

Drunken driver gets 3 years for hitting bicyclist

Written by BILL SCHANEN IV
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A 35-year-old Port Washington woman was sentenced to three years in prison last week for running over a bicyclist while she was driving drunk for the third time.

Ann C. Stelling was also sentenced to three years extended supervision, as well as additional probation and jail time because she continued to drink after the accident in violation of a judge's order.

"Third-offense drunken driving is serious in itself, but here we had somebody who was just taking a ride on an early fall evening with every safety device he was supposed to have and someone who's essentially blind drunk drives right over him," Ozaukee Circuit Judge Paul Malloy said, adding that Stelling had a blood-alcohol level of more than three times the legal limit.

Injured in the Sept. 16, 2010, accident was Robert Splan, 44, who was riding his mountain bike north on Wisconsin Street in Port Washington when, at about 7:30 p.m., Stelling hit him from behind.

Splan, a Town of Port Washington resident who said he was following all traffic laws and had lights on the front and rear of his bike and reflective material on a bag and his shoes, was thrown from his bike and hit a metal garbage can, he said in court last week.

"The accident was extremely traumatic for me," he said. "I was thrown so hard that I dented a galvanized garbage can in half."

Splan said he suffered a concussion and torn rotator cuff and has spent the last 11 months recuperating. He said he will also have to undergo surgery to repair his shoulder injury.

Splan objected to Assistant District Attorney Patti Wabitsch's recommendation that Stelling be sentenced to two years in prison and three years extended supervision for hitting him.

"I don't think two years in prison is enough," Splan said. "I spent three months in rehab and suffered symptoms of my concussion for six months. Now I'm going to have to have surgery and they say I may only recover 80 to 85% of the use of my shoulder.

"That's two years of my life that I'll be dealing with this because a person made the decision to drive drunk."

In addition to his injuries, Splan said, he suffered financial harm because he cannot pay the thousands of dollars worth of medical bills he incurred after the accident.

"I'm lucky she (Stelling) has insurance, but they haven't paid anything," he said. "I receive bills every day. My credit rating has dropped 265 points."

Wabitsch said Splan is seeking \$13,229 in restitution to cover existing medical bills and will

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have other medical expenses from his shoulder surgery.

Splan said Stelling has added insult to injury by not taking responsibility for the accident.

“She’s never once apologized,” he said. “She said I caused the accident.”

According to the criminal complaint, Stelling told police shortly after the accident that Splan was biking on Douglas Street and rode onto Wisconsin Street in front of her vehicle.

But a witness said he saw Stelling, who was driving north on Wisconsin Street, suddenly swerve to the right and hit Splan, who was also heading north on Wisconsin Street.

In court last week, Stelling’s attorney, Perry Lieuallen, said his client has not made excuses for her actions but has been limited in what she can say by her insurance company.

“She merely told the insurance company that she didn’t see him (Splan),” Lieuallen said. “Her insurance company, which is American Family, has told my client not to send any letters of apology, which she has wanted to do. I can’t let her say anything today because the insurance company has told me not to.”

Wabitsch said the fact that this was Stelling’s third drunken driving conviction is telling.

“She has not learned her lesson,” Wabitsch said. “She’s a danger to herself and the community, and now an innocent victim has been hurt.”

The recommended sentence is severe enough to teach Stelling a lesson and protect the community, Wabitsch said.

“Two years is a long time for someone who has never been in prison,” she said.

In June, Stelling pleaded no contest to charges of drunken driving causing injury and third offense drunken driving.

Malloy sentenced Stelling to three years in prison and three years extended supervision on the drunken driving causing injury conviction, a felony punishable by a maximum six years in prison. He ordered that she be eligible for the earned-release program after serving two years in prison, meaning she could be released early.

Malloy ordered her to pay a fine of \$2,400 and revoked her driver’s license in connection with the third-offense drunken driving conviction.

Stelling also pleaded no contest to two felony charges of bail jumping, which were issued after she tested positive for alcohol on Jan. 14 and March 18. Malloy had ordered her to maintain absolute sobriety while free on bail.

The judge sentenced her to 30 days in the county jail on one of the bail jumping convictions. On

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the other, he withheld a prison sentence, placed her on probation for two years and ordered her to serve 45 days in jail.