

STEPHEN J. BANIK, ESQ.
ATTORNEY AT LAW
107½ MAIN STREET, P.O. BOX 55
WELLSBORO, PA 16901
TELEPHONE (717) 724-1662

August 31, 1993

Mr. Joseph Waiksnis
48 Main Street
Lawrenceville, PA 16929

Dear Joe:

Enclosed please find a Pre-Sentence Investigation. Please contact me as soon as you receive this letter.

Thank you for your time and cooperation in this matter.

Very Truly Yours,



Stephen J. Banik, Esquire

SJB/sgg
Enclosure

Mom
Reed


Banik

PRE-SENTENCE INVESTIGATION FOR TIOGA COUNTY

CASE NUMBER: 93112-A

DATE OF REPORT: 8/25/93

NAME: Joseph C. Wiakenis

ALIAS:

ADDRESS: 48 Main Street, Lawrenceville, PA

LEGAL ADDRESS: same

AGE: 30 DATE OF BIRTH: 1/26/63 PLACE OF BIRTH: Queens, NY SEX: male

RACE: white CITIZENSHIP: USA EDUCATION: 12th STATUS: married

SOC.SEC. #: [REDACTED] FBI #: 521728EA3 SID #:

PRESENT OFFENSE

INDICTMENT NO(S)	OFFENSE	PENALTY
163 CA 1993	DUI (M2)	2 yrs and/or \$5,000
OTN: E-186485-5	Fleeing to Elude (S)	\$200 fine
OTN:	Careless Driving (S)	\$25.00 fine

DATE OF ARREST: 3/9/93 PLACE: Lawrence Twp. AGENCY: Lawrence Twp. PD

DATE OF COMMITMENT: n/a PLACE: n/a RELEASED: n/a

TRIAL JUDGE: Robert E. Dalton, Jr. DISTRICT ATTORNEY: John F. Cowley

DEFENSE COUNSEL: Stephen Banik PLEA: found guilty by jury 7/7/93

DETAINERS OR CHARGES PENDING: none

CO-DEFENDANTS: none

DISPOSITION:

TOTAL JUVENILE ARRESTS:	0	ADJUDICATIONS:	0
TOTAL ADULT ARRESTS:	1	CONVICTIONS:	1
PROBATIONS GRANTED:	0	PAROLES GRANTED:	0
PROBATIONS REVOKED:	0	PAROLES REVOKED:	0
ACTIVE PROBATION:	NO	ACTIVE PAROLE:	NO
TIME SERVED:	COUNTY JAIL:		.

OTHER:

OFFICIAL VERSION:

An information received from the Tioga County District Attorney's Office, alleges that on or about March 9, 1993, the defendant did unlawfully operate a 1982 GMC in Lawrence Township while under the influence of alcohol to a degree which rendered him incapable of safe driving. It also alleges that the defendant willfully failed or refused to bring the above mentioned vehicle to a stop for the two police vehicles pursuing him. The defendant was subsequently charged with DUI, Fleeing to Elude, and Careless Driving.

On July 20, 1993, the defendant had a jury trial and was found guilty on all counts. At that time, the Tioga County Probation Department was directed to prepare a pre-sentence investigation and report to the Court; the defendant was continued on bail.

DEFENDANT'S VERSION:

The defendant adamantly denies the allegations set forth in the information. He stated that he had been harassed by two of the officers in the past and feels that he was "set up" that night. He stated that he did not have anything to drink that evening. However, he does not deny that he did not pull over right away. He stated that he wanted to get into town before stopping so he could have witnesses as to what may occur.

STATEMENT OF CO-DEFENDANT:

STATEMENT OF VICTIM:

* one vehicle

RECORD:
Juvenile:

Age	Offense	Place	Disposition
	none		

Date	Adult: Offense	Place	Disposition
1985	Operate MV while Intoxicated	Hempstead, NY	license revoked - \$250.00 fine

OTHER SIGNIFICANT INFORMATION:

This would appear to be the defendant's second DUI arrest, however, it would fall outside the seven year period.



