

# AUBURN AREA

THE CITIZEN, AUBURN, N.Y., SUNDAY, MAY 18, 1986 — 3



## Afternoon sun

Jack Schmidt, 17, and Kristen Lund, 16, relax on the front porch Saturday, soaking in some afternoon sunshine after a day of some heavy rain. Both are students at Auburn High School.

## Chief, DA at odds on case

Auburn's police chief and the county's district attorney are at odds on Friday's dismissal of all but one charge against John Corning, 21, of 1 Swift St.

Corning pleaded guilty in city court to disorderly conduct, a misdemeanor, reduced from second degree assault. City Judge James Cuddy fined him \$250 and sentenced him to 50 hours of community service.

At the recommendation of DA Paul Carbonaro, Cuddy dismissed the assault charge and charges of resisting arrest, filed last June when Corning was accused of attacking a police officer.

Chief John Costello said he opposes Carbonaro's recommendation that Corning, the son of Cayuga County Court Judge Peter Corning, be allowed to plead to a disorderly conduct charge in satisfaction of the outstanding charges without the result of the civil rights violation investigation requested by Carbonaro's office.

The FBI has made no decision on whether city police committed a civil rights violation in the arrest.

Carbonaro maintains the FBI's investigation would have little bearing on his decision that the case was not a good one for prosecution.

"I gave this case the same evaluation I would have given any other. I did not feel I had necessary proof and evidence to prove guilt without a reasonable doubt.

"My decision was made based upon the investigation I had before me and the facts as I saw them. Under the state penal law, it's up to the prosecution to prove guilt beyond a reasonable doubt. The FBI's investigation doesn't have to prove what mine would have to prove — they are diametrically opposed goals and purposes."

Costello disagreed. "Any action should be with the knowledge of the police department because it affects officers of this department."

"The air should be cleared before these recommendations are promulgated by the district attorney's office."

Corning was arrested at 3 a.m. on June 30 on an alleged open container violation in a parking lot at Tarby's Tavern on Hardenburgh Avenue. There were approximately 15 people in the parking lot, a number of them drinking, and only one was arrested, Carbonaro said. Statements from four witnesses were taken some day's later at his request because of some discrepancies as to what occurred.

Police reported that while Corning was being placed into custody he punched Officer Charles Elser in the face and, in a second incident at the police department, kicked him in the groin. Carbonaro said there was no medical evidence of the groin injury.

Elser was treated for a chipped tooth, injured right arm and abrasions to the left elbow and hand, according to court records. Corning was also treated at Auburn Memorial Hospital for minor facial and shoulder injuries, authorities said.

In January, Carbonaro asked the FBI to determine whether there were civil rights violations in the case. He said he will not comment on the bureau's investigation until he has an official determination on the case, which he expects in the next few weeks. Carbonaro said he is advising the FBI of his decision.

Judge Corning declined comment on the case but said neither he nor his son referred the matter to the FBI.

## Schweinfurth's dream

Julius Schweinfurth had a dream — a dream of a museum.

His travels took him around the world but he never forgot his dream nor Auburn, the city of his birth.

The dream, realized more than 40 years after his death, became a reality in 1981. Today, the

Schweinfurth Memorial Art Center celebrates its fifth anniversary with a reception from 2 to 5 p.m. This open house coincides with International Museum Day.

Approximately 18 major exhibits are held annually.

## —Fire, police reports

### Driver charged in fatality

Gerald Arthur Finn, 28, 29 Mechanic St., Jordan, is in county jail in lieu of \$1,000 bail or \$2,500 bond, after a car he was driving was involved in an accident Thursday in which a passenger was killed.

Finn was charged with driving while intoxicated, driving while license revoked for previous alcohol-related charges, unsafe speed and no seatbelt.

He and Russell Sanders, 29, 96 VanAnden St., Auburn, were ejected from the vehicle after Finn failed to negotiate a curve.

Russell died in the accident, authorities said. Finn was treated at Auburn Memorial Hospital and released. He was arraigned Friday before Brutus town court and remanded to jail.

### Troopers faced with unknown

State police are continuing investigation into an alleged robbery early today on Routes 5&20 in the town of Aurelius.

Wendy Carol Colbert, 33, of Syracuse, said an unknown male removed \$65 from her purse and left her on the side of the road. Troopers are unable to contact Colbert because she gave them an incorrect phone number.

### Auburn police reports

• Richard L. Bond, 27, no address, was charged Friday with causing physical injury to a person not listed on police reports and obstructing governmental administration by refusing to enter the jail cell. He was arraigned in city court Saturday morning and remanded to county jail.

• Linda Susan Allen, 27, PO Box 608, Port Byron, was arrested Friday, charged with driving while intoxicated.

• Bennett Joseph Loudon, 187 South St., was charged Saturday with driving while intoxicated, driving without a license and while license suspended and failure to keep right. He was arraigned in city court Saturday morning and remanded to county jail.

