



NEW YORK STATE SENATOR

Terry Gipson

Gipson and Lalor Bill Toughens Sentencing for Multiple Homicides

TERRY GIPSON February 26, 2014

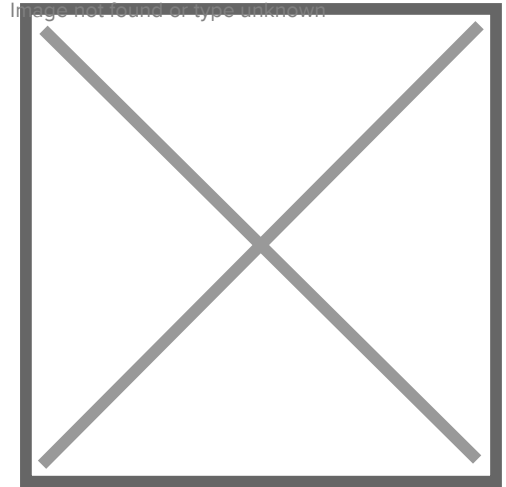
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GIPSON AND LALOR BILL TOUGHENS SENTENCING FOR MULTIPLE HOMICIDES



ALBANY, NY – New York State Senator Terry Gipson (D – Dutchess, Putnam) and Assemblyman Kieran Michael Lalor (R – Dutchess) today announced bipartisan legislation (S.6462, A.8721) that would give judges in New York State the discretion to allow the sentencing for two or more crimes through a single act to run consecutively when one of the crimes results in a homicide under Article 125 of the New York State Penal Law.

The legislators were joined by the families of Shawn and Patricia Wonderly. The Wonderly family, along with other members of the community, presented the idea for this legislation after a personal tragedy. On August 1, 2012, Ryan Floryan ran a red light at the Eastbound Arterial and Worrall Avenue in the City of Poughkeepsie and slammed into a car carrying Shawn and Patricia Wonderly of the City of Poughkeepsie. The couple was killed in the crash. Thankfully, their two children Abigail, now 9, and Matthew Wonderly, now 8, who were also in the car, survived the crash.

On Wednesday June 12, 2013, Ryan Floryan pleaded guilty to two counts of second-degree manslaughter. He faces six and a half to thirteen years in prison. While the victims' families are relieved by Mr. Floryan's guilty plea, they are rightfully disappointed with legal restrictions that had an impact on his sentencing. Under current law, Dutchess County Court Judge Stephen Greller could not impose a stricter sentence as the sentencing for the two separate manslaughter charges must run concurrently since they were caused by one act. During court proceedings, Floryan admitted that he was driving at an excessive speed to

avoid City of Poughkeepsie police because he was on parole violation.

"It's important that this legislation gives judges further discretion when sentencing these crimes. I believe that those whose reckless actions have taken innocent lives should be held fully accountable, and that judges should be able to hand down a sentence reflective of each life lost and the circumstances surrounding each case," said Senator Gipson. "I thank the Wonderly and DeSantola families for their advocacy, and am proud to be working with them, members of our shared community and my colleagues to further this legislation."

"This bill will help to ensure that the extent of a defendant's sentence will directly and appropriately relate to the amount of suffering caused to victims, their families and society," said Assemblyman Lalor. "Thanks to the Wonderly and DeSantola families for their efforts in advancing this cause. Their work will ensure that justice is carried out. I'm honored to have worked with them on the legislation. I look forward to working with them to pass the bill and give courts the tools to deliver justice to the victims of crimes. Thanks also to Judge Stephen Greller for bringing this problem to our attention."

Rich DeSantola, brother of Patricia DeSantola Wonderly, said, "On August 1, 2012, while driving through Poughkeepsie, headed home from a friend's home, my sister Patricia DeSantola Wonderly and my brother in law Shawn Wonderly, along with their two young children Abigail and Matthew, were struck by a car driven by Ryan Floryan of Poughkeepsie, who was attempting to flee police. Shawn and Patti were killed and the children injured. Floryan was charged with two counts of manslaughter, and after a prolonged pre-trial period and a plea bargain, was sentenced to 13.5 to 15 years for each count. To our great shock, the district attorney told us that under current NYS penal law, the judge was mandated to have Floryan serve his sentences concurrently. Essentially this meant he got away with one punishment for killing two persons. Our family feels very strongly that this part of the penal law must be changed, and judges must be permitted to use their judgment in making the

sentences consecutive if circumstances warrant. Nothing can bring Shawn and Patti back, but perhaps through our efforts and those of Senator Gipson and Assemblyman Lalor, we can spare future families the pain of watching the person responsible for such a tragedy, go under-punished for the crimes committed.”

Lawrence Wonderly, father of Shawn Wonderly, said, “On August 1, 2012, two beautiful lives were snuffed out by the uncaring and reckless actions of one individual. That individual was charged, pleaded guilty and sentenced for his crimes. However, because the law in New York State required the sentences to run concurrently, the felon is serving time for taking only one of the two lives. This change to the law will bring fairness and equity to the sentencing process so that no other families or friends will have to be subject to the inequity of this old law. I thank Assemblyman Lalor, Senator Gipson and their fellow legislators for their hard work to make this change.”

