to watch helplessly those I love so much in such pain. To see my father's let cut off and his body mangled, my husband moaning in pain and screaming for Kate, the unnatural and scary positioning of my mother, the blood and bodily remains strewn on the seats and my helpless, scared, hurt five year old daughter crying in the corner. It sounds flat on paper or even stated out loud, but living it cannot be described.

Driving with Kate to the hospital, crying as I know I was getting closer and closer, knowing it was the end and kissing her goodbye. Having minutes to get it together, as I was rolled into an empty corridor to wait as they opened the back entrance to the emergency room where I could meet Grace. How scary it was to see my baby on a gurney not knowing how we would make it through the night or any day thereafter. Saying goodbye to my father, as he was transferred to a hospital better equipped to treat his horrendous injuries. Letting him know how much I loved him and how peaceful Kate looked in her sleep and that she couldn't have felt any pain.

Calling Neil's mother with the devastating news about Kate and having nothing to say about Neil's condition. How frightening it was to be at the hospital without him. How scared I was for his survival, physically and mentally. Pleading into friends' answering machines to pick up the phone, so that they could get to South Nassau Hospital before the state troopers I was told were sent to tell him that his daughter was dead. All the second-hand information I was getting about his condition, doubting he was well enough to hear about Kate.

We watched the clock minute by minute, waiting for seven a.m., so that my mother could start the first of her many surgeries, still not knowing if it was because she wasn't stable enough to be operated on or if the hospital was waiting for the surgical team.

At about seven a.m., the hospital staff realized that Grace was never examined. Knowing that she was bleeding internally and would need to be watched for several days in the pediatric intensive care unit. Not knowing how much she knew and how much we could tell her. We spent five days in the hospital. As we were discharged, Grace and I sat in a wheelchair being rolled out to the car when she saw a newspaper with Kate's picture on the cover. I had to tell her and the boys by myself when we got out.

We stayed with relatives for a couple of days, hoping Neil would be released and that we could go back to my mother's house together. But it would be three weeks before he was released and we needed to get home.

It was two weeks before the doctors would release my parents and my husband, transferring them to a rehabilitation facility and permitting them to go by ambulance to Kate's wake and funeral. I visited three hospitals a day, comforted my one year old, three year old and five year old and planned a Wake and Funeral Mass alone. That should count, that should be weighed. Two dead, others injured is an unfair, incomplete depiction of that crash.

After the Mass, Neil and I went back to the rehab facility. I had just had a Funeral Mass for my perfect, spectacular child and Neil still could not come home with us. Because of his injuries, he slept in a recliner while I slept in his hospital bed, the two of us holding hands for as long as we had the strength to keep them outstretched.

Our house was being renovated by my father and the six of us had been staying at my parent's house. Now we had no house to go home to, no one to build it, broken bodies and spirits. Friends, neighbors and strangers came together like an Amish barn-raising to build us a place where we would try our best to live. We spent four months living in one room, myself and the kids on the bed, Neil in the recliner and Kate in a small cardboard box on a shelf in the closet next to my t-shirts.

Neil spent all day crying and drinking and all night staring at the television. For the first few months, I never spoke in the mornings, because I couldn't believe I had to live another day without her. For the next few months, I didn't speak in the evenings, because I couldn't believe I lived the whole day without her. My father came home four weeks after the crash and my mother, five and a half weeks after the crash, all of us living in one home, wailing from the pain, both mental and physical. It was helpful because we needed each other and horrible because it was too hard to be with people you love in that much pain and not be able to help each other.

We moved back home the weekend of her birthday. On what should have been Kate's 8th birthday, we brought Kate's ashes to the beach, sprinkling her in the ocean, a place that once brought her so much joy.

The past year and a half required more surgeries for all of us. The physical and mental pain we live with cannot and should not be referred to and cleaned up as "also injured." I don't want to describe what my life is like, but would it make a difference if you knew how he ended all of our lives because he could, because he wanted to? Would it change the way we view and punish this crime? The papers clean it up, the trial cleaned it up. I put my makeup on and stayed busy with my children, but if you knew that I was half the person I used to be, would it make a difference? It should.

I spell, count or pray to keep my mind from going to where it is difficult to come back from. The crash and living without her effects every television show I watch, every book I read, every conversation I have, every activity I engage in and all of the relationships I have. Food, drugs, alcohol and exercise do not provide respite. I gasp for air as I walk through the aisles of Waldbaum's. I get so overwhelmed with grief or gratitude when I meet the people who were so kind to us, that I can't speak. I fumble over my words and am reduced to tears in seconds. I try to be the best mother, wife, daughter and friend that I can. But I am half the woman I was.

I am most happy when I am with my children. Yet being with them makes me want her more. I had four kids in six years. We didn't have a chance to grow into individuals yet. We were one unit, each a piece making up one personality. Her absence is palpable.

My marriage has suffered. I have loved my husband since I was seventeen, but it is excruciatingly difficult to be with someone in that much pain and to feel the same way and not be able to do anything about it. I am quiet, disconnected and withdrawn. There is no conversation that follows what happened to us. There is no subject worth talking about. So I don't.

My friends and family mourn the loss of Kate and us. And we are trying – I spend time with relatives and wake up with a rash. I go to a birthday party or holiday and wake up with an infection. I sat through the trial coughing and sneezing. Living with the stress makes me physically ill. I have suffered from infections, head aches, back pain, and cuts and colds that take an inordinate amount of time to heal. I can't sleep, I am incredibly sad. I wonder what we are doing here and hope Heaven is everything I want it to be.

We are good, strong people, a loving family, with close friends living in an embracing community and every day is a struggle, a 'can't get the door open to get air on my face fast enough' struggle. If people knew all of this, would it make a difference in the way that we punish drunk drivers? Would it force a remedy for the inadequacy of the current system? It doesn't end with two dead, others injured, it is not that neat. Although time will make us more resilient as we learn to live this new life, it will never be good. How we lived to get there should count for the sentencing and be known, so changes can be made.