• Sean M. Fould, 20, Montezuma, was arrested Saturday on charges of disorderly conduct and resisting arrest.

• Mark Joseph Swietoniowski, 23, 22 Park Avenue, was charged with harassment on the complainant Barbara Swietoniowski.

### Auburn fire, rescue reports

• 8:41 a.m. Friday, Walnut Street, assist elderly male to bed.

• 11:03 a.m. Friday, parking lot at P&C on Grant Avenue, smoldering contents in trunk of a car.

• 6:50 p.m. Friday, rescue to motor vehicle accident at Bradley Street and Perrine Ave., no injuries.

• 11:49 p.m. Friday, electric problem reported at 65 N. Fulton Street, search revealed nothing.

• 1:16 p.m. Saturday, North Fulton Street, 3-year-old fell and fractured leg.

• 3:05 p.m. Saturday, trash fire at Malone Village.

### State police reports

• Harry K. Wagner, 33, RD 2 Baker Road, Weedsport, arrested on warrant Friday charged with harassing complainant Jerry Greese and operating a motor vehicle without seat belts.

• Charges are pending in a motorcycle accident Friday on Bluefield Road in the town of Fleming. Troopers said driver Kelly E. Drehar, 15, Route 34B, Auburn, ran off the road, struck a ditch and she and passenger Robert W. Drehar, 17, were ejected. They were treated for minor cuts and abrasions at the scene by Fleming Fire Department.

• Marianna H. Hernandez, 25, Hamden, Conn., a student at Welles College in Aurora, was charged with failure to keep right Saturday after a car she was operating on Route 90 in the town of Ledyard crossed the south lane and entered a stream on the west side of the road.

### County sheriff's reports

• Jeffrey Roundy, 23, 113 North St., Auburn, was charged Saturday with operating a motor vehicle on Route 38A in the town of Owasco while his license was suspended on an alcohol-related charge.

• James Michael Hunter, 22, 12 Lakeview Drive, Auburn, was arrested on a warrant Saturday on a harassment charge, alarming complainant Vicky Valerio.

• Vanessa Rosemary Brown, 30, Jordan Road, Jordan, was charged Thursday with operating a motor vehicle while license suspended on a no-insurance charge.

• Louis Donald Pople II, 24, Pople Road, Martville, was charged by complainant Stanley McKelvey of Hannibal of harassment, making sexual advances.

• David J. LaFramboise, 19, Slayton Road, Port Byron, was charged with following too closely after a two-car accident Friday on Bush Hill Road in the town of Conquest. His car struck a vehicle operated by Henry C. Young, 60, RD 2 Port Byron, a volunteer fireman who was slowing down to ask a pedestrian the location of a fire.

• John T. Robinson, 22, 460 Midland Ave., Syracuse, was charged Friday with driving while license suspended and failure to yield after striking a car operated by Edward L. Stabinsky, 218, RD 5, Auburn, on Route 38 in Port Byron.

### County fire, rescue reports

• 9:10 a.m. Friday, Genoa, hay fire on Atwater Road.

• 2:18 p.m. Friday, Weedsport to 8927 William Street, transport female to Auburn Memorial Hospital.

• 3:10 p.m. Friday, Genoa, automatic alarm at Adam Baum Farm, Route 90.

• 4:12 p.m. Friday, Weedsport, report of wire down on Route 34.

• 4:13 p.m. Friday, Cato, report of wire down on McDowell Road.

• 4:41 p.m. Friday, Weedsport, report of wire down on Sam

## Freeman to Albany on Seguin proposal

Judy Freeman is going to Albany on Monday to get a restraining order to prevent Seguin Community Services' from going ahead with the purchase of a \$200,000 home on East Lake Road for the developmentally disabled.

The Owasco resident said State Sen. L. S. "Steve" Riford has arranged for her to question state officials on the purchase office she said was "far above the average price of a ranch home in the Auburn School District."

"I feel as though Seguin buying this lavish home plus the extra expenditures to be put in it is improper spending of tax dollars. Without a doubt, two homes could easily be built to state specifications to take care of twice the people."

Seguin contends the 4,000-square-foot ranch will need little renovation to accommodate the residents and the cost will equal that paid for cheaper homes in need of revamping.

Freeman is to meet Monica Broderick, aide to Senator Frank Padavan, R-11, chairman of the Standing Committee, Mental Hygiene and Addiction Control; Margaret Sellers, analyst for senate budget committees; and Doug Bitner, of the comptroller's office. An appointment is being arranged with Assemblyman Clarence D. Rappleyea, R-122, she said.

"I think she's going to the right place," Owasco Town Supervisor Michael O'Leary said. "I have questions about the process myself. We were led to believe at the outset that there were adequate safeguards within the system, as far as the state is concerned, to protect against wasteful expenditure of state money." O'Leary said the system appears to be flawed.

