

# **N.Y. woman, 27, sentenced in Shaftsbury traffic death**

## **30 days in prison, one to two years' probation for causing the death of Groton family man.**

By PATRICK McARDLE STAFF WRITER - Published: July 28, 2009

BENNINGTON – A New York woman will serve 30 days in prison and spend one to two years on probation after pleading no contest Monday to a misdemeanor related to the traffic death of a Groton man in September.

Mary Fasciana, 27, of Bedford Hills, N.Y., entered her plea in Bennington District Court to a misdemeanor charge of grossly negligent operation of a motor vehicle.

Fasciana was driving north on Route 7 in Shaftsbury on Sept. 19 when she pulled into the southbound lane, apparently to pass another driver.

Arthur J. Johnson, 64, of Groton, tried to pull into the southbound breakdown lane, but was unable to prevent the crash, according to police.

Johnson was declared dead at the scene of the crash. Fasciana was taken by helicopter to Albany Medical Center for treatment of extensive injuries.

In January, Fasciana was arraigned on a felony charge of grossly negligent operation of a motor vehicle resulting in a fatality, but on Monday, the charge was amended to a misdemeanor.

Bennington County State's Attorney Erica Marthage said the state had considered Fasciana's lack of a criminal record in reaching a plea agreement. Marthage said investigators had found no evidence that alcohol or drugs were factors in the crash or that Fasciana had been driving at excessive speed.

Fasciana said during the hearing Monday that she didn't remember anything about the accident.

"All I know is I hold the Johnson family in my heart every single day. ... I'll pray for them and I'll always hold them in my heart. I'll always hold them in my heart," she said.

Johnson's wife, Lucy, read letters written by her son, Tobey. Two of Johnson's daughters, Carlea and Sibyl Johnson, also read letters they had written.

Sibyl spoke of the day of the crash.

"At that moment, you took my best friend, my dad and my hero from me. The man who taught me so much in this world, who took my hand so many times, physically and figuratively. He meant the world to me," she said.

Carlea told Fasciana that she had "truly ruined my life."

Judge John Wesley said he was willing to accept Fasciana's plea of no contest because he understood a civil lawsuit was likely to be filed against Fasciana by Johnson's family.

Manchester attorney Bradley Myerson, who represented Fasciana, said the Johnsons had brought their attorney to court on Monday.

Wesley said sentencing in cases like Fasciana's was "particularly problematic" because they involve crimes where the "consequences are horrific," but defendants who do not have a "criminal mentality."

Fasciana is scheduled to report to Rutland jail at noon today to begin her sentence.

As part of her sentence, Fasciana will not be allowed to drive in Vermont for one year.

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