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Multiple Sentencings for Albany County Drunk Drivers



ALBANY, NY – District Attorney P. David Soares announced today the resolutions of several DWI related cases in Albany County Court this week.

KASEEM BRANCH, 29, of Albany was sentenced to time served in Albany County Jail, to be followed by 5 years of Felony Probation for Aggravated Driving While Intoxicated: Child in Vehicle, a Class E Felony, before Honorable Judge Stephen W. Herrick in Albany County Court yesterday morning. BRANCH was also sentenced to a \$1,000 fine, 5 years of mandatory Ignition Interlock Device upon his release from custody, 1 year minimum license revocation which is subject to the Department of Motor Vehicles.

On November 2, 2015, BRANCH pleaded guilty to (1) Count of Aggravated Driving While Intoxicated: Child in Vehicle. This is a Leandra's Law case as BRANCH was driving with an 8-month-old infant in the vehicle.

On September 3, 2015, at approximately 12:02 a.m., on Delaware Avenue, in the Town of Bethlehem, BRANCH was seen speeding and crossing over the double yellow line. Upon being stopped, BRANCH showed physical signs of intoxication and failed the Standardized Field Sobriety Tests. He later registered a Blood Alcohol Content of .11.

Additionally, **GRAHAM GARDINEER**, 41, of Guilderland, was sentenced to 1 2/3 to 5 years in State Prison for Aggravated Driving While Intoxicated: Child in Vehicle, a Class D Felony, to run consecutive to 1 to 3 years in State Prison for Violation of Probation, before Judge Stephen W. Herrick in Albany County Court this morning. GARDINEER was also sentenced to 3 years of mandatory Ignition Interlock Device, a \$2,000 fine, 18 months minimum license revocation which is subject to the Department of Motor Vehicles.

On November 5, 2016, GARDINEER pleaded guilty to (1) Count of Aggravated Driving While Intoxicated: Child in Vehicle, and (1) Count of Violation of Probation. This is a Leandra's Law case as GARDINEER was driving with an 11-year-old passenger in the vehicle.

On October 9, 2015, at approximately 10:46 p.m., the Albany County Sheriff's Office received a complaint from a civilian about a possible drunk driver in the vicinity of State Route 157 and Barber Lane in the Town of Berne. Upon being stopped, GARDINEER showed physical signs of intoxication and failed the Standardized Field Sobriety Tests. He later registered a Blood Alcohol Content of .09. At the time of his arrest, GARDINEER was driving without an Ignition Interlock Device, which constituted a violation of probation from a previous DWI charge.

Also, **SHAUN PATRICK KELLY**, 36, of Albany, was sentenced to 6 months in Albany County Jail, to be followed by 5 years of Felony Probation, before the Honorable Judge Stephen W. Herrick in Albany County Court this morning. KELLY was also ordered to pay a \$1,000 fine, being subject to 1 year minimum license revocation, which is subject to the Department of Motor Vehicles, successful completion of the Albany County Drug Court Program and a Victim Impact Panel, and maintaining an Ignition Interlock Device for 5 years following his release from jail.

On October 29, 2015, KELLY pleaded guilty to (1) Count of Aggravated Driving While Intoxicated: Child in Vehicle, as a Class E Felony.

On July 17, 2015, at approximately 9:27 p.m., officers from the Guilderland Police Department observed KELLY on Upper Hillcrest Avenue failing to fully stop at a stop sign and failing to signal. Upon being pulled over, KELLY displayed physical signs of intoxication and failed the Standardized Field Sobriety Tests. About an hour after being stopped, KELLY registered a Blood Alcohol Content of .21.

This is a Leandra's Law case as KELLY was driving with his three children in the vehicle, all under 15 years of age.

Additionally, **JOSEPH SZARY**, 52, of Albany, was sentenced to 45 days in Albany County Jail, to be followed by 5 years of Felony Probation, before the Honorable Judge Stephen W. Herrick in Albany County Court on Monday morning. SZARY was also sentenced to 5 years of an Ignition Interlock Device, successful completion of the Albany County Drug Court Program, a \$1,000 fine, and 1 year minimum license revocation which is subject to the Department of Motor Vehicles.

On November 2, 2015, SZARY pleaded guilty to (1) Count of Driving While Intoxicated, a Class E Felony.

On July 24, 2015, at approximately 10:28 p.m., Bethlehem Police Department received a call about an erratic driver on Route 9W in the Town of Bethlehem. When police arrived, they observed SZARY driving the vehicle in the area provided by the caller. Upon being stopped, SZARY showed physical signs of intoxication and failed the Standardized Field Sobriety Tests. SZARY later refused chemical analysis testing at the police station.

SZARY had a prior DWI conviction in 2011.

Finally, **COREY AVIZA**, 26, of Loudonville, was sentenced to 90 days in Albany County jail, to be followed by 5 years of Felony Probation, before Judge Stephen W. Herrick in Albany County Court this morning. AVIZA was also sentenced to 5 years of mandatory Ignition Interlock Device, a \$1,000 fine, 1 year minimum license revocation which is subject to the Department of Motor Vehicles.

On November 6, 2015, AVIZA pleaded guilty to (1) Count of Aggravated Driving While Intoxicated: Child in Vehicle, a Class E Felony.

On September 19, 2015, at approximately 10:56 p.m., the Albany City Police Department received a phone call from a concerned citizen who reported that someone who had been drinking was seen getting into a car with a child in the vehicle on Erie Boulevard in the City of Albany. Police found AVIZA operating the vehicle in the Huck Finn's Playland parking lot. AVIZA had physical signs of intoxication and failed the Standardized Field Sobriety Tests. Later, he registered a .18% Blood Alcohol Content.

This is a Leandra's Law case as AVIZA had a 3-year-old child in the vehicle with him.

The above cases were each prosecuted by Vehicular Crimes Bureau Chief Mary Tanner-Richter.

For more information please contact Cecilia Walsh (518) 275-4710.

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