

This is a printer friendly version from the **Democrat and Chronicle**:

April 27, 2007

Expert rebuts speed in crash

Defense at ex-deputy's trial claims dead biker shared blame

Michael Zeigler
Staff writer

Motorcyclist Peter Volkmuth was traveling at 65 mph — 25 mph above the speed limit — seconds before he slar Monroe County sheriff's Deputy James R. Telban Jr., an accident reconstructionist said Thursday.

Testifying for the defense in Telban's trial on charges of second-degree vehicular manslaughter, driving while int oncoming traffic, mechanical engineer Manas Ucar disputed an analysis by a prosecution expert who estimated

Ucar also testified that a mailbox blocked Telban's view of Volkmuth's approaching motorcycle as Telban pulled from Braemar Country Club, 4704 W. Ridge Road.

The testimony is crucial to Telban's defense that he's not guilty in Volkmuth's death on Sept. 6, 2006.

Although conceding that Telban was intoxicated, defense attorney Joseph S. Damelio argues that the fatal crash because Volkmuth was traveling too fast and Telban's view of oncoming traffic was obstructed.

To convict Telban, County Court Judge John J. Connell, who is presiding over a nonjury trial requested by Telba was a direct result of Telban's intoxication.

Assistant District Attorney Christopher Rodeman will attempt today to call an expert witness to refute Ucar's testi prepared to sum up their views of the evidence, but he didn't indicate when he might announce a verdict.

Volkmuth, 27, of Greece was killed at 10:15 p.m. while traveling west on West Ridge Road. Telban, 45, also of G years, was leaving a golf league outing when he pulled in front of Volkmuth. A court-ordered test showed that Te 0.24 percent — three times the threshold for a DWI charge.

Using a toy car and a toy motorcycle purchased at Wal-Mart to illustrate his testimony, Ucar said the prosecution conducted by Rochester Police Officer John Northrup, didn't consider the difference in weight between the two v collision.

"I don't want to be critical of a public servant, but I disagree," said Ucar, a former professor at Syracuse Universit

At the speed Volkmuth was traveling, it took him nearly twice as long to stop than if he had been observing the p said.

Despite an effort to brake, Volkmuth was traveling 52 mph when he hit the driver's side of Telban's truck, he saic

Had Volkmuth been traveling at the speed limit, he would have had time to stop and wouldn't have been killed, L

MZEIGLER@DemocratandChronicle.com

Background

James Telban, who resigned from the sheriff's office eight days after the crash, faces a penalty ranging from probation to up to seven years in prison if convicted of manslaughter.

[Back](#)

Copyright © 2007 Rochester Democrat and Chronicle | 55 Exchange Boulevard | Rochester, NY 14614 | (585) 232-7100. All right Use of this site signifies your agreement to the [Terms of Service](#) and [Privacy Policy](#), updated June 7, 2005.