

PRE-SENTENCE INVESTIGATION FOR TIOGA COUNTY

CASE NUMBER: 93112-A

DATE OF REPORT: 3/25/93

NAME: Joseph C. Waikenis

ALIAS:

ADDRESS: 48 Main Street, Lawrenceville, PA

LEGAL ADDRESS: same

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

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 \$1000
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. Combs

DEFENSE COUNSEL: Stephen Banik PLEA: found guilty by jury 13

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:

-2-

OFFENSE:**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 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:**

-3-

PRIOR RECORD:
Juvenile:

Date	Offense	Place	Disposition
	None		

Adult:			
Date	Offense	Place	Disposition
1985	Operate MV while Intoxicated	Hempstead, NY	11/17/86 - Convicted upon plea of guilty. Sentence: License revoked, \$250 fine

OTHER SIGNIFICANT INFORMATION:

The defendant was arrested for the above mentioned offense on November 28, 1985; however, he did not enter a plea of guilty until November 10, 1986 and was subsequently sentenced on November 17, 1986. Therefore, the present arrest would be considered the defendant's first arrest for Driving Under the Influence within the past 7 years.

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.

-4-

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 (E):

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-Ed.

Special Training/Skills(s): Wilson Tech for diesel mechanic - 19

Current Educational/Vocational Program:

OTHER SIGNIFICANT INFORMATION:

RELIGION:

Affiliation: Roman Catholic Active: no

OTHER SIGNIFICANT INFORMATION:

The defendant stated that he occasionally attends church.

-5-

HEALTH:

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-Leave
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 carpentry. He currently works electronics; assembles products with 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.

-6-

EVALUATIVE SUMMARY:

The defendant before your Honor is a 30 year old white male being sentenced after having been found guilty by a jury trial on July 1993 for the offenses of DUI, Fleeing to Elude, and Careless Driving. This would be the defendant's second DUI arrest within the past 7 years.

The defendant adamantly denies all allegations against him. He 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 Long Island, NY in 1981. He later graduated from Wilson Tech in 1990 where he took diesel mechanics. The defendant is currently employed at 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 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.

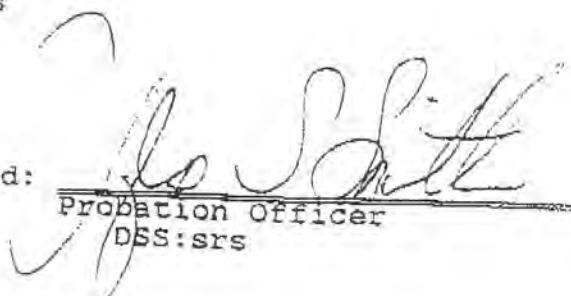
The defendant stated that he enjoys mountain biking, fishing, watching movies, playing softball and collecting baseball cards in his leisure time.

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
DES:srs

~~SL5~~

PENNSYLVANIA COMMISSION ON SENTENCING GUIDELINE SENTENCE FORM

See INSTRUCTIONS ON REVERSE

I. IDENTIFICATION

OFFENDER'S NAME: JOSEPH C. WAIRENIS OFFENDER'S SEX: MALE FEMALE OFFENDER'S BIRTHDATE: 01/26/63

JUDGE'S NAME: ROBERT E. DALTON JR. OFFENDER'S RACE: WHITE BLACK HISPANIC OTHER

NAME OF PERSON COMPLETING FORM: DOUGLAS S. SMITH COUNTY: TIOGA DATE OF SENTENCE: 10/23/1993

II. PRIOR RECORD SCORE

ADULT ADJUDICATIONS	PRIOR ADULT CONVICTIONS	SUM	X	GUIDELINE POINTS	=	SUB TOTAL
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 IIs	+		X	1	=	
WEAPON MISDEMEANORS	+		X	1	=	
OTHER MISDEMEANOR CONVICTIONS	+		X	1	=	

TOTAL (cannot exceed "6") = 0 PRIOR RECORD SCORE = 0

IV. GUIDELINES/SENTENCES

NAME OF OFFENSE NO. 1: DUI TITLE AND SECTION: 75P-3731 GRADING: M2 OTN: E-186485-5 OFFENSE GRAVITY SCORE: 2 PRIOR REC. SCORE: 0

ENHANCEMENT - ADD APPLICABLE LENGTHS TO THE RANGES: NONE YOUTH SCHOOL DEADLY WEAPON - SPECIFY

STANDARD RANGE: 30 days AGGRAVATED RANGE: N/A MITIGATED RANGE: 4

SENTENCE IMPOSED:
 PROBATION _____ MOS.
 INTERMEDIATE PUNISHMENT _____ MOS.
 Type(s):
 COUNTY INCARCERATION } MIN. _____ MOS.
 STATE INCARCERATION } MAX. _____ MOS.
 FINE \$ _____
 RESTITUTION \$ _____
 Comments: _____

DATE OF OFFENSE: MARCH 9TH 1993

MANDATORY:
 Drugs to 14 yrs.
 Drug Treatment
 Firearm
 Repeat Offender
 Public Transportation
 Crimes Against Elderly
 Crimes Against Infants
 Other _____

GUIDELINE RANGE:
 Standard Range
 Aggravated Range - Comp. Sec. V
 Mitigated Range - Comp. Sec. V
 Guideline Departure - Comp. Sec. V

V. DEPART/AGGRAVIT REASONS

NAME OF OFFENSE NO. 2: _____ TITLE AND SECTION: § GRADING: _____ OTN: _____ OFFENSE GRAVITY SCORE: _____ PRIOR REC. SCORE: _____

ENHANCEMENT - ADD APPLICABLE LENGTHS TO THE RANGES: NONE YOUTH SCHOOL DEADLY WEAPON - SPECIFY

STANDARD RANGE: _____ AGGRAVATED RANGE: _____ MITIGATED RANGE: _____

SENTENCE IMPOSED:
 PROBATION _____ MOS.
 INTERMEDIATE PUNISHMENT _____ MOS.
 Type(s):
 COUNTY INCARCERATION } MIN. _____ MOS.
 STATE INCARCERATION } MAX. _____ MOS.
 FINE \$ _____
 RESTITUTION \$ _____
 Comments: _____

DATE OF OFFENSE: _____

MANDATORY:
 Drugs to 14 yrs.
 Drug Treatment
 Firearm
 Repeat Offender
 Public Transportation
 Crimes Against Elderly
 Crimes Against Infants
 Other _____

GUIDELINE RANGE:
 Standard Range
 Aggravated Range - Comp. Sec. V
 Mitigated Range - Comp. Sec. V
 Guideline Departure - Comp. Sec. V

VI. REVIEW

TOTAL CONFINEMENT: _____ Mos. to _____ Mos.

TYPE OF CONVICTION: Bench Trial / Jury Trial / Non-neg. Plea / Neg. Plea

JUDGE'S SIGNATURE: _____ DATE: _____

Eligible for Parole: Yes / No

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