Living without Kate is more difficult than I can or care to convey, but the manner in which she was stolen leaves me breathless. One man chose to end her life. The murder charge, correctly chosen because it fits the crime, was submitted under Denis Dillon, the previous D.A. The current D.A. prosecuted the case.

By reporting the defense's claim that this charge was brought by Kathleen Rice for political motivation without adding that it was actually her predecessor who brought the charge is wrong. The case is not about political agendas. It is not about Kathleen Rice. It is about Katherine Marie Flynn. It is about Stanley Rabinowitz. The charge of depraved indifference murder was chosen because it fits the crime committed.

His reptilian attorneys misled the jury and the public with complaints that the charge was tantamount to intentional murder when he was only charged with depraved indifference murder. Where is the follow up statement that challenges him on his blatant lies? How can we ever have a necessary dialogue if the public thinks we are crazy, grieving parents and that this is a political witch hunt?

If Newsday is going to print articles with three defense attorneys or liberal law professors who state we'll never win, where are the three retired prosecutors that counter balance that pathetically wrong drivel? I am not saying you have to give the victims preferential treatment, but be fair. How does it serve the public if we are just left to believe that it is a battle that can't be won?
Our crash fits the new appellate rulings perfectly. But who else will have the videotape, the number of witnesses, the sympathetic victims? Why are we writing laws in such a way that it makes prosecuting these cases so difficult? Why do we tolerate it? And why is it not discussed in detail? We gave the media the perfect vehicle to put this dialogue out there. We all drive the same roads. The focus should be on changing the system.

His foul, disgusting defense attorneys have lied about how remorseful this murderer is. We know he isn't sorry, because he tried to have his blood thrown out. He tried to beat the DNA test. He allowed a defense strategy based on blatantly false distances and speeds. He showed not a scintilla of remorse throughout the entire trial. We know he isn't sorry from the letters he wrote from prison. We know from the court officers who took him to and from the court room. We know from the corrections officers that take him to the law library where he researches his appeal. He never grieves, he is not sad, he never mentions us. He is only concerned with himself. The remorse would not make him less guilty, but it would make him more human.

I request that he receive the maximum sentence available. He drove such an incredibly long distance the wrong way. It is the entire length of our boardwalk. To go that far and pass all of those people. To never break or turn, when on his side of the road, before the overpass, are wide areas of grass on both sides. He aimed his truck right at us and plowed into us at a crushingly high speed.

He stole her life. He ended ours. I request that he be sentenced to 25 years to life. It is not out of revenge. I take no pleasure in knowing he'll be serving that length of time. I will not be soliciting convicts to have him beaten weekly. I almost never think of him, because he is in jail and that is the way it is supposed to be. He should serve 25 years to life, because it is the correct punishment for the crimes he committed. Life is worth that. Kate's life, Stanley Rabinowitz' life and our lives.

Thank you for taking the time to read through the binder. I hope you considered it long and hard.
Thank you for your fairness throughout the trial and for the opportunity to be heard today.

Paul Philip Grammatico

The scourge of losing my 26-year-old son, Paul Philip Grammatico, to a drunk driver leaves scars, and I chew on my thorns in the stunning reality of Paul's death each day. My title of MADD Mother was impaled on me and it breaks my heart. Paul was my past, my present, and my future - my only son. He was a natural leader, an extremely generous, vibrant young man, the epitome of loyalty. He possessed passion, motivation for life, and set goals for himself. Our hopes as a family were crushed against the pole that split open Paul's head in four places. I cannot experience him. He is not physically in my life. I cannot touch him, cannot hear his charismatic voice. He cannot hug me and whisper as he always did, "Mom, I Love You". I will never see his children. Nothing new will happen between us.

Paul's life was cut short by a man – with total disregard and disrespect for sacred life *including his own* using uncontrolled road rage combined with alcohol and speed - wiped out, annihilated, in a nano-second, the brilliant promising productive life of my child. My entire family dynamics have been altered and traumatized and we cannot measure our loss.

Paul had No Voice! No Choice! No *second chance* in his death! His injuries were so horrific and devastating that I did not recognize my child. His handsome face had no features and he was declared brain-dead. Just hours before he was an effervescent young man with a big heart helping us get ready for his sister's wedding. Instead the wedding became an extension of the two funerals and my daughter Christine is condemned to life without her only sibling/brother.

The offender was convicted of vehicular manslaughter and sentenced to jail to serve 2-1/3 to 7 years. At his sentencing the Judge gave him an 'F' for failure and told him he was every parent's worst nightmare; he was a criminal. He took hold of 3,000 lbs. of steel and killed two young men. During his incarceration he *never* reached out to either family and his parole was denied twice. He served 4 years in jail, never accepting responsibility and ownership for his heinous crime and deadly actions. I have a "24-hour lifetime" sentence on earth in an unstructured jail everyday without the physical presence of my precious son. These are shared words from the eyewitness to the deaths of Paul and Mike Penny (Paul's best friend): "As a surviving victim of the May 16, 1999, double-fatality, the horror of witnessing the deaths of Paul and Michael will never leave me. The anguish and nausea I feel of those two young men being propelled like rag dolls, so high, crashing so hard against telephone wires, is almost unbearable. The drunk driver never expressed his sorrow for his cowardly act; I am not in favor of his parole …"

My son Paul leaves a legacy of himself in his own Circle of People in Organ Donation. In the declaration of brain-dead, I donated all of my son and he saved the lives of 11 people. This gives purpose and meaning to the senseless way Paul died. Neglected and abused children live in a building named after Paul at MercyFirst in Syosset, NY. Paul's story continuously echoes perils of drunk driving loud and clear, resonating each time I communicate as a sorrowful MADD Mother/Donor Mom. Recently, Nassau County D.A. Kathleen Rice opened the Grammatico Wrestling Tournament at Valley Stream H.S. in NY. As D.A. Rice stood beside me with Paul's heart recipient, the song I wrote, "The Gift of Life and Love" was played to proclaim the message of DWI and the Miracles in Organ Donation. Witness and Voice gives Power *transforming me* as a shattered Victim into a Survivor always remembering, the Presence in the Absence of my Beloved Son/Sun Paul!

