Getting Tough on Traffic Violence, Pennsylvania-Style

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By Rick Bernardi, J.D.

Two years ago, Frank J. Aritz, Jr. was riding his bike in State College, Pennsylvania. It was after midnight when he rode past a marked police cruiser and shouted something that was unintelligible to the officer. Probably a mistake under any circumstances, but especially so considering that Aritz was riding drunk (against the law in Pennsylvania). And riding on the sidewalk (against the law in State College). And riding without a light (against the law). With all the laws he was breaking, it probably would have been better had he just quietly pedaled past the officer. But he shouted something, and when the officer ordered him to stop, he ignored the order and continued pedaling (against the law).

He did everything he could to attract police attention to his lawbreaking, and as a result, was tried and convicted on charges of DUI, riding at night without a light, and violating the no-riding-on-the-sidewalk ordinance. Aritz was sentenced to imprisonment for a period of 15 days to 6 months. He appealed his sentence, and this week a panel of the State Superior Court upheld the arrest and his sentence. Aritz will serve at least 15 days, and possibly more, up to 6 months in county prison.

The lesson for cyclists? Don’t be that guy. Pretty basic, really.

But that’s not what’s important about this case.

What’s important about this case is what happened to Autumn Grohowski, and her family.

In the summer of 2007, Autumn Grohowski was a vibrant 19-year old, just beginning to start out on her journey of life. The night of June 9, Autumn was riding her bike home from work, talking to her dad on her cell phone. After a brief conversation, she told him she was hanging up because "I don't want to be killed by a car, so I don't want to talk on the phone on the way home."

Those were Autumn's last words.

As she was beginning a left turn, a drunk driver named Gregory Moyer blew through the railroad warning light and guard arms ahead of her.

Autumn never had a chance.

Moyer smashed into her head-on, so hard that an eyewitness testified that Moyer's Jeep "hopped or came up into the air." And then he fled the scene, continuing on until a witness used his car to blocked Moyer's path. Moyer then got out and ran, but another witness stopped him from fleeing. 100 feet away, Autumn lay dying in the road, gasping for breath in a pool of her own blood, her skull crushed and her body broken.

Still, Autumn clung to life, for another 30 hours. When she passed, her father was holding her in his arms, just as he had held her in his arms when she came into this world. "I held her neck," her father said. "And her heart stopped in my hands, you know. So it was very tough."

Kris Grohowski couldn't save his daughter, but he could at least see the man who killed her brought to justice.

Or so he thought. The District Attorney, David Arnold, saw things differently. "There's blame on both sides," Arnold explained. "In this instance, Autumn Grohowski's actions also played a role in causing this accident and a pretty significant role in that. She was, by eyewitness accounts, traveling in the middle of Mr. Moyer's lane."

But what about Moyer speeding drunkenly through a railroad crossing guard?

"Everyone does it," David Arnold said.

I'll bet they do.

Maybe everyone kills a young woman on a bike after speeding drunkenly through a railroad crossing guard, too. Maybe that's why David Arnold refused to press a vehicular homicide charge against Gregory Moyer.

But charges were pressed—Gregory Moyer was charged with DUI, hit and run with death, careless driving, and not yielding to railroad warning signals. It wasn't vehicular homicide, but Kris Grohowski could at least have some satisfaction that the man who took his daughter's life would face justice.

But six month's later, Kris Grohowski's faith in the justice system was betrayed when a jury acquitted Moyer of the hit and run charge, the most serious charge Moyer was facing. The Judge then convicted Moyer on the remaining charges of DUI, careless driving, and not yielding to railroad warning signals. Moyer was sentenced to 2 to 6 months in County Prison. He was also ordered to pay a $1,000 fine for drunken driving, and a $525 fine for careless driving and driving with an open container of alcohol in his vehicle. In addition to the fines, Moyer was also ordered to pay restitution of $1,375, and was prohibited from driving for the next six months. Noting that the sentence could have been as light as 72 hours in jail, prosecutor Bob McAteer said that Judge Tylwalk "really put the hammer down" on Moyer.

But for killing Autumn Grohowski, Moyer wouldn't serve even a minute of time.

Moyer was released for time served after 2 months, and served the remainder of his sentence at home.

But Kris Grohowski never saw this final mockery of justice. Three weeks after the trial, Kris Grohowski, bitterly disappointed in his failure to find justice for his daughter, ended his own life with a shotgun. The Grohowski family was forever rent asunder, their faith in Pennsylvania's "justice system" tragically misplaced.

So when I hear about a Pennsylvania court augustly meting out justice to a drunken bicyclist, who may serve a longer sentence than the drunken driver who blew through a railroad crossing guard and took a young woman's life, I think about Autumn Grohowski, and her father Kris, and her brother Kevin, and her mother, Karen, and how Pennsylvania's "justice" system betrayed every meaning of the word "justice."

What tough guys fill the ranks of Pennsylvania's "justice system," from the Legislature, on down to the Courts, and the prosecutors, when the miscreant is a drunken bicyclist who is posing more harm to himself than anybody else on a dark and deserted road. Oh, Pennsylvania, how you brought the hammer down hard on this lawbreaker. 15 days for riding DUI, and possibly 6 months, far in excess of the minimum 72 hours.

And yet when a drunken driver blew through a railroad crossing guard and killed a young woman, and then attempted to flee the scene, all of you "tough guys" in Pennsylvania's "justice" system made excuses. You said "everyone does it." The driver's friends said "it was just a terrible, horrible accident that he has to live with - but is not his fault," and you signaled your

agreement by remaining silent. You blamed the victim. You refused to press appropriate charges. You gave the man who took a human life a mild slap on the wrist, and then you gave him license to drive again.

But at least you showed that drunken bicyclist how tough you are on traffic violence.

Congratulations, Pennsylvania.

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You can read more about Autumn Grohowski here, and here.