

DISTRICT COURT BRIEFS

Woman to be tried for retail theft

Wilkes-Barre resident Maureen Lowe, 40, waived her right to a preliminary hearing June 27 before District Justice James Tupper on a felony charge of retail theft. She was also cited for driving without a license.

Lowe was arrested Feb. 13 by Dallas Borough patrolman James Drury after the manager of the CVS drug store at Dallas Corners saw her twice enter the store and remove several items without paying for them, carrying them underneath her coat.

She fled in a car registered to

Swoyersville resident Jeanette Smith, who told police she had lent her car to a person she knew only as "Mo." During the investigation police found out "Mo" was Maureen Lowe, who is on probation with the Luzerne County Probation Department and who doesn't have a driver's license.

The drug store manager identified Lowe from a photo lineup.

Represented by public defender Jonathan Blum, Lowe is incarcerated in the Luzerne County Prison in default of \$2,000 bail.

D.U.I. ARRESTS

The following defendants waived their rights to preliminary hearings on charges of D.U.I. June 27:

- Pittston resident Nancy Garney, 23, who was arrested by Dallas Township officer Brian Feehey after being involved in a one-car accident on Overbrook Ave., in which her car turned over onto its side. She told police several times that her passenger, Tim Finnan, was driving the car. A blood test showed her blood alcohol level to be .148. The legal limit is .10.

She was also charged with making false reports to police and cited for driving with a suspended or revoked license.

Represented by public defender Jonathan Blum, she is free on \$1,000 bail.

- Hunlock Creek resident Richard Matusik, 42, who was arrested April 7 by Lehman Township patrolman Benjamin Bigus after a witness reported to police that Matusik was driving erratically on Route 118.

After failing field sobriety tests, he refused to take a blood alcohol test, which under state law results in the automatic suspension of one's driver's license.

Matusik waived his right to counsel and is free on \$300 bail.

- Dallas resident Wayne Guzzy, 45, who was arrested May 3 by Dallas Township officer Brian Feehey after a Harveys Lake ambulance driver reported to police that he was driving erratically on Route 309.

Police followed Guzzy to Harris Street in the Roushey Plot section of Dallas Township. A blood test showed his blood alcohol level to be .197, nearly twice the legal limit of .10.

Represented by attorney Frank Nocito, Guzzy is free on \$300 bail.

- Tunkhannock resident Charlotte May, 32, who was arrested April 12 by Dallas Borough officer James Martin after police saw her driving erratically on Route 309, not stopping when Martin activated the cruiser's lights and siren. May told police she didn't stop because she had received a call on her car's cellular phone.

During a routine check of the car police found a half-full can of beer, an empty can and empty bottle of beer and a full six-pack of beer. May also gave police a small prescription bottle containing

suspected marijuana.

She was also charged with possession of marijuana and cited for careless driving, not using her low beam and driving with a suspended driver's license.

May failed field sobriety tests and took a blood test which showed her blood alcohol level to be .247.

Represented by attorney Morton Gordon, she is free on \$2,500 bail.

- Tunkhannock resident Thomas J. Karpinski, 27, who was arrested Feb. 20 by Harveys Lake patrolman Damian Hoover after being involved in a one-vehicle accident, in which his truck slid into a snowbank.

After failing field sobriety tests, he took a blood test which showed his blood alcohol level to be .181.

ASSAULT CHARGES ARE DISMISSED

Assault charges against the following defendants were dismissed June 27:

- Dallas resident Robert J. Franklin, Jr., 33, who was arrested June 14 by Dallas Township police chief Carl Miers after a domestic dispute. The victim refused to testify, according to court records.

Franklin paid \$75.50 in court costs.

- Harveys Lake resident Jason L. Wilson, 18, who was arrested April 18 by Dallas Borough patrolman James Drury after three students reported to Lake-Lehman High School officials that Wilson had pulled a butterfly knife on them at the Wendy's Restaurant in Dallas.

Wilson pled guilty to a citation for disorderly conduct and paid a fine of \$50 plus \$72.50 in court costs.

POSSESSING DRUG PARAPHERNALIA CHARGED

Shavertown resident Meagan A. Risch, 19, waived her right to a preliminary hearing June 27 on a charge of possession of drug paraphernalia. She was arrested May 19 by Kingston Township officer Robert Parrish after police observed her making a possible drug purchase in Fern Brook.

During a routine search of her car, police found a whitish-colored pipe containing residue which tested positive for marijuana and an open package of cigarette rolling papers.

Mazula

(continued from page 1)

of 10 years in prison and/or a \$10,000 fine. Mazula is free on \$25,000 bail, for which he posted \$2,500 in cash.

His licenses to practice dentistry and administer anesthetics were temporarily suspended May 14, then suspended for an additional six months June 4.

Mazula administered a combination of halothane and nitrous oxide, an inhaled anesthetic, to Jonathan Walski, 3, in the office of Dr. William Watkins on May 1 so that Watkins could fill several cavities.

According to an investigation by Dallas Borough police chief Jack Fowler and Luzerne County detective lieutenant Gary Capitano, Mazula failed to provide or use the most basic equipment to monitor Jonathan and to be properly prepared for an emergency situation.

Mazula and a dental assistant also gave conflicting statements on which drug Mazula gave Jonathan once he found the child wasn't breathing.

While under the anesthesia, Jonathan had an undetected respiratory problem, which led to full cardiac arrest, according to district attorney Peter Paul Olszewski.

Both Mazula and Watkins allegedly told Jonathan's parents, David and Lisa Walski, that he would be placed under general anesthesia because he had been uncooperative during a previous visit.