The story of Paul's death is more than just the crime. Besides MADD work and Organ Donation it is also about *Forgiveness*. Years into the journey of life without my physical son/sun, I realized that my anger was toxic to my spiritual well being. It was a noose around my neck. I decided at that time to reach out and *'forgive'* the man who killed Paul and Mike. I knew he would never contact me as *Mother* or the other Mom. I had to make the first move. I wrote a letter and sent it to the parole officer. The offender answered eventually. In few words he said, *"I did the crime and I did the time"* and furthermore, he needed to go forth with his life and *not look back.* Was it a slap in my face???? No absolutely Not!! I forgave for me, so that I could go to another level. I put it in the universe. I learned that I cannot *reach out* and *touch others* with a *clenched fist*!!!! I cannot be all *that I can be* staying in the chaos. So please know that *forgiveness is powerful* - it is 'life affirming' to my broken heart! It released bondage, gave freedom, new opportunities, challenge, second chances, spiritual wisdom, rebirth, transformation, and hope. *I will never ever forget how Paul died.* But because I have assigned purpose and meaning in the death of my Paulie, I am *blessed*. Each breath I take *every new day is God's Gift*. I am only a breath away from my precious son/sun ~ *but the chance to make a difference is 'Now'.....!*

By Claudia Grammatico

Shattered Lives

Geraldine (Geri) S. Navratil

Geri Navratil was a teacher, an artist and most of all, a loving mother and grandmother who endeared herself to all. Mom was well known in the community, having taught special education at BOCES I in Fairport, New York for over 25 years. She was also a world traveler, participating in the Linkages Program in the 80's and visiting Russia. After her retirement in 1995, Mom remained active in her church and continued to work as a school volunteer. She also volunteered her time to Habitat for Humanity and the Susan B. Anthony House. She was an active advocate for human rights and social change and worked towards social justice for all.

Mom also enjoyed gardening and working on her house, which were always works of "art in the making." Her cottage on Lake Ontario was her getaway, a place for enjoying beautiful sunsets as well as a place for family gatherings with the grandchildren. Mom loved to "face paint" and was happy when she could make a youngster's face light up by painting on a favorite character. One of our fondest memories is when she "face painted" the faces of her grand son Kyle and all his friends at Kyle's 5th Birthday party. Nicole, her oldest grandchild, summed this up beautifully at Mom's memorial service – *"She was very special to all her grand children. We all have special memories about her we will keep forever…It was the little things that she did with us that built big memories…she was a huge and wonderful part of all of our lives."*

For the last few years of her life, Mom's companion and special friend was Jim Finegan. They dined, danced and traveled together, enjoying each other's company fully. Jim embraced our family and, in turn, Jim's family embraced us.

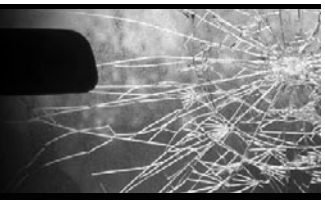
Once she retired, Mom also pursued her passion for art and painting, setting out to develop her skills as a "Watercolor Artist." She was an active member of several local Artists' Groups and many of her works were on display at various art exhibits around Rochester. She was especially honored when, in the Spring of 2002, her painting, "Antique Bottle," was selected as the cover of the 2003 calendar for the Greater Rochester Area Partnership for the Elderly. However, Mom did not live to see the finished calendar.

On July 31, 2002, Mom and Jim were killed. As they were waiting for a traffic light, the car they were traveling in was struck from behind by another vehicle. The vehicle that struck them was traveling in excess of 70 mph; a blood test on the driver of that vehicle revealed that his BAC was .21. In fact, the driver had been arrested just three days earlier for felony DWI. After a lengthy court process, the driver pleaded guilty to Manslaughter in the Second Degree and DWI and was sentenced to 7 1/2 to 15 years in prison.

The impact of this crime on our family is beyond measure. The driver's selfish need to drink and drive has not only wounded my family, leaving a scar that will always remain; he has also robbed this community of two of its most caring, giving, admired and cherished members.

Peter K. Navratil

One Day... One Wrong Turn



Four Die in a Crash

Katherine J. Almeter
18-year-old Colgate Freshman
of Norwich, Chenango County

Emily E. Collins
18-year-old William Smith College Freshman
of Norwich, Chenango County

Rachel H. Nargiso
18-year-old William Smith College Freshman
of Norwich, Chenango County

Kevin E. King
20-year-old HVCC Sophomore
of Troy, Rensselaer County

Four of seven in Jeep die when it crashes into tree on Colgate campus

"I still can't believe it"
Police charge driver with criminally negligent homicide, DWI

Byline By Aaron Gifford — Staff Writer

Christopher Rea described Friday night as a typical college outing.

He was in Hamilton to visit friends at Colgate University. The three went to a fraternity party off campus. After several hours of drinking, dancing and socializing at Delta Kappa Epsilon, he and his two male friends left. It was raining, and on their drive back to the Colgate campus, they offered four women a ride.

Rea's friend Robert R. Koester was driving along Oak Drive, a hilly, winding road near the campus entrance. Seconds later, Rea saw an old oak tree, the vehicle crashed and his other friend, Kevin E. King, went through the windshield and landed on pavement.

Four people died in the 1:45 a.m. Saturday accident. The driver was charged with felony driving while intoxicated and criminally negligent homicide, police said.

"I still can't believe it," said Rea Saturday afternoon as he stood near the tree, still wearing a blue hospital shirt. Bruises marked his face, and he had stitches above his left eyebrow. He was crying when he placed flowers at the tree.

"Three girls and my best friend are dead," he said.

Herald-American
November 13, 2000

Paul Buckowski/Times Union

Mourners fill the chapel at Colgate University during a memorial service

A stunned campus grapples with grief

Questions, sorrow at Colgate University in wake of fatal crash with Troy man at wheel

By Alan Wechsler — Staff Writer

The old oak tree at Colgate University shows the impact of the collision that killed four college students. Its bark is thicker than the width of a finger, but several strips of it were gouged from the massive trunk when a Jeep Grand Cherokee crashed into it.

