

Driver guilty in officer's death

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Frank Wallace Budka could face more than 20 years in prison for the death of Middletown Officer Christopher Jones.

Last January, Robert James was called to the scene where a police officer had lost his life.

James, Bucks County's chief deputy district attorney, knew Christopher Jones, a Middletown Township police officer, as "a great police officer, a great guy."

At the scene, James saw streams of blood on the pavement.

Jones, after issuing a speeding ticket on Route 1, had been walking back to his patrol car when his vehicle was hit by a car driven by Frank Wallace Budka. Jones died later at a hospital.

"I'm a prosecutor but I'm still a human being," James said. "I asked to prosecute this case."

On Thursday, a judge ruled that James had made his case. Judge Albert Cepparulo said Budka was too impaired to drive safely on that fateful day, and found him guilty of vehicular homicide under the influence of a controlled substance, a felony, and of DUI with a controlled substance to a degree that he was unable to drive safely.

"There are no winners in a case like this," commented the judge, who said he spent "a couple of sleepless nights" analyzing the evidence.

Jones, 37, a husband and father of three, sustained massive head and leg injuries in the crash and died that day at St. Mary Medical Center without regaining consciousness.

Budka, 45, faces a mandatory minimum of three years in prison. He had previously pleaded guilty to 12 other charges and no contest to manslaughter of a law enforcement officer, another felony.

Depending on how Cepparulo structures the sentence about 60 days from now, Budka could face more than 20 years in prison, James said.

He called the circumstances "a tragedy all around" for the family and friends of Jones as well as for Budka, for "driving when he shouldn't have been driving. And now he'll be required to pay a penalty that will affect the rest of his life."

Cepparulo revoked Budka's \$1 million bail and remanded him to Bucks County Prison.

Patrick McGinty, acting public safety director for Middletown police, said: "We're elated with the decision. The judge's remarks were very measured and cogent. I'm hoping (Budka) receives much more than the mandatory three years."

He said the department would prefer state prison for Budka because "it's a little harder time."

In a written statement, Jones' widow, Suzanne, stated: "On behalf of myself and my family I would like to thank the investigators, local police and the district attorney's office for their efforts and support leading up to the trial. It has been an extremely tough nine and a half months and we look forward to putting this chapter behind us.

"Additionally, we would like to thank the community for their generosity and support throughout this difficult time."

Defense attorney Barnaby Wittels said "the judge said it exactly right" when he called it a tragedy all around. He disagreed with Cepparulo's ruling, however, saying "the commonwealth failed to meet its burden."

Wittels said Budka had no prior record and "never committed an offense beyond a traffic ticket. We look forward to making our case for a reasonable sentence."

Budka, who suffered a shattered patella in the crash, has for years used prescribed methadone. His doctor had him sign a document stating he knew he was not to use cocaine or marijuana while taking methadone.

Yet, blood tests within an hour after the crashes, 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.

In his ruling, Cepparulo often cited the testimony of toxicology experts.

Dr. Theodore J. Siek said he used blood tests along with details from the accident reconstruction and police investigation to determine Budka "was under the influence of marijuana and couldn't operate his vehicle safely."

Dr. Gary Lage, a 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.

James called the way Lage drew his conclusion "ridiculous."

"How do you eliminate all of the circumstantial evidence? Say there was no blood evidence, what then?"

Cepparulo agreed with the prosecution. He said Budka drove past two stopped police cars pulled over with lights flashing on the other side of Route 1. "There's a natural tendency for most drivers to keep their speed in check," he said.

Instead, Budka was speeding at 63 mph despite Jones' flashing lights just ahead. And the driver of the first car Budka slammed into was able to avoid hitting another while Budka tragically was not.

In addition, the judge said Budka thought he was in one accident and not two and "other factors indicate there was an impairment that caused him to not be able to operate his vehicle safely."

After the verdict, a red-eyed James walked over to hug Suzanne Jones, who stood with her young children.

"They lost a husband and a father," he said later, recalling how the youngsters found out about the accident.

"Police officers went to their classrooms that day to take them to the hospital," he said. "They never had a chance to say goodbye to their father."

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