

DUI case dropped because suspended cop can't testify

By GRACE R. DOVE
Post Staff

DALLAS TOWNSHIP - A DUI charge and two traffic citations against Pittston resident Paul W. Vincent were dismissed because the arresting officer, himself facing a theft charge, didn't come to the preliminary hearing August 25 before District Magistrate James Tupper.

Vincent, represented by public defender Joseph Sklarosky, had been arrested by Kingston Township patrolman Robert Weiss May 21, 1994, for driving while under the influence. Weiss also cited him for driving 62 mph in an area posted at 35 mph and driving with a suspended operator's license. The traffic citations were also dismissed, according to court records.

Weiss was suspended with pay from his job as a Kingston Township patrolman after he admitted taking \$106.90 from a sealed envelope in a locked evidence room in late March.

He waived his right to a preliminary hearing before District Magistrate Fred Pierantoni August 23. No trial date has been set yet.

Weiss was suspended without pay and benefits September 1, according to township manager Jeff Box, who met with police chief James Balavage and solicitor Benjamin Jones.

"We felt it was the appropriate thing to do at this time," Box said. Balavage said most of Weiss's pending cases were assigned to other officers wherever possible, but he couldn't reassign the DUI case.



ROBERT WEISS

"If Weiss had testified, his credibility would have been questioned," Balavage said. "No other officers had been present during the arrest, who could testify in his place, so we couldn't reassign the case. It was a no-win situation for the department."

Lake Twp. recycling center open Saturday

The voluntary recycling drop-off center for Lake Township will be accepting recyclables September 9 from 10-12 noon at the township building.

The following items may be dropped off: aluminum and bi-metal cans, clear, brown and green glass, plastic #1 and #2 only. No motor oil containers can be accepted.

Kingston Twp. tax rebate ends Sept. 15

Kingston Township tax collector Janice Castellani reminds residents that rebate value on 1995 school tax bills will end September 15. Taxes will be due at face value after that date.

Office hours at the township office, 11 Carverton Road, Trucksville are Monday, Wednesday, Friday, 10 a.m. to 2 p.m.

DUI charge in car/truck crash that closed highway

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DALLAS TOWNSHIP - The driver of a car involved in an accident with a tractor-trailer on Route 309 in Kunkle has been arrested for driving while under the influence (D.U.I.).

According to court records, D. A. Moyer, 21, of Tunkhannock waived his right to a preliminary hearing on the D.U.I. charge August 25 before District Magistrate James Tupper. The charges will be sent to Luzerne county court.

He was also cited for driving on the wrong side of the roadway, according to court records.

The accident occurred around 3 a.m. June 23, when Moyer's car, which had been traveling north on Route 309 in Kunkle, moved into the southbound passing lane of the highway and collided with a tractor-trailer, which had been traveling south. His car split into three pieces, with its rear end in the southbound lane, the front end approximately 25

feet away in the northbound lane and the dash and motor, which had caught fire, in the woods 45 to 50 feet from the point of impact.

The tractor-trailer, an older model Freightliner owned by National Freight of Vineland, NJ, flipped on its side after the impact and skidded 300 feet uphill. The driver, Randy Korb, was treated at Geisinger Wyoming Valley and released.

According to the police report, Moyer became combative with them, tried to set himself on fire and tried to grab patrolman Wayman Miers's gun belt.

A passenger in Moyer's car, Brad Casey, was taken by helicopter to Community Medical Center in Scranton, where he was treated in the trauma unit.

Moyer was taken by the Kunkle ambulance to Community Medical Center's trauma unit for treatment. A blood test at the hospital showed his blood alcohol level to be .149. The legal limit is .10.

The accident closed Route 309 between Shadyside and Kunkle Corners for more than eight hours.

DISTRICT COURT BRIEFS

18 year old faces DUI, other charges

Clark Cavanaugh, 18, of Upper Swamp Road, Hunlock Creek, waived his right to a preliminary hearing on charges of driving while under the influence, reckless endangerment and fleeing police August 31 before District Magistrate James Tupper.

Cavanaugh was also cited for exceeding the posted speed limit by 30 mph and passing in a posted no passing zone, according to court records. The charges will be sent to Luzerne County court.

The charges resulted from an incident June 22, in which Dallas Borough patrolman James Martin observed Cavanaugh driving north on Route 415 at an excessive rate of speed. Martin clocked him driving 70 mph in a zone posted for 40 mph.

When Martin attempted to pull him over, Cavanaugh quickly turned onto Route 118 west, driving at a high rate of speed, swerving into oncoming traffic and nearly hitting another car head-on. Cavanaugh also nearly hit the Lehman Township police cruiser, which had been pulled across the highway at the Huntsville-Idetown Road intersection as a roadblock.