On Monday, two days after the accident, this 181-year-old college was also bearing the calamity's effects. But the wounds were not as obvious.

Many students spent much of their classroom time talking about the deaths and wondering what the long-term effect of the accident would be.

"It's a pretty sobering occasion," said senior Benjamin Hendrick. "Perhaps it is a bit of a wake-up call."

TIMES UNION
November 15, 2000

Graphics provided by: New York Press Association

Saying Goodbye

Mourning a friend

Hundreds of friends and relatives line up outside the McLoughlin & Mason Funeral Home at 109th Street and Third Avenue in Lansingburgh on Monday for the wake of Kevin E. King, who was killed in an automobile accident Saturday in Hamilton. A memorial scholarship fund in memory of King has been set up at Hudson Valley Community College, where he was a student.

J.S. Carras/The Record

The Record

November 14, 2000

Police suspect all were drinking

Authorities are tracking where the victims had been before Saturday's fatal crash

Byline By Tom Murphy — Staff Writer

State police suspect that everyone involved in Saturday's fatal one-car accident on the Colgate University campus might have been drinking before the crash.

Witness interviews have investigators leaning that way, state police Capt. Roger Sykes said Monday. But he noted that blood tests, which would indicate a person's blood-alcohol count, have not been completed.

The Post-Standard

November 14, 2000

Three were friends to the end

Norwich residents, killed in Colgate crash, were inseparable, families recall

Byline By Tom Murphy — Staff Writer

Emily Collins and Rachel Nargiso wasted no time forming a friendship that lasted a short lifetime. The Norwich residents met in preschool, according to Nargiso's mother, Rita Ashton. A few years later, they made room in their friendship for a new girl, Katherine Almeter, who had moved to town.

The three became inseparable, sharing countless weekends and slumber parties. They played sports together and participated in a leadership club run by the local YMCA, said Collins' older sister, Kelly Collins.

"Everything one of them did, the other two were in it with her or supporting her," Collins said Sunday afternoon. "It felt like I had three sisters."

The three 18-year-olds were killed early Saturday, along with Kevin King, 20, of Troy, in a one-vehicle accident on the Colgate University campus in Hamilton.

The Post-Standard

November 13, 2000

Tears shed for a life that ended too soon

Hundreds mourn the loss of Kevin E. King of Troy, celebrating the life of 20-year-old who died in car crash

Pallbearers, including accident survivor Christopher Rea, front right, carry Kevin E. King's casket from Our Lady of Victory Church in Troy Tuesday.

Jonathan Fickies/Times Union

Times Union

November 15, 2000

Friends and family of Kevin E. King filed past dozens of photographs displayed at the McLoughlin & Mason Funeral Home Tuesday morning.

The pictures followed King through his short life: wearing water wings on his arms, dressed in his LaSalle Institute uniform, kissing a prom date, swinging a bat at Little League practice, standing with his family on vacation.

Each snapshot was a memory.

Adriane Jeschke/Associated Press

Times Union

November 13, 2000

Focus on alcohol, speed in campus crash

Accident at Colgate University that killed 4 occurred after driver, passengers left frat party, cops say

Gone forever...

Graphics provided by: New York Press Association

Shattered Lives

Emily Collins

Think back to November 11, 2000. I bet most people can't recall what they were doing that rainy November day. I can. That was the day that I got the call that forever changed my world. It was 10:30 a.m. when the phone rang. It was my mother. "Get home quickly", she said, "Your sister has been in an accident." Then the phone was dead. I immediately called my parents back and asked, "What's going on?" My father responded, "Your sister was in an accident. We can't find her and Katie (the girl my sister had been visiting) is DEAD." My father's words echoed as I made the hour trip to my house, wondering what had happened to my little sister. As I walked in the door, the frantic search for my sister was continuing. It was at 11:50 a.m. that the call came in: my sister had been killed at 1:45 a.m. on the Colgate University Campus, along with her best friends Katie and Rachel. The three of them – college freshmen, best friends since grade school, reunited for the first time in their college careers – had gone out on on a Friday night in Hamilton. Walking back to Katie's dorm through the rain and cold, they accepted a ride from three guys in a maroon Jeep Cherokee. Before they could even find out they were in a car with a drunk driver, he slammed on the gas, shot up Oak Hill on the Colgate Campus, and slammed into a tree. Instantly, my beautiful sister was killed. That was the day the pain began. It has never ended.

Em was eighteen and a freshman at Hobart and William Smith College in Geneva, New York. She was going to school for Business, with dreams of becoming a fashion buyer for a large retail store. She was beautiful, intelligent, caring, charismatic, and most of all, she was my sister.

One of my earliest childhood memories is of visiting my mother the day Em was born. That day I received my most important title: "big sister." That day my life changed, because I now had the responsibility of taking care of my little sister. When Em and I were young, we used to lie in bed at night and plan what fun the next day would bring, and wonder how we would have time to fit it all in. I never imagined that I would have to plan a day without Em. We were supposed to grow old together.

In our last conversation Em talked about how happy she was at college. She ended by saying, "I am glad to have a sister like you." Then we said goodbye. Little did I know it would be our last goodbye in this lifetime. In her special way, she left me, letting me know that she loved me and always would.

The impact that Em's death has had on me is immeasurable. My best friend, my confidant, my role model, and the person I always turned to for help and to laugh with, the person I was supposed to grow old with, is gone. I have a hole in my heart that you can only understand if you have lost someone. My sister meant everything to me, and learning to live without her will impact every second of every minute of every day of the rest of my life.

One drunk driver took away my yesterdays and my dreams of tomorrow, and for that I cannot forgive him. There will never be a day in my life that I will not think of Em and I pray that there will never be a moment in this drunk driver's life that he will forget the beautiful life he stole from me.