When he met with the Walskis, Mazula didn't warn them of any possible risks from the anesthesia, didn't obtain their signed informed consent, didn't suggest alternative treatments and didn't consult with the child's physi-

"My client had no criminal intent. We will defend him to the best of our ability."

Thomas Munley
Attorney for Dr. Joseph Mazula

cian, Dr. Alan Boonin.

Although he took Jonathan's resting pulse rate, Mazula didn't take his temperature or blood pressure and didn't bring his pulse oximeter, defibrillator and electrocardiogram machines with him. He monitored the child's pulse by watching a plastic valve moving up and down on the anesthesia machine, which had not been calibrated or rebuilt in 15 years.

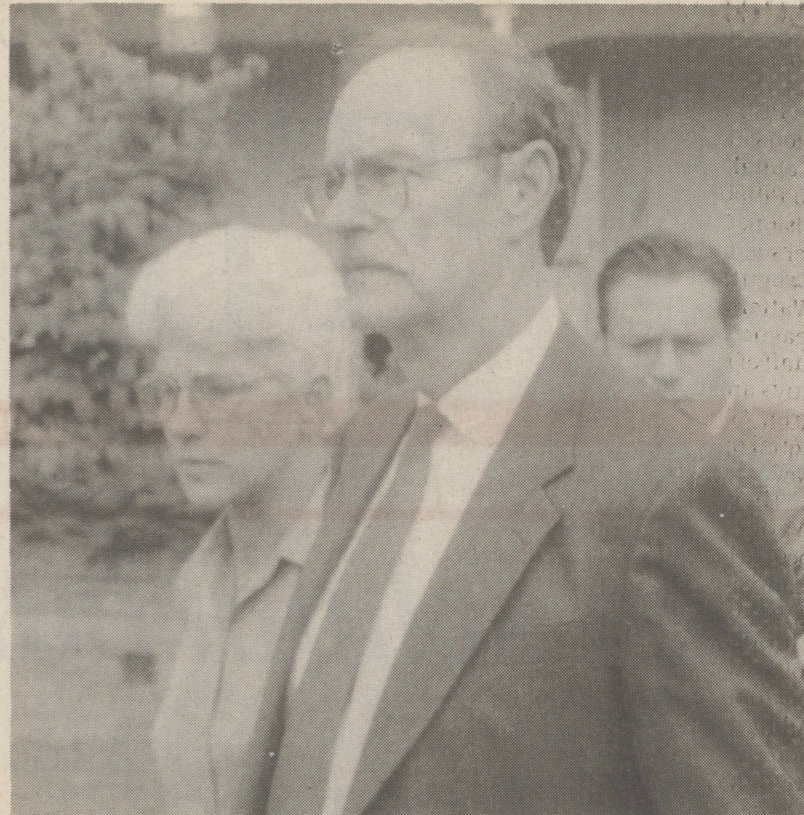
When he began giving Jonathan the anesthetic, Mazula said the boy suffered a slight spasm of the throat, which he treated with another medicine. While Watkins finished working on Jonathan, nobody monitored the child.

Once the dental work was finished, Mazula said he couldn't find Jonathan's pulse. He obtained a stethoscope from a drawer on the other side of the examination room to try to find a heartbeat.

Without removing Jonathan from the chair, he began to administer CPR and gave him a shot of epinephrine. Mazula isn't certified to perform CPR and did it improperly, Olszewski said.

He accompanied Jonathan in the ambulance to the Nesbitt Memorial Hospital, where doctors pronounced the tot dead.

Watkins' dental assistant, Mary Majewski, later told police Mazula had given Jonathan ephedrine, not epinephrine. Both are



Dr. Joseph Mazula arrived with his wife at District Justice James Tupper's office for the reading of an arrest affidavit Monday.

kept in the emergency medical kit in Watkins's office, she added.

Included in the affidavit was a statement by Maria Cubina, M.D., a staff anesthesiologist at Children's Hospital in Philadelphia. After reviewing the evidence in the case, she said, "Dr. Joseph Mazula consciously disregarded or, in gross departure from a standard of reasonable care, failed to perceive substantial and unjustifiable risk that his actions might cause death or serious bodily harm to Jonathan Walski."

"This is truly a difficult case," Olszewski said. Aided by assistant district attorney Megan Kennedy, he plans to prosecute the case himself.

"This is truly an unfortunate incident for everyone involved," said Mazula's attorney, Thomas Munley, after the arraignment. "My client had no criminal intent. We will defend him to the best of our ability."

A preliminary hearing set for July 11 has been continued. No new date has been set.

Two charged in Legion gambling

DALLAS - The Pennsylvania State Police Liquor Control Enforcement has filed criminal complaints against two employees of the American Legion Daddow-Isaacs Post 672 in connection with alleged illegal gambling.

According to the complaint, Trucksville resident Marian Culver, 58, and Dallas resident Dorothy Pencavage, 39, work at the bar and were present while LCE officers investigated complaints of illegal video poker machines.

On December 10 and March 10, the officers observed the women insert round keys into video poker machines to roll their scores back to zero, then give

cash based on the number of accumulated points to patrons using them.

Officers confiscated four video poker machines and three older model six-card Bingo pinball machines during a raid on the post home March 12.

These machines are legal as long as they award free games to winners. Awarding cash prizes or credits for free meals or beverages is illegal, LCE officers noted.

Investigating officers are Thomas J. Sorokach and supervisor Ed Meade.

Preliminary hearings before District Justice James Tupper have not yet been scheduled.

Sweet Valley Ladies sell kitchen items

The Ladies Auxiliary of the Sweet Valley Fire Company are selling flavorings for \$2 a bottle. Also available for sale are stainless steel peelers and paring knives. For more information, call Joy Wickard at 477-5323.

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