The concerns of Owasco residents focus on sufficient water pressure in the Owasco area and the septic system which was built for a two-person family. It would have to accommodate about nine residents plus staff if purchased by Seguin.

A community has 40 days to respond to a community residence plan and, under state law, may only object if the home would result in an unwarranted concentration of like facilities; Freeman is questioning whether such a notice was given.

O'Leary said the board was advised of the 40-day period. Gary McIlvain, Seguin's director for Cayuga County, went door-to-door to contact residents personally but O'Leary did not know how many were reached.

The town conducted a public hearing in April and O'Leary said any future hearings should be held by the state. The town board or county legislature is limited in their involvements in the whole process, he said.

Freeman said she would request the purchase be held up "until we have answers to questions through a hearing. I'll ask them to advise me as far as state health office regulations on the septic system and ask the legal office to advise us on rights to a hearing."

## Bianco's lawyers to argue case before Supreme Court

Defense attorneys for Thomas Bianco will appear before state Supreme Court Judge D. Bruce Crew III Tuesday, attempting to set aside their client's recent sentencing.

Part of that argument, they say, will be evidence that suggests murder victim Julie Monson was avoiding someone other than Bianco the night she disappeared in September 1981.

Prosecutor Paul Carbonaro said Crew already has considered those submissions, and that the Court of Appeals ultimately will decide whether they are valid. The information, he said, actually consists of third-hand media accounts — specifically, comments by Assistant Police Chief Carmen Bertonica in an interview with a Rochester newspaper.

Bianco, 24, in March was convicted of the Auburn teenager's kidnapping and slaying, May 6. Crew sentenced Bianco to 25 years to life imprisonment for those crimes.

Defense team William Lynn and Joseph Fahey say Auburn police did not thoroughly pursue at least a dozen other suspects. Throughout Bianco's one-month trial, the attorneys said Bianco does not match the description of a man last seen with Monson when she accepted his ride on a darkened Prospect Street.

Relying on police's own photographic re-creation of the scene, the lawyers also say witnesses and authorities knew Monson's perpetrator to be taller than Bianco's height.

The two sides will meet before Crew 10 a.m. at the county courthouse.

### Adams Lane and Rockefeller Road

• 5:40 p.m. Friday, Cato ambulance to Slab City Road.

• 5:40 p.m. Friday, Conquest, tree fire on Bush Hill Road.

• 6:41 p.m. Friday, New Hope, flush mud slide from Route 41A.

• 7:50 p.m. Friday, Four Town ambulance to Tollgate Trailer Park, transport male patient to Auburn Memorial Hospital.

• 8:57 p.m. Friday, Meridian, Slab City Road, basement fire out on arrival.

• 9:23 p.m. Friday, Cayuga ambulance to Mill Street, transport male to AMH.

• 11:31 p.m. Friday, Owasco ambulance to Route 38A, transport patient to AMH.

• 11:55 p.m. Friday, Four Town ambulance to Howd Nursing Home, transport female to AMH.

• 2:57 a.m. Saturday, Owasco ambulance to Stryker Avenue, transport female to AMH.

• 9:39 a.m. Saturday, Four Town ambulance to Route 38A, transport male to AMH.

• 12:37 p.m. Saturday, Weedsport ambulance to Hanson residence, transport female to AMH.

• 1:35 p.m. Saturday, Aurora to motor vehicle accident north of the village.

• 4:26 p.m. Saturday, Owasco ambulance to Melrose Road, transport 83-year-old male to AMH.

• 7:29 p.m. Saturday, Scipio, car fire at Center Road and Route 38.

### Auburn city court

• A non-jury trial was set for June 26 for Vincent DePaul Ferrin, 32, Brogan Manor. Ferrin pleaded not guilty to charges of criminal trespass by remaining in the Knotty Pine Restaurant on May 15 after being asked to leave.

• James S. Grader, 29, 14 Westlake Avenue was placed on a three-year probation and ordered to make restitution after he pleaded guilty to forging a \$1,128.38 state tax refund check of James P. Jurczak.

• Michael W. Tarby, 29, 64 1/2 Steel St., pleaded guilty to a Feb. 23 charge of driving while intoxicated and was fined \$360. Additional charges of reckless driving, operating while license suspended and failure to keep right were dismissed.

• Eugene Raymond Phillipps Jr., 22, 3 Washington St., pleaded guilty to a charge of unlawful possession of marijuana, reduced from criminal possession of marijuana on the recommendation of the district attorney's office. He was fined \$125.

### Clarification

A statement in Thursday's police report that read, "Jerry Berger, K-Mart, Fingertakes Mall, reported possible possession of stolen property Wednesday in regard to two Jensen car radios ..." was misinterpreted by several readers. This does not state that Berger committed any crime, but rather that he reported a possible crime.