Kelly L. Collins-Colosi

Shattered Lives

Rachel Nargiso

I remember those hectic winter mornings in Norwich, New York, before school. My older sister would yell to me from her room, “Sarah, go out and start my car for me and scrape the ice off the windshield!” I would yell back, “Rachel, it’s your car!” “Do you want to get to school on time?” she would ask. “Ugh! You’re so annoying!” I would say as I walked outside in the freezing cold of winter, to scrape the ice off the windows and heat up the car. I never thought I would actually miss hearing her give me orders. Now, I would give anything to hear the sound of her voice.

On November 11, 2000, a drunk driver killed my only sister and her two best friends. All three were college freshmen. Rachel and her best friend, Emily, were visiting Katie at Colgate University. They went downtown to celebrate their reunion. When it was time for them to head back to the dorm, the weather had turned cold and rainy. They were at the foot of the campus when a fellow student offered them a ride. They got in the car, not knowing the driver was drunk. No more than thirty seconds later, the driver recklessly stepped on the gas, and hit a tree. Rachel, Emily, Katie, and one other student were killed; the driver survived. The next day, my mother and I, not knowing of the accident, went to Colgate to meet the girls for an early lunch. We waited at the Colgate Inn, but they never showed. My mother and I started calling people trying to find them, but nobody would give us information. Later, we were told of the accident by the hotel management. I couldn’t, I didn’t want to believe it! It didn’t seem real. I kept thinking that there was some mistake!

There wasn’t. My big sister, and two girls that were like sisters to me, were gone forever. I was in shock. My feelings then were as strong as the way all of America felt on September 11, 2001, when the World Trade Centers were attacked. It still seems impossible to express my true feelings and emotions in words.

The death of my sister has had a powerful impact on my life. It has not only changed my values, but the recognition of what is really important in life. I am no longer bothered by petty problems. After losing something that is extremely meaningful to you, even though it is hard, it is important to move on in life. America had to move on after September 11, just like I had to move on after my sister’s death. Although the incredible feeling of sadness and loss will never go away, dwelling on the loss won’t change anything. The only way to survive is to move on and appreciate every moment. Just as, in the wake of 9/11, most Americans no longer take their freedoms for granted, I no longer take life for granted.

After my sister died, I didn’t think that my life would ever go on. However, I have come to feel that her death has taught me more than her life. My whole attitude about what I do and my life has changed. By moving on, I have been able to use my sister’s death to teach others, and make a positive difference with others. Even though a person is not physically here, by making people aware, and remembering them, you can keep them alive forever. Having my sister killed is probably the worst thing that I will ever experience. Paradoxically, I feel that it has changed and shaped me into a better person.

Sarah Nargiso

Shattered Lives

Katie Almeter

Have you ever tried to imagine what your life would be like if you lost part of yourself? An eye, an ear, a right hand, a left leg? On November 11, 2000, I lost part of myself…my beautiful, talented, vivacious, loving daughter Katie was taken from me by a senseless act of violence.

Recently I reread some of the cards Katie had written to me in the past few years. Here are some of her comments to me:

- "Mom, you are very special to me. I love you! You're always there for me-thanks for everything!!"
- "I want to be just like you when I'm older. I really admire you."
- "You gave me the greatest gift: wings for my dreams. Thank you."
- "I look forward to our relationship growing and maturing."

And upon her graduation from high school, she wrote to her father and me:

> Dear Mom and Dad,
>
> At this very moment in my life I am forced to reflect back on all of my life's memories and lessons. As my classmates and I prepare to go out into the real world I notice that many of them are scared and seem unprepared. Yes, I too am scared but you have given me the best thing in the world. You have filled my balloons with the strongest "helium" ever. You have given me love, trust, compassion. You have taught me how to be myself, stand up for what is right and not be afraid of many things at all… Thank you for a great graduation party. It was a great close to my high school career and a wonderful opening to the rest of my life.
>
> I love you always,
>
> Kate

But "the rest of her life" was a mere 4 months. She had so many hopes and dreams, as did I for her. She was an elite athlete and had the potential to be an All-American and possibly an Olympic hopeful. She wanted to work with people, and she was blessed with many gifts in that area. Katie loved the water and talked often of how she would finish college, become a professional with a high-paying job, and have several homes, one of which would be on a lake or an ocean. The house would be big enough that her Dad and I could come and stay with her for months at a time. Katie hoped for a husband and children, and I, for grandchildren. Katie was my best friend and I grieve for her daily.

Will Rob Koester, the drunk driver who killed my daughter and her friends, ever begin to understand the magnitude of what his actions have cost me and my family, and the families of the others who were killed? Does anyone who has been drinking and then gets behind the wheel of a car foresee the heartache they may cause? "Friends don't let friends drive drunk", "If you drink, don't drive, if you drive, don't drink." They're easy to remember, those clichés – take them to heart so that you won't break someone's heart.

Betsy Almeter

Shattered Lives

Danielle Stento

When our daughter, Danielle, said, “Thanks for making my homecoming so special, Mom”, on October 22, 1989, after a weekend home from the University of Buffalo, little did we know that would be the last homecoming for Danielle as we knew her. A mere two weeks later, on November 4, 1989, we received the phone call every parent dreads. The caller asked if we had a daughter named Danielle; when I answered “yes”, he told me that he was a nurse at Erie County Medical Center and that my daughter had been hit by a car. He said that she was unconscious, but still breathing on her own. He recommended that we get there as soon as possible. When he asked if we had any family in the Buffalo area, I knew in my heart that this was very serious.

How do you endure a four-hour drive to Buffalo, not knowing if your daughter will be alive when you get there? How do you live through holding your precious child, screaming her name, begging her to wake up – and not having her respond in any way? How do you survive being told that your daughter is nearly brain dead – this energetic, vivacious, athletic, charming, and beautiful human being whose dream was to have the first doctorate degree in the family – how do you go on after that?

How do you handle then being told by the arresting officer that the person who ran Danielle down as she crossed the street with her friend was taken in for DWI? This was not an accident (somehow we accept accidents). Poor choices, however, are hell to live with. The person who did this to Danielle chose, after only having “a few”, to get behind the wheel of a car. I consider a car a weapon – I consider a car with a drunken driver a loaded weapon!

