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Posted by: cliffviewpilot Tags: assault by auto, Bergen, [REDACTED] Lodi, New Jersey State Police, New Jersey State Police troopers, Route 80 crash, Saddle Brook crash, vehicular homicide Posted date: October 19, 2014 | No comment



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ONLY ON CVP: A U.S. Marine Iraq War veteran failed to reduce a plea-bargained, seven-year prison sentence for a drunk-driving crash that killed two men who were changing a tire off Route 80 in Saddle Brook.

With credit for time served, [REDACTED] 31, will still be eligible for parole in early 2016.

Both sides agreed that the Lodi father of two could have been convicted of vehicular homicide charges, which guarantee prison time in New Jersey.

Instead, he pleaded guilty in February to third-degree assault by auto, for which he could have received probation.

After getting seven years — four years for one victim, three for the other — [REDACTED] appealed.

The state Appellate Division sent the sentence back, saying the judge hadn't sufficiently explained the reason for prison — or for the consecutive terms.

[REDACTED] told Superior Court Judge Edward A. Jerejian this week that the on Oct. 2, 2011 crash "could happen to anybody."

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"No one ever thinks it will happen to them, but I am a case in point," he said. "If it happened to me, it could happen to you."

"I can never make this right for the families of the two men, but if someone else hears my story and learns from it, that is something positive that can come from my experience."

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Defense attorney Michael Beatrice said his client has been evaluated and "doesn't have an alcohol problem."

His behavior leading up to the accident that killed [REDACTED] both of New York, was "an anomaly," Beatrice said.

[REDACTED] had just exited Route 80 East at 62B when his Hyundai struck the two men.

"There is no dispute Mr. [REDACTED] was of exemplary character before this happened," the attorney said. "A distinguished and decorated veteran of the Iraq war — a Marine, a leader of his men, that in and of itself deserves recognition."

"His wartime experiences may have contributed — and he needs counseling for that, and for dealing with this tragic accident," Beatrice said. "After this horrible accident he directed people to call 911, and he tried to administer CPR."

"Was he under the influence of alcohol? Did it cause his behavior? It may have affected his driving," the defense attorney said.

Both the judge and Assistant Bergen County Prosecutor Martin Delaney disputed Beatrice's contention that [REDACTED] isn't a risk to public safety.

"I don't think I can say he's a risk of committing another offense, but I also can't say these circumstances are unlikely to recur," Jerejian said. "He may have some issues, may need some counseling."

"What you have to consider," Delaney said, "is that someone continued to drink knowing he had to drive."

The assistant prosecutor also emphasized that no prison time for the third-degree conviction "is a presumption and not a dictate."

That the DWI crash killed two people justified both a prison sentence and consecutive terms, he said.

The judge agreed, emphasizing that [REDACTED] agreed to the maximum sentence as part of his plea bargain.

"This case involved careful consideration by two competent, experienced attorneys to reach this agreement," Jerejian said, "and the decision to impose sentences consistent with the plea agreement should deserve great respect."

"This was a plea that was entered into freely and voluntarily."

STORY/PHOTO: Mary K. Miraglia, CLIFFVIEW PILOT Courthouse Reporter



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