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Intoxication at issue in fatal crash

Deputy's condition described in pretrial hearing

Michael Zeigler
Staff writer

(January 18, 2007) — After motorcyclist Peter Volkmuth was killed last year by a pickup truck on West Ridge Road in Parma, a Greece police officer found the truck's driver a few hundred yards down the road, standing next to the truck and holding onto its bed.

Officer Charles St. John pulled behind the truck and put on his flashers, then got out and asked three the driver, later identified as off-duty Monroe County sheriff's Deputy James R. Telban Jr.

"I asked him if he had been involved in a motor vehicle accident that night," St. John testified Wednesday at a pretrial hearing for Telban, charged with second-degree vehicular manslaughter and driving while intoxicated in Volkmuth's Sept. 6 death.

"He said, yes, he had. I asked him if he had been driving. He said yes, he was. I asked him what happened and he said he was leaving Braemar Country Club and he must have pulled out in front of somebody."

Testifying at a hearing that will determine whether the sheriff's office had probable cause to arrest Telban, St. John and Deputy John Billitier said they appeared intoxicated.

"I observed that his eyes were bloodshot and he had a moderate odor of an alcoholic beverage emanating from his mouth, and that his movements were hesitant," Billitier said.

At one point, Telban stumbled and had to be kept from falling by a deputy, he said.

But St. John and Billitier said their verbal contact with Telban was limited because Telban almost immediately demanded to talk to a lawyer and refused to submit to a field sobriety test.

Results of a court-ordered blood test given later disclosed that Telban had a blood-alcohol content of 0.15 — three times the level needed to bring a DWI charge.

The crash occurred as Telban, 45, was leaving Braemar Country Club, 4704 W. Ridge Road. Volkmuth, 42, of Greece, suffered a fatal head injury when his westbound motorcycle collided with Telban's Ford Range Rover.

What's next

James Telban's trial is scheduled for January 23 and is expected to take less than a week. If convicted of manslaughter, he could face a penalty ranging from probation to 15 years in prison.

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Telban, who lives in Greece and was a 19-year veteran of the sheriff's office, resigned a week later.

St. John was on duty in Greece and at first was dispatched to a reported accident at West Ridge and roads. But on his way, a dispatcher told him the crash was over the town line in Parma and directed him anyway so he could assist sheriff's deputies, who were on the way.

After encountering Telban, St. John turned him over to a sheriff's deputy. An issue in Wednesday's h why St. John didn't include Telban's alleged statements in a report he filled out.

St. John said he told a deputy of Telban's remarks but did not document them because the arrest wa by the sheriff's office, not Greece police.

"This was not my investigation," he said. "I'm not making the arrest so I'm not going to get into all the I normally would make in a DWI arrest ... I had no jurisdiction outside the town of Greece."

Billitier testified that he assumed, after hearing that Telban had invoked his right to a lawyer, that Tell refuse to submit to a sobriety test. "I asked him if he was going to refuse the field sobriety test," Billiti defendant stated that he did refuse."

Asked by Judge John J. Connell why he phrased the question the way he did instead of asking if Tel take a test, Billitier said his choice of words reflected Telban's experience as a deputy.

"Being that he was a police officer, at that time I knew he knew what to say and what not to say, to b refuse the test," Billitier said.

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