

The cost of a DWI? Lives, fines, reputations and jail

Written by Kitty Hall-Thurnheer

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Marianne Angelillo, of Skaneateles, holds a photo of her son, Matthew, who died in a 2004 drunken-driving accident at the end of his junior year in high school. Angelillo told her family's story at the 2012 STOP-DWI awards ceremony. / SIMON WHEELER / STAFF PHOTO

Related costs

- » Vehicle towing: \$75
- » Car storage, per day: \$45
- » Defense attorney: \$2,500-\$10,000
- » Bail fee: \$0-\$500
- » DWI fine: \$500-\$10,000
- » State surcharges: \$245-\$395
- » Ignition interlock: \$95 + \$106/month
- » Alcohol evaluation: \$100
- » Victim impact panel: \$10-\$50
- » Probation supervision: \$350/year
- » Conditional license: \$75
- » Drinking driver program: \$175-\$300
- » DMV civil penalty: \$125-\$750
- » DWI license reinstate fee: \$100
- » DMV suspension termination fee: \$50
- » Assessment: \$250/year
- » Auto insurance: \$2,000-\$3,000

Source: Tompkins County Department of Probation, Journal research

DWI arrests for 2011 in Tompkins County

- Total 2011 DWI/DWAI arrests: 322.
- Gender: About 75 percent of all arrests were for male drivers, a ratio that has been consistent for several years.
- Ages: 71 percent of drivers were 21 to 49.
- Underage drinking: 15 percent of arrested drivers are younger than 21.
- Accidents: 92 arrests were related to vehicle accidents.
- Convictions: 272 misdemeanors and 50 felonies.

Source: Tompkins County STOP DWI

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ITHACA — It was 34 years ago that Fran Helmstadter, of Ithaca, lost her husband and son to a drunk driver, but describing the accident still brings back the loss, she said.

It was a beautiful, sunny August day in 1978 when her husband, Tom, 43, and her 15-year-old son, Tommy, went for a bicycle ride to get an ice cream cone. They left Ithaca for what she believes was either Cortland or Homer.

While they were riding up a hill in McLean, a drunk driver came roaring up and hit and killed them. Her other son, Theo, would have gone but didn't feel well and stayed home.

"It is an understatement to say this is a life-changing event," Helmstadter said. "We went from a family of four to a family of two."

The drunk driver who killed Helmstadter's husband and son didn't go to jail and didn't even lose his license.

"Drunk driving used to be considered not a very serious thing," Tompkins County District Attorney Gwen Wilkinson said. "A lot of times, the cops would stop people and not arrest them. That doesn't happen anymore. People get arrested."

Wilkinson has told her assistant DAs not to allow DWI charges to be pleaded down.

"Our policy, my policy, is that DWI defendants should be convicted of DWI unless there's a problem of proof evidence that would make it unlikely that we would get a conviction," she said.

Mother shares her 'stones'

"We were in the middle of a really blissful life," recalled Marianne Angelillo, of Skaneateles.

Her 17-year-old son, Matthew, was riding high in 2004, at the peak of his high school career. He looked striking at his junior prom. The week before, he had just returned from the U.S. Air Force Academy, where he was accepted. Everything was going his way.

He and a few friends decided to celebrate. Matthew, who was usually the designated driver, left his car at home that night, perhaps to avoid driving home drunk. When his best friend showed up with a sports car and later offered a ride, Matthew jumped in the passenger seat.

The driver was drunk, and police later estimated he was driving more than 100 mph when the ride ended in a crash, killing Matthew and seriously injuring a passenger sitting on Matthew's lap. The drunk driver ended up serving two years in prison for killing his best friend.

The boys' mothers were also best friends.

"It was too much pain for one room," Angelillo said, describing why she and her best friend couldn't be together. In November, they had lunch together for the first time since the accident. "We've lost nine years of friendship," Angelillo said.

Drunken driving changes the lives of victims, families and the drivers who can face thousands of dollars in fines and legal fees, higher insurance rates and imprisonment.

Angelillo and Helmstadter tell their stories to convicted drunk drivers in Tompkins County who are required to attend a victim's impact panel.

Angelillo describes the pain of losing her son as similar to carrying a bag of stones. Angelillo's presentation is called "Sharing My Stones," because "by sharing my stones, I lighten my load," she said.

