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DUI charge dismissed at hearing for official

Friday, August 27, 2004

BY THEODORE DECKER
Of The Patriot-News

A judge dismissed a drunken driving charge against Dauphin County's deputy court administrator yesterday.

The decision by the out-of-county judge came after a vigorous defense by the lawyer for Philip Intrieri during a hearing that lasted nearly three hours in the Dauphin County Courthouse.

Intrieri, of the 600 block of North 48th Street, Swatara Twp., was stopped during a DUI roadblock on South Front Street, Harrisburg, in late May and ultimately refused to take a Breathalyzer test.

As deputy court administrator, he oversees the county's district justice offices.

Officers testified that Intrieri had glassy eyes, smelled of alcohol, and was belligerent with their requests.

"He said, 'I'm not doing anything wrong. I just came into the city to pick up my girlfriend,'" said Officer Stanley Pleskonko. "He was not cooperative at all."

Intrieri denied that he had been drinking, Pleskonko said.

Harrisburg Cpl. Raymond Lyda testified that Intrieri failed three field sobriety tests, although one of the tests is considered inadmissible in court.

Under detailed questioning by defense lawyer Edward F. Spreha Jr., Lyda later conceded that Intrieri had passed one of the remaining two tests, based on current training methods introduced in court by Spreha.

Lyda said his training on the tests was about 10 years old.

However, the officer stood by his assertion that his experience and

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observations told him that Intrieri was impaired and shouldn't be driving.

Spreha also produced five witnesses who testified to seeing Intrieri on the night of the stop.

Although they contradicted his initial story to police -- saying that he had been drinking at bars in Swatara Twp. and Harrisburg -- all said he was not impaired.

"Plain and simple, this is a weak case," Spreha argued in his closing statement.

Spreha said later that the nature of the DUI roadblock made the case weak, because police had little contact with Intrieri and never really saw him driving.

"It's one of the problems with sobriety checkpoints," he said.

Senior Deputy Attorney General Anthony Forray, who prosecuted the case, said that he would review with police whether to refile the charge.

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