

Daily Gazette editorial

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Fatal Failures

Joshua Paniccia, the teen-age driver who killed a bicyclist on Riverview Road a couple of weeks ago, sure did get around and off easily. He was a serial speeder, in at least three different counties, who somehow was never prosecuted for it.

When he struck David Ryan, a scientist who worked at the General Electric research and development center, Paniccia was going between 65 mph and 75 mph, police say, on a road posted for 45 mph. The incident happened in Clifton Park, but it could have been anywhere in the Capital Region. For Paniccia, at age 18, had, by November of last year, already racked up speeding tickets in his home-town of Niskayuna, the town of Colonie and city of Schenectady (all in a 14-month period). And according to state Department of Motor Vehicles records, he had earlier, unspecified moving violations for which he got probation.

So why was this kid still driving? Because of failures in the system, and by those who are supposed to prosecute violations of it.

In the Niskayuna, this would be the town justice, in Colonie the same, and in Schenectady, the district attorney's office. In each case they allowed Paniccia to plead to a lesser violation than speeding (including non-moving violations in Niskayuna and Schenectady). And in none of those cases was such laxity warranted, assuming Paniccia's full history was known.

District Attorney Robert Carney doesn't yet know what happened, but says his assistant DA's who prosecute traffic violations typically are faced with 50 cases at a time in court and don't always have the driver's DMV operating record. Sometimes they have it, but it's not up-to-date. Even if it is up-to-date, it only shows the conviction, not the original charge, so the DA's staff might not have known about Paniccia's prior speeding tickets unless they'd checked with local police agencies or courts. This should have been done considering his record.

All these factors - along with the facts that judges in crowded courts want to avoid trials in traffic cases, and localities get to keep the revenue from non-moving violations like Paniccia was convicted of - contribute to plea bargains.

DMV records should show when speeding charges have been reduced to something else. The state Legislature should also extend the administrative sanctions in a law that took effect last year, which include automatic license

suspensions for moving violations for 16- and 17-year olds, to at least 18-year-olds.

Young drivers must know that they will drive safely, or not at all.
Tragically, Paniccia never got that message.