FAMILY HISTORY:

	Name and Address	Age	Occupation
Father:			
Step-father:	Ed Snyder Long Island, NY	52	self employed contractor
Mother:	Veronica Snyder Long Island, NY	51	bookkeeper
Step-mother:			
Siblings:			

OTHER SIGNIFICANT INFORMATION:

The defendant stated that he gets along with his parents. He further stated that he has disowned his real father because he was sexually abused by him while he was a child.

*physically not sexually
v.d.s*

MARITAL HISTORY:

Marital Status: married
Date and Place of Marriage: 4/16/93 - Big Flats, NY
If Separated or Divorced - Dates:
Support Order (if any):
Spouse's Name (and Maiden Name), Address, Age, and Employment (if any):
Dawn Dunlap, same address, age 22, on disability

CHILDREN: Number: Age Range:

OTHER SIGNIFICANT INFORMATION:

HOME AND NEIGHBORHOOD:

Present Home Address: 48 Main Street, Lawrenceville, PA
Length of Residence: 3 years Lives with: wife
Prior Residence: 40-E Half Hollow Road, Long Island, NY
Length of Residence: 15 years Lives with: mother
OTHER SIGNIFICANT INFORMATION:

The defendant also resided in New York City and Florida.

EDUCATION:

Highest Grade Completed: 12th At: Half Hollow High School-East 1981
Special Training/Skills(s): Wilson Tech for diesel mechanic - 1983
Current Educational/Vocational Program:
OTHER SIGNIFICANT INFORMATION:

RELIGION:

Affiliation: Roman Catholic Active: no
OTHER SIGNIFICANT INFORMATION:

The defendant stated that he occasionally attends church.

HEIGHT: 5'8" Weight: 165 Eyes: blue Hair: brown
 Scars or Marks: none
 Past or Present Problem Areas:
 ALCOHOL NARCOTICS SEXUAL PSYCHIATRIC ASSAULT

OTHER SIGNIFICANT INFORMATION:

The defendant is currently taking Prozac for depression and Meclizine for dizziness due to overwhelming problems of this matter and pressure at work.

EMPLOYMENT:

Employer/Address	Position	Wage	Length	Reason-Leaving
Sears - Arnot Mall	warehouse	\$4.50/hr.	1 year	present
Ed Snyders Home Improvements	carpenter	\$6.00/hr.	10 yrs.	relocated

OTHER SIGNIFICANT INFORMATION:

The defendant stated he is certified in diesel mechanics and is good with carpentry. He currently works electronics; assembles products at Sears.

MILITARY SERVICE:

Branch: none Serial Number:
 Date Entered: Released: Discharge Type:

OTHER SIGNIFICANT INFORMATION:

FINANCIAL CONDITION:

Assets: 2 story home (inherited)
 Financial Obligations: \$2,000 credit card bills

OTHER SIGNIFICANT INFORMATION:

INTERESTS AND LEISURE TIME ACTIVITIES:

Sports Auto Mechanics Reading Music Gambling
 Drinking Group Related Family Related Self-Centered
 Use of Firearm Other:

OTHER SIGNIFICANT INFORMATION:

The defendant stated that he enjoys mountain biking, fishing, hunting, watching movies, playing softball, and collecting baseball cards.

EVALUATIVE SUMMARY:

The defendant before your Honor is a 30 year old white male awaiting sentencing after having been found guilty by a jury trial on July 20, 1993 for the offenses of DUI, Fleeing to Elude, and Careless Driving.

The defendant adamantly denies all allegations against him. It was related to this writer that he felt as though he was set up by the officers involved and that they have been out to get him. He stated that two of the officers involved have "harassed" him in the past.

The defendant graduated from the Half Hollow High School East in Long Island, NY in 1981. He later graduated from Wilson Tech in 1983 where he took diesel mechanics. The defendant is currently employed by Sears at the Arnot Mall where he assembles products in the warehouse. He has been employed there for approximately one year.

The defendant is currently experiencing medical problems and is on prescribed medication for them. He related that he is taking Prozac for depression and Meclizine for dizziness. He stated that the depression is due to the overwhelming problems related to this matter and the pressure he is experiencing at work. He also told this writer of being sexually abused by his real father while he was a child and it is this writer's opinion that this may be contributing to the depression that he is experiencing.


