

Statements about beer OK'd in homicide trial

Tow-truck driver accused of killing good Samaritan helping another driver.

By **TOM QUIGLEY**
The Express-Times

BELVIDERE — A White Township man charged with vehicular homicide lost his bid Monday to suppress statements he made to police.

Eben Campbell, 56, of Brass Castle Road, is also charged with drunken driving in the death of a good Samaritan who stopped to help another motorist last year on Route 519 in White Township.

Barry Bogerman, 53, of Mansfield Township, was killed the night of Dec. 14, 2002, on the southbound side of Route 519 when a tow truck

driven by Campbell struck him, state police reported.

Bogerman was trying to assist a motorist, Jorge Colorado, of Delaware Drive, Easton, after Colorado struck a pole in an attempt to avoid a deer, police said.

Police said Bogerman and Colorado were in the road shortly after the initial crash, police said.

Campbell has turned down a plea bargain calling for a recommended state prison sentence of six years. The plea agreement offered by Warren County Assistant Prosecutor Angela Borkowski includes a provision recommending Camp-

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bell serve 85 percent of the sentence before becoming eligible for parole.

The case now appears headed for trial, and Superior Court Judge John Pursel ruled Monday that Campbell's statements to police are admissible.

According to testimony in court Monday, Campbell told police he drank seven cans of beer while visiting his brother before the inci-

dent.

Campbell's statements read in court also show the tow-truck driver did not know which road he was on when he struck Bogerman.

The crash occurred on Route 519 between Route 46 and Brass Castle Road. Campbell told police he had driven to Brass Castle Road and made a left before coming on the crash scene, according to court testimony.

A blood test taken after the incident showed Campbell with a blood-alcohol level of 0.083 per-

cent, according to court records.

That's below the state limit of 0.10 percent.

But an extrapolation completed by the state's chief forensic scientist concluded Campbell's blood-alcohol level was between .097 and .12 when he struck Bogerman.

Washington attorney Leonard Artigliere is representing Campbell.

"My client's heart goes out to the person that was unfortunately killed in this accident," Artigliere said.

The attorney said Campbell swerved to avoid Colorado's car, which was in his lane of travel. The attorney said it appears the lights on Colorado's car may have been off at the time and police had not yet arrived at the crash scene.

Artigliere said that's when the victim was struck.

"This was an accident, not a crime," the attorney said.

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