



December 24, 2009

Tia Gerstner offers tearful apology in death of Joseph Mueller

Victoria E. Freile
Staff writer

A Rochester teen who caused the death of a friend while driving drunk sobbed as she apologized in state Supreme Court Wednesday morning.

"I never meant for this to happen," said Tia M. Gerstner, 19, as she wiped tears from her face. "I loved Joe. He was my best friend."

Gerstner pleaded guilty to second-degree vehicular manslaughter, a felony, for the March 28 accident that killed her friend and Aquinas Institute classmate Joseph Mueller, 17, of Greece.

Gerstner was taken into custody Wednesday, two days before Christmas, to start serving her six-month term in the Monroe County Jail.

State Supreme Court Justice Daniel J. Doyle also sentenced Gerstner to five years' probation and suspended her driver's license for five years. He rejected her request to be sentenced as a youthful offender.

Gerstner agreed not to appeal.

"It's just tough for everybody," said Assistant District Attorney Perry Duckles.

Gerstner sobbed as she faced Mueller's family and apologized.

"I'm so sorry for all of the pain I caused you. I'm so sorry. I never meant to do that to anyone."

During the plea, Gerstner told the court that she consumed two 22-ounce beers and smoked marijuana before she got behind the wheel on March 28. She said she was driving on Ling Road in Greece, with Mueller as a passenger, lost control and drove into a tree about one mile from Mueller's home. The car overturned and hit the front porch of a house about 2 a.m.

"For me, this is a living nightmare," said Joseph Mueller's father, Mike Mueller. "Having a child is a miracle. To lose him so young is a sin."

Deborah Mueller told Gerstner that her son's death has significantly affected her whole family.

"I feel indescribable pain each day and struggle every day to focus," she said. "It haunts me that he died so close to me, but was all alone."

She called Gerstner's actions on March 28 selfish and careless.

"I am extremely resentful that since the accident, (Gerstner) got to resume her life as it was," Deborah Mueller said. "She finished her senior year, went to the senior ball and graduated, while our world has been crushed."

Gerstner's attorney Joseph Damelio said Gerstner has "not enjoyed one second of her life" since the accident.

Doyle said he hopes Gerstner will learn from her actions and move forward and, once out of jail, speak to other teens about the accident — "as a working legacy to Joe, to try to make sure nothing like this happens in our community again."

VFREILE@DemocratandChronicle.com