The defendant stated that he enjoys mountain biking, fishing, watching movies, playing softball and collecting baseball cards in his leisure time.

The defendant was cooperative and answered all questions asked of him.

SOURCES OF INFORMATION:

defendant
Tioga Co. District Attorney's records
Lawrence Township Police reports
Criminal History Check

Signed:



Probation Officer
DSS:srs



DLS

PENNSYLVANIA ALCOHOL HIGHWAY SAFETY PROGRAM
COURT REPORTING NETWORK (CRN) TIoga COUNTY

* ALL INFORMATION --- CONFIDENTIAL *

NAME: JOSEPH C MAIKSNIS DATE OF REPORT: 05/05/93
ADDRESS: 40 E HALF HOLLOW ROAD REFERRAL SOURCE: A
DIX HILLS NY 11746

PHONE: 717-627-3551 DATE OF INTERVIEW: 04/26/93
AGE: 30 REPORTED DATE OF ARREST: 03/09/93
MARITAL: MARRIED SOURCE OF INCOME: SALARY/WAGES
EMPLOYED: YES INCOME: \$10,000

ALCOHOL-HIGHWAY SAFETY INVENTORY
ALCOHOL INFORMATION * HIGHWAY SAFETY INFORMATION

BAC: REFUSAL H/F: 8 *DRIVER'S LICENSE STATUS:
IMPAIRMENT INDEX: 0 * NOT LICENSED
BEVERAGE INDEX: 0.1 *INSURANCE STATUS AT TIME OF ARREST:
BEER: .00 * INSURED
WINE: .06 *TRAFFIC RECORD REPORT FROM PENNDOT:
LIQUOR: .00 * OTHER TRAFFIC OFFENSE: 1

PRIOR ALCOHOL TREATMENT: NO
CONTROLLED SUBSTANCE USE: NO
REPORTED OFFENSES:
NO PRIOR ARREST RECORD

RECOMMENDATION \$ 8
(1) ALCOHOL SAFE DRIVING SCHOOL

BAC: REFUSAL
IF THE BAC IS NOT AVAILABLE AT THE TIME OF THE EVALUATION,
OTHER ENTRIES WILL NORMALLY PROVIDE ENOUGH EVIDENCE ON
WHICH TO BASE A VALID RECOMMENDATION.

H/F: 8
NON-PROBLEM DRINKER (SOCIAL) - IN GENERAL, INDIVIDUAL IS
WITHIN NORMS OF REPORTED DRINKING PATTERNS. OTHER
EVIDENCE SUCH AS, BAC, PRIOR ALCOHOL RELATED DATA, DRIVING
RECORD, ETC. IS NEEDED IN ORDER TO SUSPECT DRINKING AND
DRIVING PROBLEM.

IMPAIRMENT INDEX: 0
NOTE: TREATMENT PROGRAM AVERAGE 5.9

AN IMPAIRMENT INDEX SCORE OF LESS THAN THE TREATMENT
PROGRAM AVERAGE, IN THE ABSENCE OF OTHER DATA INDICATIVE OF
THE TRAIT OF DENIAL, INDICATES THAT THE SELF-REPORTED
LEVEL OF IMPAIRMENT IS WITHIN ACCEPTABLE LIMITS.

BEVERAGE INDEX: 0.1
NOTE: U.S. BEVERAGE INDEX NORM-0.812 WHISKIES OR
EQUIVALENCY PER DAY)

A BEVERAGE INDEX SCORE BELOW THE U.S. NORM, IN THE
ABSENCE OF OTHER DATA INDICATIVE OF THE TRAIT OF DENIAL,
INDICATES THAT THE SELF-REPORTED LEVEL OF CONSUMPTION IS
WITHIN ACCEPTABLE LIMITS.