Danielle did survive. She communicates to me now that she hung on because she loved us (her mom, dad, and sisters Gina, Nicole and Rosemary). I’m sure there were times it would have been much easier for her to let go. Through months of coma, Danielle was locked in a body that no longer worked. She only had the ability, through her eyes, to communicate – “I’m in here, don’t give up on me.” Countless sleepless nights were spent wondering: Will she wake up? Will she walk? Will she speak? Will she remember us? Welcome to the world of TBI (Traumatic Brain Injury) – a very common occurrence in vehicular accidents.

One year to the day after her injury, Danielle laughed for the very first time, finally showing us some of the emotion that had been locked inside her. You can imagine our ecstasy at this sign of progress. Despite her condition, Danielle’s love of family and friends was very evident.

The flip side of our happiness is our struggle. I could never live if Danielle ever knew how much we hurt or how tired we get. I would never want her to feel our burdens – she has her own to bear. Imagine for a moment living the life that Danielle and her family have been sentenced to.

Imagine the torment of watching your beloved daughter struggle with pneumonia, infections, surgeries, muscle contraction, and pain – and not be able to tell you where she hurts. Imagine contending with the reaction of friends as they struggle – not always successfully – to accept Danielle as she is now. As the

result of permanent damage to her brain stem, Danielle can never be who she was. Her injury leaves her with many of the same struggles as one who has been afflicted with cerebral palsy. She will need 24-hour care for the rest of her life.

One incident in particular has stayed with me. Ten months after Danielle's injury, on a beautiful September day, I walked Danielle in her wheel chair to the local grocery store to purchase strained baby food. It was a happy day! I had been told that Danielle would never be able to eat – that she would be restricted to a feeding tube the rest of her life – but I was finally able to prove otherwise. As Danielle and I were choosing the food, I noticed the store was filled with college students, obviously shopping to fill their bare cupboards – it was the first day back for the 1990 fall semester. My happy time suddenly turned into a nightmare with the realization that Danielle, too, should be shopping – this would have been her first year of graduate school. I couldn't get out of the store fast enough, choking back the tears, never wanting to let Danielle know what I was feeling. SILENT SUFFERING!

The silent suffering that we continue to endure comes from watching people her age get married, have children, have fun, travel, and pursue careers. She will never experience the joy of becoming a mother, and we will never experience the joy of being grandparents to her children – the chain has been broken.

Our lives are not about fun; our lives are now about survival. Danielle, with the help of her family and friends, is doing everything she can to bring to public awareness the dangers of drinking and driving. Will you join us in her endeavor? Together, we can make a difference!

Fourteen years later . . . 2004

Danielle is now thirty-five years old, and in the past fourteen yeas, much has changed and so much is the same.

Somehow, I had believed that whatever functional improvement Danielle could achieve would be permanent, and we would accept that. Little did we realize that she could regress.

In 1993, Danielle was able to tolerate pureed foods with someone feeding her. She was able to move her left arm in a manner that was almost functional. She was gaining more control of her head and neck muscles, and was even able to speak up to three and four word sentences. These accomplishments were miracles to us. They were the result of four years of grueling work, but worth every minute. The next few years for the most part were status quo. Since 1996, however, we have watched our daughter's health decline…another bleed to her brain, pneumonia, infections and seizures. Each time an ambulance comes to our home I wonder, "Is this the time? Is this what will finally take her from us? How many times can we lose her?"

I remember a mother once came to me and shared something I was not ready to hear. She had lost her son in a tragic accident. She struggled with grief for many years, but on one occasion, she saw Danielle at a church service. She saw what her son could have endured if he had lived, because he too had suffered brain injury. She said she was finally able to say thank you to God because she did not believe she could do for her son what we did as a family for Danielle. I am sure she thought she was complimenting us for our strength, but what I heard was, "Death was easier". I was not ready then to acknowledge that there might be some truth in that; but at times now, I wonder if, for Danielle, death might have been easier

My faith and belief, however, is that Danielle's purpose in this life is not yet complete. I do not know all of those whom her life and story have affected; I only hope that for the betterment of the world, as many as possible can learn from Danielle's tragedy the disastrous results of drinking and driving.

My husband and I, although healthy, are getting older, and, with each passing year, it becomes harder to do what we need to do to care for Danielle. [She lives at home with us, and requires 24-hour care.] Our greatest fear is what will happen to her if we become unable to provide her care. The thought of her in a nursing home or health care facility is almost unbearable. Caring for her at home was the only choice for our family, and we will never regret that.

Of course, if we could choose only one thing, it would be that our daughter's tragedy- this "horrible dream", which still at times seems unreal-never happened. Our dream would be that Danielle would not have to be on a feeding tube [imagine never tasting food or drink again]…that she could tell us what she wanted, or tell us where it hurts [sometimes it is a guessing game, as she cannot articulate her needs]…that she could be with her friends and explore the world. Just last summer a good friend of hers, while visiting Danielle, broke down and cried. Her words to Danielle were, "I feel so guilty every time I come, because I'm leaving and going on with my life, and you are not able to do that".

Fourteen years later, everyone who knew and loved Danielle still cries. They cry for the incredible young woman whose life was stopped because of someone else making an unwise decision.

My only hope is that you who read this story will realize that what happened to Danielle can happen to you or someone you love, and that alcohol or drugs is not the answer to having fun, or the answer to your problems. A drunk driver who kills or injures someone might spend time in jail, or even get off with probation or a fine; but we, the victims, are sentenced to a lifetime of pain. How can that be fair?

Diane Stento

CHILD PASSENGER PROTECTION ACT (VTL §1192.2a (b))

~ Leandra's Law ~

Eleven year old Leandra Rosado's life came to a tragic end on October 11, 2009 in a DWI crash on the Henry Hudson Parkway. She and six other children were in a car driven by Carmen Huertas, a friend's mother, who was under the influence of alcohol. The vehicle spun out of control and Leandra's body was ejected out of the vehicles window causing her death. The six other children were seriously injured as well. Leandra's father, Lenny Rosado, has become a fierce proponent of harsher DWI laws and his lobbying combined with momentum from the tragic crash has led to quick changes in New York's DWI laws.

