

Long Island Jury Acquits Intoxicated Defendant Finding He Did Not Operate His Car

HEMPSTEAD, N.Y., May 26 (SEND2PRESS NEWSWIRE) – A Long Island jury found Bernie Kompancaril not guilty of all charges today saying that the state failed to prove that Mr. Kompancaril was operating his car in the early morning hours of Dec. 21, 2006. Long Island attorney Bruce L. Roistacher, who represented Mr. Kompancaril, argued that it's not illegal to drink in a parked car in a parking lot if the driver has no present intention to drive or operate his car.

Despite police testimony to the contrary, the jury found that the defendant was merely parked in a parking lot in New Hyde Park, N.Y. with four friends, drinking in his car, with no intention to drive or operate it. They also found that the defendant's keys were not in the ignition of his BMW and that he did not move his car.

Mr. Roistacher challenged the observations of the police officers and argued that the defendant's keys were not in the ignition and that the radio and windows worked without the keys in place. In a rare legal maneuver, Mr. Roistacher had the jury inspect Mr. Kompancaril's car in the courthouse parking lot.

"The jury inspection of Bernie's car apparently led to the very quick verdict of Not Guilty, they applied the strict definition of 'operation' in the context of a DWI," said Roistacher.

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