JOSEPH Waikenis

DATE RECEIVED: 01/20/63

856631

ROBERT E DALTON

OFFENDER'S RACE: X WHITE

DATE OF BIRTH: 10/30/1922

LOUISAS S SMITH

COUNTY: TIOGA

163 CA 1992

II. PRIOR RECORD SCORE

MURDER	-	=	X	3	=	
VOLUNTARY MANSLAUGHTER	-	=	X	3	=	
RAPE	-	=	X	3	=	
INVOL. DEVIATE SEXUAL INTER.	+	=	X	3	=	
KIDNAPPING	+	=	X	3	=	
ARSON (Endangering Person-Felony I)	+	=	X	3	=	
ROBBERY (Felony I)	+	=	X	3	=	
BURGLARY	+	=	X	2	=	
AGGRAVATED ASSAULT	+	=	X	2	=	
OTHER FELONY Is and FELONY IIs	+	=	X	2	=	
FELONY DRUG OFFENSES	+	=	X	2	=	
FELONY IIIs	+	=	X	1	=	
WEAPON MISDEMEANORS	+	=	X	1	=	
OTHER MISDEMEANOR CONVICTIONS		=			=	
TOTAL (cannot exceed "5")						PRIOR RECORD SCORE = 0

III. DUI

Convictions in previous 7 years: 0

ARDs in previous 7 yrs. (ARDs before 1/15/83 do not count): 0

TOTAL: 0

IV. GUIDELINES SENTENCES

NAME OF OFFENSE NO. 1 DUI	TITLE AND SECTION 758 3731	GRADING M2	OTN E-186485-5	OFFENSE GRAVITY SCORE 2	PRIOR REC. SCORE 0
ENHANCEMENT - ADD APPLICABLE LENGTHS TO THE RANGES <input checked="" type="checkbox"/> NONE <input type="checkbox"/> YOUTH <input type="checkbox"/> SCHOOL <input type="checkbox"/> DEADLY WEAPON - SPECIFY _____			STANDARD RANGE 98 hrs	AGGRAVATED RANGE N/A	MITIGATED RANGE N/A
SENTENCE IMPOSED: <input type="checkbox"/> PROBATION _____ MOS. <input type="checkbox"/> INTERMEDIATE PUNISHMENT _____ MOS. Type(s): <input type="checkbox"/> COUNTY INCARCERATION } MIN. _____ MOS. <input type="checkbox"/> STATE INCARCERATION } MAX. _____ MOS. <input type="checkbox"/> FINE \$ _____ <input type="checkbox"/> RESTITUTION \$ _____ Comments: _____		DATE OF OFFENSE March 9th 1993		MANDATORY LAW <input type="checkbox"/> Drugs to Minor <input type="checkbox"/> Drug Trafficking <input type="checkbox"/> Firearm <input type="checkbox"/> Repeat Offender <input type="checkbox"/> Public Transportation <input type="checkbox"/> Crimes Against Elderly <input type="checkbox"/> Crimes Against Infants <input type="checkbox"/> Other _____	
NAME OF OFFENSE NO. 2	TITLE AND SECTION	GRADING	OTN	OFFENSE GRAVITY SCORE	PRIOR REC. SCORE
	§				
ENHANCEMENT - ADD APPLICABLE LENGTHS TO THE RANGES <input type="checkbox"/> NONE <input type="checkbox"/> YOUTH <input type="checkbox"/> SCHOOL <input type="checkbox"/> DEADLY WEAPON - SPECIFY _____			STANDARD RANGE	AGGRAVATED RANGE	MITIGATED RANGE
SENTENCE IMPOSED: <input type="checkbox"/> PROBATION _____ MOS. <input type="checkbox"/> INTERMEDIATE PUNISHMENT _____ MOS. Type(s): <input type="checkbox"/> COUNTY INCARCERATION } MIN. _____ MOS. <input type="checkbox"/> STATE INCARCERATION } MAX. _____ MOS. <input type="checkbox"/> FINE \$ _____ <input type="checkbox"/> RESTITUTION \$ _____ Comments: _____		DATE OF OFFENSE		MANDATORY LAW <input type="checkbox"/> Drugs to Minor <input type="checkbox"/> Drug Trafficking <input type="checkbox"/> Firearm <input type="checkbox"/> Repeat Offender <input type="checkbox"/> Public Transportation <input type="checkbox"/> Crimes Against Elderly <input type="checkbox"/> Crimes Against Infants <input type="checkbox"/> Other _____	

V. DEPART-AGG MIT REASONS

Eligible for Boot Camp
 Yes No