

Experts disagree whether defendant was under influence

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A Middletown man is on trial in the roadside death of Officer Christopher Jones.

Toxicology experts came down on different sides Tuesday in the case of a Middletown man who admitted guilt to 13 of 15 charges in the roadside death of police Officer Christopher Jones.

One testified that Frank Wallace Budka, 45, had smoked marijuana about four hours before striking two vehicles. That, along with details from the accident reconstruction and police investigation, led toxicologist Dr. Theodore J. Siek to conclude that Budka "was under the influence of marijuana and couldn't operate his vehicle safely."

However, Dr. Gary Lage, a toxicologist witness for the defense, said he gave no weight to anything but the drug tests and concluded that the deadly accident occurred because of a "lack of attention, lack of observation," not because of drug use. Closing arguments wrapped up following the second day of testimony. Judge Albert Cepparulo said he will rule on the case Thursday morning.

Cepparulo pronounced Budka, who waived his right to a jury trial, guilty on 13 charges Tuesday, including homicide by vehicle and manslaughter of a law enforcement officer. Still remaining are the most serious charge of homicide by vehicle while driving under the influence, a second-degree felony that carries a mandatory three-year prison sentence, and a DUI charge.

About 10:40 a.m. on Jan 29, Jones had stopped a car on the shoulder of the Route 1 Superhighway about 500 feet north of the I-95 southbound exit ramp. He had just issued a ticket and was walking back to his patrol car when Budka's Toyota Corolla hit a Grand Prix in the left lane and swerved into the cruiser, pushing it over Jones and pinning him underneath.

The 37-year-old husband and father of three sustained massive head and leg injuries and was pronounced dead at St. Mary Medical Center in Middletown.

Budka, who suffered a shattered patella in the crash, had been prescribed methadone as a treatment for pain and was being treated for circulation problems for several years. His doctor had him sign a document stating he knew he was not to use cocaine or marijuana while taking methadone.

Yet, blood tests showed there was THC - the active chemical in marijuana - and methadone in Budka's blood. Urine tests also showed the presence of benzoylecgonine, a byproduct of metabolized cocaine.

During a search of Budka's apartment on the night of the accident, police found 34 grams of marijuana and numerous pieces of drug paraphernalia commonly used for smoking marijuana and cocaine. A pipe for smoking drugs was also found inside Budka's vehicle.

Bristol Township Sgt. Steve Mawhinney testified that Budka had been driving 63 mph in the 55 mph zone. He hit the brakes and only slowed to 56 mph when his Corolla smacked into a Pontiac driven by Ignatio Gomez, who was going 29 mph and moved into the left lane because of the flashing lights on Jones' stopped police cruiser.

Budka's car was going 38 mph when it slammed into the police car, tragically launching it into Jones. Mawhinney said that before the accident, Budka had passed two other police cars with flashing lights on the roadside issuing tickets.

"He should have had a heightened sense of awareness," he said.

In his close, defense attorney Barnaby Wittels questioned the veracity of Monday's testimony by Sgt. Michael Lubold of the Middletown Police Department and Louis Colella, a paramedic with the Pennel-Middletown Emergency Squad. Both men said Budka was under the influence and should not have been behind the

wheel.

Wittels claimed their statements were colored because of their love for Jones. He said his client, who was tossed from the driver's seat to the passenger side of his vehicle in the accident "had the normal reaction to that kind of collision. Would one even know one's own name?"

Chief Deputy District Attorney Robert James said the circumstantial evidence of the case is "overwhelming" and Budka was so drugged up that "to be any less aware of his surroundings he would have had to have a bag over his head." His actions were the "catalyst that resulted in the death of Officer Jones."

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