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April 25, 2007

Witness describes deadly collision

Ex-deputy on trial on DWI, other counts

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Ronald A. Birch was heading west on West Ridge Road in Parma last Sept. 6 when a motorcyclist pulled up next to him. Birch, who was driving in the left lane and had set his cruise control at 46 mph for a 40 mph zone, said the rider pulled into his lane and he turned his head to take a quick glance.

"He looked at me and gave me a look like, 'You should be over here (in the right lane),' then he slowly pulled away and pulled in front of me."

Seconds later, as Birch was preparing to move into the right lane — which he called "the slow lane" — he saw the pickup truck that had pulled out from a driveway of Braemar Country Club, 4704 W. Ridge Road.

"He hit the brakes," Birch said. "The motorcycle just kind of ... slid to the right. That's when the motorcyclist slammed into me."

Birch was a key witness Tuesday in the trial of former Monroe County Sheriff's deputy James R. Telban Jr., 45, charged with second-degree vehicular manslaughter, driving while intoxicated and failure to yield to oncoming traffic in the death of a 27-year-old woman, of Greece.

Telban, who was off duty, was leaving a golf league outing when the crash occurred. A court-ordered test showed he had a blood alcohol content of 0.24 percent — three times the threshold for a DWI charge.

But in his opening statement to County Court Judge John J. Connell, who is hearing evidence in a non-jury trial, defense lawyer Joseph S. Damelio said the crash was caused by a combination of Volkmuth's speed and reckless operation of the truck that blocked Telban's view.

To convict Telban of vehicular manslaughter, Connell has to find that Telban's alleged intoxication caused Volkmuth's crash and that the fatality would have occurred regardless.

"It was a setup for disaster," Damelio said. "It had nothing to do with alcohol."

But Assistant District Attorney Christopher Rodeman argued that Telban's alleged level of intoxication was the cause of the crash.

"This is a case about choice," Rodeman said. "That choice turned the defendant into a lethal weapon."

In other testimony, Deputy Frederick Scacchetti, who joined the Sheriff's Office with Telban 20 years ago, said he saw the crash. Telban's breath had a strong odor of alcohol and his eyes were watery and bloodshot, he said.

"He was intoxicated," Scacchetti said.

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Background

James Telban resigned from the Sheriff's Office eight days after the crash. If convicted of manslaughter, he faces a penalty ranging from probation to seven years in prison.

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