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11-time drunk-driver gets maximum sentence

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Judge agrees with prosecutor that public needs to be protected

By Kathleen Brady Shea, *Managing Editor, The Times*

In the Chester County annals of gambling, a 51-year-old Devon man specialized in Russian roulette, prosecutors said.

In arguing for a maximum drunken-driving sentence, Deputy District Attorney Carlos Barraza said Douglas C. Gibboney had been putting county citizens at risk for more than a quarter-century. Every time Gibboney got behind the wheel intoxicated “he was gambling that this would not be the time that there would be a bullet in the chamber, putting all other drivers in danger,” Barraza wrote in a sentencing memorandum.



Gibboney stood before Chester County Court Judge Phyllis R. Streitl on Thursday, Jan. 9, for sentencing after pleading guilty to his 11th DUI and his 13th conviction for driving with a DUI-related license suspension. His first conviction occurred in 1987, when he entered the county’s Accelerated Rehabilitative Disposition (ARD) program, court records said.

Since then, court records show a string of DUI convictions stretching from Tredyffrin to North Coventry to Sadsbury Townships. Streitl said she was particularly troubled by Gibboney’s 10-page record of driving infractions. Besides ignoring his license suspensions, Gibboney racked up citations for speeding, blowing red lights, failing to yield, and improper turns, she said.

“Criminally, your record is horrible; you have completely not gotten the message,” Streitl said, imposing a combined maximum penalty of five to 10 years for both offenses plus a mandatory \$5,000 fine. “I’ve never had anyone in here who’s on their 11th DUI.”

Barraza had recommended the five- to 10-year sentence. He said Gibboney’s latest offense occurred the day he had agreed to turn himself in at Chester County Prison to begin a three- to 10-year sentence for his 10th DUI. Barraza said Chester County Court Senior Judge Ronald C. Nagle had generously given Gibboney a delayed report date, apparently after hearing that Gibboney had experienced the back-to-back deaths of his parents followed by two bosses within the previous month.

Gibboney responded to that “gift” by driving on U.S. 30 in Sadsbury Township on Feb. 15 with a blood-alcohol level

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of 0.172, more than twice the legal limit, Barraza said.

Assistant Public Defender Kelly Ann Thompson suggested that while she understood that Gibboney had earned a sentence in the aggravated range, she felt that 21 months for drunken driving and 19 months for driving with a DUI-related license suspension would be sufficient, explaining that Gibboney was taking steps to address his chronic abuse problem.

Speaking in his own behalf, Gibboney, who served in the Air Force from 1984 to 1987, said he was attempting to figure out the root of the problem through a prison program. He said he worked for a paving company since 1994 after losing his commercial driver's license – and the job that required it. "I know my history looks real bad because it is," he said.

Gibboney told the judge that he had already succeeded in quitting smoking, which demonstrates that he can change his behavior. He said the day he was stopped in Sadsbury, he was going to visit his estranged adult son.

Streitel said she saw "a glimmer of hope" that Gibboney could turn his life around, but in the meantime, the public needs to be protected. The judge said she couldn't rely on the fact that Gibboney's license is suspended until he's 80 because he has routinely ignored the prohibition against his driving.

"You've just been an abject failure in curbing your criminal behavior," the judge said, adding that Gibboney showed he "did not care about the law or about the risk of killing or maiming an innocent person."

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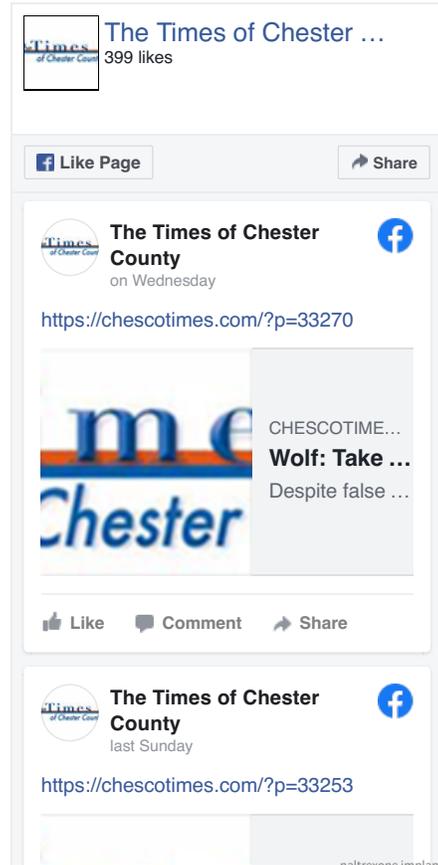
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