Both women are surprisingly beyond any anger or resentment. Angelillo said she wants to reach young people: "They've never gotten caught, and they've never had the opportunity to learn."

At the victim's impact panels, she tells youths, "It's great that you got a DWI, so that you're here tonight."

"Decisions have consequences," Helmstadter said. "We rarely know what the consequences of our decisions will be."

She suggests to the convicts at the panel that they grasp their "opportunity to think about what they're doing and focus on what they're doing."

State now reviews lifetime record

In September, Gov. Andrew Cuomo signed into law a measure that allows the Department of Motor Vehicles to review the lifetime records of all drivers who apply to have a license reinstated. If the applicant has five or more alcohol- or drug-related driving convictions in a lifetime, the DMV will permanently revoke that person's license.

"That is a welcome addition," Wilkinson said. "Let me tell you why. I prosecuted somebody about two years ago on their eighth DWI conviction."

The timing was just right on the previous convictions so that the defendant didn't have "the requisite number in the finite time parameter that we're allowed to look at," she said.

Leandra's Law, signed in November 2009, now makes it a felony on the first DWI offense if a person 15 or younger is inside the vehicle. The bill is named after 11-year-old Leandra Rosada, who was killed in New York City when her mother's friend, allegedly under the influence of alcohol, flipped the car they were in.

Financial cost of DWI

A DWI conviction can affect a person's entire life. Besides the embarrassment of having the arrest published, the financial implications can be severe.

Ithaca lawyer Larry Newman said legal fees for a DWI defendant can range from a few thousand dollars to \$10,000. But the cost doesn't stop there.

"If someone drives for a living, it can cost them their job," Newman said. If the person is in the military, they can be found guilty in both military and civilian courts, he said.

Paul Rizzuto, of Urbanke Insurance near Utica, said that after a DWI conviction, vehicle insurance will increase at least 25 percent to 30 percent. Many companies won't insure a driver for 40 months after a DWI conviction, and some decline for seven to 10 years. After a DWI conviction, an ignition interlock device is required on all vehicles the defendant has access to drive. Courts usually require a minimum six-month installation.

The device requires the driver to blow into it before starting the car. If any alcohol is detected, the car won't start. Once a month, the driver has to take the car to a service center to have the data uploaded to the monitoring agency.

Kurt Kerfoot, from Hunt's Auto in Ithaca, said installation fees for the ignition interlock are \$95 for the device, which also photographs the driver when they blow into it. Monthly fees are \$106, and it takes about 15 minutes to have the information uploaded, Kerfoot said.

The range of penalties

"You don't get arrested the first time you drive drunk," Wilkinson pointed out. "I'm a recovering alcoholic. I was a really bad drunk until I was like 32. And now I'm 60, and I haven't had a drink since then. It was a major life event for me. But I was flushing my life down the drain, and I have driven drunk. Many times. More times than I care to think about. It makes me a little sick to my stomach to think about the chances that I took."

Wilkinson has her assistant DAs ask for jail time for every felony conviction.

"Many judges believe that a person's job shouldn't be taken away because of a DWI conviction," she said. "I have mixed feelings about that. I think sometimes they need to have a punishment that doesn't take into consideration what impact it will have on their income."

Newman said he believes the punishment should be balanced and appropriate to the crime.

"If it becomes so harsh that people can't work or can't have a license, then there will be a lot more unlicensed operators on the road out of necessity, and they will be driving cars without insurance," he said.

Cayuga County has a work-release program, and Newman said he had a professional client who was sentenced to working four to eight weekends on a road crew.

"That was actually a better life lesson for most of my clients than the two weekends in jail," Newman said, adding that he knew his client was thinking, "Oh my God! Here I am, a professor from Cornell, and I'm shoveling snow at the side of the road."

'When you drink, you don't think'

The consequences of driving under the influence of alcohol can be life-changing for both the driver and the victims. The financial cost of the court process and conviction can be severe, and the emotional strain and lifestyle changes can be difficult to manage.

Angelillo's message is simple: "When you drink, you don't think!"

"It's probably our system's most preventable source of homicide," Wilkinson said. "Nobody needs to drive drunk. Call a cab. You want to go out and get loaded with your friends, call a freakin' cab."