- The Proposed Legislation effective as Law November 18, 2009
    - Any person operating a motor vehicle while intoxicated (.08 BAC or greater) or impaired by drugs and transporting a child 15 years or less shall be charged with a Class E felony punishable by up to 4 years in State Prison.
- Ignition Interlock Mandate effective as Law August 15, 2010
    - Any driver upon conviction for a misdemeanor or felony DWI offense under VTL §1192-2, 1192-2a, 1192-3 as part of any sentence shall have an interlock device installed on *all* vehicles owned *or* operated by the defendant regardless of whether a child was in the vehicle at the time of the arrest or not.
    - The driver is responsible for paying for the installation and maintenance of the interlock device for at least 6 months or such time as ordered by the court.

FACTS ABOUT THE .08 BAC STANDARD

.08

DON'T BLOW IT!

■What is the .08 BAC Standard for Driving While Intoxicated?

Blood alcohol concentration (BAC) is defined as the level of alcohol in the bloodstream. As the number of alcoholic beverages consumed over a period of time increases, so does the BAC. At .08% BAC, virtually everyone, including habitual drinkers, experiences some degree of driving skill impairment affecting eye movement, judgment, coordination, concentration and reaction time.

In a study published in the *Journal of Studies on Alcohol* (May 2000), results showed that a driver with a .08 BAC can be up to 50 times more likely to die in a crash than if he was completely sober (.00 BAC).

■What .08 BAC means to the average driver.

Anyone drinking alcohol in New York State should consider the following facts before getting into the driver's seat:

-A 170 Pound male is at .08% BAC after four drinks within one hour.
-A 140 pound female is at .08% BAC after three drinks within one hour.

■A drink is a drink is a drink.

Each of the following drinks contains an equal amount of alcohol:

-12 oz. Can of beer at 5% alcohol content
-5 oz. Glass of wine at 12% alcohol content
-1 ½ oz. Shot of 80 proof liquor
-12 oz. Wine cooler at 5% Alcohol content

■Alcohol content between products will vary considerably depending on container size and percentage of alcohol.

The degree of impairment depends on numerous factors including:

-The amount of alcohol you drink.
-Whether you have eaten before or while drinking (food slows absorption of alcohol into the bloodstream).
-You body weight and percentage of body fat (fat does not absorb alcohol).
-The length of time spent drinking. Note also your rate of consumption.

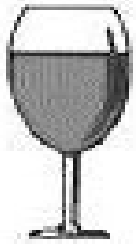
Coffee can not make someone sober. Only time can make someone sober. It takes at least one hour per drink for the alcohol to leave the body's system.

THINK BEFORE YOU DRINK!

Are You Aware?

Each of the following drinks contain an equal amount of alcohol...

Beer
12oz. at 5%



Wine
5oz. at 12%

Liquor
1 1/2oz. 80 proof

Wine Cooler
12oz. at 5%

Alcohol content between products will vary considerably depending on container size and percentage of alcohol.

Always Be Aware of How Much You Drink!

If you are less than 21 years old take notice, these laws affect you...

■ Penalties for purchase of alcoholic beverages by persons under 21:

Anyone caught using false identification to purchase alcohol commits a violation of law punishable by a maximum of $100 and/or 30 hours of community service.

In addition, if your New York State Driver's License is used to illegally purchase or attempt to illegally purchase alcohol, the court will impose a 90 day suspension of your driver's license. If you do not currently have a license you will be disqualified from applying for a driver's license for 90 days.

■ Penalties for possession of alcohol by persons under 21:

It is illegal for persons under the age of 21 years to possess alcoholic beverages with the intent to consume them. Under the terms of this violation, alcohol confiscated from minors will be seized and destroyed or disposed of by law enforcement officers. Minors guilty of possessing alcoholic beverages are subject to a fine up to $50 and up to 30 hours of community service.

PENALTIES FOR ALCOHOL/DRUG RELATED VIOLATIONS

DRIVING WHILE INTOXICATED, PER SE (VTL §1192.2) or DRIVING WHILE INTOXICATED (VTL §1192.3) or DRIVING WHILE ABILITY IMPAIRED BY A DRUG (VTL §1192.4)

CONVICTION	FINE ONLY*	MAXIMUM JAIL	LICENSE ACTION** AND REQUIREMENTS
1st Offense (misdemeanor)	$500 - $1,000	1 year	DWI Minimum 6 month revocation DWAI-drug 6 month suspension Ignition Interlock (not §1192.4)
2nd Offense (class E felony) Within 10 years	$1,000 - $5,000	4 years	Revoked for at least 1 year Ignition Interlock (not §1192.4)
3rd Offense (class D felony) Within 10 years	$2,000 - $10,000	7 years	Revoked for at least 1 year Ignition Interlock (not §1192.4)

DRIVING WHILE IMPAIRED BY COMBINED ALCOHOL AND DRUGS (VTL §1192.4a) DWAI-Combination

CONVICTION	FINE ONLY*	MAXIMUM JAIL	LICENSE ACTION** AND REQUIREMENTS
1st Offense (misdemeanor)	$500 - $1,000	1 year	Revoked for at least 6 months
2nd Offense (class E felony) Within 10 years	$1,000 - $5,000	4 years min. 5 days jail or 30 days comm. service	Revoked for at least 1 year
3rd Offense (class D felony) Within 10 years	$2,000 - $10,000	7 years	Revoked for at least 1 year

AGGRAVATED DRIVING WHILE INTOXICATED (VTL §1192.2a (a)) AGG-DWI (0.18 and higher Blood Alcohol Content [BAC])