Martin and Lehman Township patrolman Martin Maransky pulled Cavanaugh's car over after it slowed down to avoid Maransky's cruiser.

After failing field sobriety tests, Cavanaugh was given a blood test which showed his blood alcohol level to be .195, nearly twice the legal limit of .10.

He is free on \$300 bail.

feet, left the roadway, traveled 63 feet, struck a utility pole, went another 47 feet, hit a boulder, flipped three times, traveled another 55 feet and came to rest on its roof.

Noon was taken by the Kunkle ambulance to the Wilkes-Barre General Hospital, where a blood test showed his blood alcohol level to be .137.

He is free on \$300 bail. Patrolman John Appel assisted in the arrest.

Davis Mead, 27, of Dallas, who was arrested by Dallas Township patrolman Wayman Miers after his car collided with a telephone pole on Wyoming Road.

A blood test indicated his blood alcohol level was .270.

Mead was represented by public defender Joseph Sklarosky. He is free on \$300 bail.

DISORDERLY CONDUCT CHARGE SENT TO COURT

Charges of resisting arrest, disorderly conduct, harassment, stalking and public drunkenness against Michael Yanchulis, Jr. of Tunkhannock were held for court at a preliminary hearing August 25 before District Magistrate James Tupper. A related charge of simple assault was dismissed, according to court records.

The charges resulted from an incident in which Dallas Borough patrolmen Michael Varletta and Russell Devens investigated a complaint from Danielle Grimaud, who told them Yanchulis had punched her in the side of the head while they were in her car near the Dallas Township municipal building.

Yanchulis first refused to leave the car after police asked him to several times. When he finally got out of the car, he told police he was going home and tried to leave the scene. He also resisted arrest.

Kingston Township patrolmen James Ibbotson and Frank Ziegler assisted in the arrest.

Yanchulis was represented by public defender Joseph Sklarosky, Jr.

WAIVES HEARING ON DRUG CHARGES

Christopher John Morris of Dallas waived his right to a preliminary hearing on charges of possession of drug paraphernalia, public drunkenness and obstruction of highways August 25 before District Magistrate James Tupper.

The charges resulted from an incident July 12, in which Dallas Borough patrolman James Martin answered a complaint about a man fitting Morris's description who was running south on Route 415, running into and out of traffic, acting strangely and jumping in front of cars.

Martin found Morris in the Pump 'n Pantry and arrested him. During a routine search, police found a hypodermic syringe in Morris's pocket. Morris told ambulance attendant Maggie Davis, EMT, that he had shot up a bag of heroin the night before and had been drinking and smoking marijuana that day during work.

Morris is free on \$5,000 bail. The Dallas Township patrolman James Ibbotson and Dallas Township patrolman Jeff Dennis assisted in the arrest.

D.U.I. CHARGES SENT TO COUNTY COURT

Charges of D.U.I. (driving while under the influence) against the following defendants were sent to Luzerne County court after preliminary hearings before District Magistrate James Tupper:

David Barber, 39, of Luzerne, who was arrested by Harveys Lake patrolman Mark Karlonis. Citations for not using seat belts and failure to change his address on his license were dismissed.

Barber is free on \$300 bail.

Gail Ann Rinkunas, 38, of Taylor, who was arrested by Dallas Borough patrolman William Norris, Jr. After failing field sobriety tests, Rinkunas took a blood test, which showed her blood alcohol level to be .19, nearly twice the legal limit of .10.

Nicole Marie Argentati, 21, of Wyoming, who was arrested by Harveys Lake patrolman Scott Davis.

After failing field sobriety tests, she took a blood test, which showed her blood alcohol level to be .198.

Argentati is free on \$300 bail. Patrolman Hank Wylam assisted in the arrest.

Walter M. Heinbach, 40, of Tunkhannock, who was arrested by Dallas borough patrolman James Drury. He was also cited for driving with a suspended license and not having operating taillights on his car. He also tried to tell police he was his twin brother, Karl Heinbach.

After failing field sobriety tests, Heinbach took a blood test which showed his blood alcohol level to be .280.

He is free on \$500 bail.

Timothy B. Noon, 36, of Dallas, who was arrested by Dallas Township patrolman Jeff Dennis. He was also cited for driving with a suspended license.

Noon was involved in an accident on the Kunkle-Alderson Road, in which his car skidded 90

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The Dallas Post (USPS 147-720)

Published weekly by Bartsen Media, Inc. \$18 per year in Luzerne and Wyoming counties (PA); \$20 elsewhere in PA, NY or NJ; \$22 all other states. Second-class postage paid at Dallas PA.
POSTMASTER: Send address changes to The Dallas Post, P.O. Box 366, Dallas PA 18612.

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