

POCONO RECORD

Stoss sentenced to 5-10 years in fatal DUI

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A New Tripoli man has been sentenced to 5-10 years in state prison for a 2014 fatal crash in Pike County. James Stoss, 44, pled guilty to the crimes of vehicular homicide while driving under the influence and aggravated assault while driving under the influence.

The deadly crash occurred Sept. 7, 2014, on Route 402 in Porter Township. Stoss had been drinking at a hunting cabin before driving his pickup truck that afternoon, according to a Wednesday statement from Pike County District Attorney Raymond Tonkin's office. Stoss drove the truck entirely into the oncoming lane of traffic, where he crashed head-on into a vehicle driven by David Bender, 38, of Hellertown.

An 18-year-old male passenger traveling with Bender managed to escape the wreckage before it caught fire. Bender did not.

"Bender was killed as the result of several blunt force injuries suffered in the crash," Tonkin's statement said. "The passenger was severely injured but managed to climb out of a broken window before their vehicle was consumed in flames."

Stoss was also injured in the crash, according to the statement. Several first responders treating him smelled alcohol on his breath, which was later confirmed by blood alcohol testing. His blood alcohol content was measured at 0.23 percent — nearly three times the 0.08 percent legal limit.

State Police performed an investigation of the crash. The case was then prosecuted by First Assistant District Attorney Bruce DeSarro.

"DeSarro stated that the evidence from the crash scene showed the defendant was speeding as well as driving in the wrong lane and being intoxicated," it said in Tonkin's statement. "During the sentencing hearing, DeSarro took objection

to previous statement by Stoss that was not a criminal by calling attention to the grievous crime that was committed and the continuing harm that continues to be suffered because of it.”

Family members of the two victims testified before Judge Ray Hamill, who presided over the guilty pleas and sentencing, the statement also said. They spoke of the impact of the crime and the character of the late Bender.

“After the sentencing, DeSarro stated that hopefully other lives will be saved because of the appropriate and just punishment Judge Hamill gave to the defendant by deterring others from drunk driving,” the statement said.

Stoss was convicted of second degree felonies for homicide by vehicle while driving under the influence and aggravated assault while driving under the influence. He was also convicted of a third degree felony for homicide by vehicle and DUI misdemeanors for general impairment incapable of driving safely and the highest rate of alcohol, both first offenses.