CONVICTION	FINE ONLY*	MAXIMUM JAIL	LICENSE ACTION** AND REQUIREMENTS
1st Offense (misdemeanor)	$1,000 – $2,500	1 year	Revoked for at least 1 year Ignition Interlock
2nd Offense (class E felony) Within 10 years	$1,000 - $5,000	4 years	Revoked for at least 18 mos. Ignition Interlock
3rd Offense (class D felony) Within 10 years	$2,000 - $10,000	7 years	Revoked for at least 18 mos. Ignition Interlock

AGGRAVATED DRIVING WHILE INTOXICATED WITH A CHILD (VTL §1192.2a (b))
DWI w/child (0.08 and higher BAC [or combination w/drugs] with passenger 15 or younger)
Child Passenger Protection Act - *Leandra's Law*

CONVICTION	FINE ONLY*	MAXIMUM JAIL	LICENSE ACTION** AND REQUIREMENTS
1st Offense (class E felony)	$1,000 – $2,500	4 year	Revoked for at least 1 year Ignition Interlock
2nd Offense (class D felony) Within 10 years	$2,000 - $10,000	7 years	Revoked for at least 18 mos. Ignition Interlock

DRIVING WHILE ABILITY IMPAIRED (VTL §1192.1)
DWAI (more than .05 up to .07 BAC)

CONVICTION	FINE ONLY*	MAXIMUM JAIL	LICENSE ACTION** AND REQUIREMENTS
1st Offense (traffic infraction)	$300 - $500	15 days	Suspended for 90 days
2nd Offense (traffic infraction) Within 5 years	$500 - $750	30 days	Revoked for at least 6 months

ZERO TOLERANCE LAW (VTL §1192-a)
Driver less than 21 yrs (.02 - .07 BAC)

CONVICTION	FINE ONLY*	MAXIMUM JAIL	LICENSE ACTION** AND REQUIREMENTS
1st Offense (administrative)	$125 civil penalty	None	Suspended for 6 months $100 susp termination fee
2nd Offense (administrative)	$125 civil penalty	None	Revoked for 1 year or until age 21 $100 reapplication fee

CHEMICAL TEST REFUSAL – Civil Penalties (VTL §1194)

	CIVIL PENALTY	LICENSE ACTION** AND REQUIREMENTS
1st Offense	$500	Revoked for 1 year
2nd Offense (within 5 yrs)	$750	Revoked for 18 months
Zero Tolerance	$300	Revoked for 1 year
Zero Tolerance 2nd offense	$750	Revoked for 1 year

* Conviction fine only does not include mandatory surcharge or crime victims assistance fee. ($260 for traffic infractions, $400 for misdemeanors and $520 for felonies)

** The Department of Motor Vehicles determines when your license can be returned. Its return or reinstatement, based on state law or regulation, is not automatic. You must reapply for your license and may have to pass a test. Three or more alcohol or drug-related convictions or refusals within 10 years can result in **permanent revocation** with a waiver request permitted after at least 5 years. License penalties for under 21 and CDL are different.

HOW TO SPOT AN IMPAIRED DRIVER

Listed below are cues suggested by the National Highway Traffic Safety Administration as ways to discriminate between impaired and sober drivers.

►Turning with a wide radius

►Straddling the center of the road or lane marker

►Swerving or weaving or abruptly turning away from a generally straight course

►Driving more than 10 mph below the speed limit

►Following others too closely

►Drifting or moving in a straight-line at a slight angle to the roadway

►The left-hand tires are consistently on the center line or lane marker

►Erratic braking or stopping inappropriately

►Signaling that is inconsistent with driving actions.

►Slow response to traffic signals (sudden stop, delayed start)

►Turning abruptly or illegally

►Accelerating or decelerating rapidly

►Driving with headlights off

WHAT TO DO?

Contact a law enforcement agency and provide them with the following information:

1. Tell them you wish to report a suspected impaired driver.
2. Give the exact location (road and direction) of the vehicle being driven erratically.
3. Give a description of the vehicle such as model, color, license number.
4. Describe the manner in which the vehicle is being driven.

WHAT NOT TO DO:

1. Do not attempt to stop the vehicle.
2. Do not attempt to follow if the vehicle is exceeding the speed limit or any other hazard may exist due to following the vehicle.
3. Do not follow the drunk driver too closely, because he or she may stop suddenly.
4. Do not attempt to detain the impaired driver if he or she should stop.

Do not attempt to act in the capacity of any police, fire or medical person unless you are properly trained and authorized to perform that function.

THE COST OF AN IMPAIRED DRIVING CONVICTION
(First Time Offender)

• Towing	$ 75 +
• Car Storage (per day)	$ 45 +
• Defense Attorney	$ 1,500 +
• Bail Fee	$ 0 - $ 500 +
• DWI Fine	$ 350 - $ 1,000
• State Surcharges	$ 245 - $ 395
• Ignition Interlock	$ 75 - $ 100 +
• Ignition Interlock monthly fee (6 mo. min.)	$ 420 - $ 600 +
• Alcohol Evaluation	$ 100 +
• Victim Impact Panel	$ 10 - $ 50
• Probation Supervision	$ 0 - $ 250 +
• Conditional License	$ 75
• Drinking Driver Program	$ 175 – $ 300 +
• DMV Civil Penalty	$ 125 - $ 750
• DWI license reinstatement fee	$ 100
• DMV suspension termination fee	$ 50
• Driver Responsibility Assessment (every 3 yr)	$ 250
• Auto Insurance (per yr)	$ 2,000 - $ 3,000 +
TOTAL:	**$ 5,595 - $9,140 +**

How a DWI Conviction Affects Auto Insurance . . .
Little known Facts!!

●An insurance company can deny no fault coverage (personal injury protection for medical, rehabilitation and loss of wages) to the driver that causes a motor vehicle crash due to alcohol/drug involvement.

●An insurance company can deny parents whose child resides with them the standard or preferred rate due to the alcohol related driving offense of their child. In other words, the insurance rates for parents could increase simply because their child lives with them and has an alcohol related driving conviction.

Every drunk driving arrest, crash or fatality starts out the same . . . with a drink.
DWI is serious. Dead serious.

STOP DWI New York

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