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In pedestrian death, driver, 20, gets 7-14 years

By Joseph A. Slobodzian

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Joseph Genovese Jr. apologized to the families of two women he ran down after a Phillies game.

And he told the sentencing judge that the horrific 2008 incident - Cindy Grassi, 53, dead; her friend Sandra Wacker, then 36, permanently disabled - taught him a lesson about driver safety.

"This shows me how dangerous a vehicle is and that it could have happened to anyone," Genovese told Philadelphia Common Pleas Court Judge Benjamin Lerner.

Lerner was not buying and on Tuesday sentenced Genovese, 20, of South Philadelphia, to seven to 14 years in prison for the incident in which he was driving under the influence of marijuana.

"This was no accident, to get yourself so completely blasted so you are totally unfit to operate a motor vehicle," Lerner told Genovese.

Lerner compared Genovese's conduct on crowded South Broad Street after an afternoon Phillies-Cardinals game to "firing a gun into a crowd."

Lerner's sentence - more than twice the mandatory minimum of three to six years - drew gasps and sobs from Genovese's parents and a dozen relatives and friends.

They were equally stunned when sheriff's deputies whisked Genovese through a side door toward a holding cell and a trip to state prison.

"They took him already?" cried his mother, Laura Genovese. "They took him?"

On the other side of the Criminal Justice Center Courtroom, a large group of Grassi's relatives, who flew in from her home near St. Louis, embraced each other and wiped away tears.

Afterward, the family and Assistant District Attorney Beth McCaffery gathered on the sidewalk at 13th and Filbert Streets to talk with reporters.

Roberta "B.J." Heineck, Cindy Grassi's youngest sister, thanked the prosecutor and police, the Philadelphia Phillies organization, and Philadelphia's citizens for their support.

"We hope that this day will bring us all closure," Heineck said.

In court, Joseph and Laura Genovese tearfully apologized for their son. Heineck and Grassi's husband, Charles "Butch" Grassi, reached out and squeezed the Genoveses' hands as they walked by.

Afterward, the Genoveses angrily brushed past reporters without comment.

Genovese pleaded guilty in February to vehicular homicide and vehicular aggravated assault while under the influence for killing Grassi and injuring Wacker.

Wacker, also from St. Louis, suffered a traumatic brain injury and a shattered leg, and spent months in recovery.

She was not in court. McCaffery said Wacker had just recently been able to return to teaching and did not want to leave her students to return to Philadelphia for the sentencing.

Wacker has no memory of the day, McCaffery added.

Despite their age difference, the two women - both physical education teachers - became close friends when each was newly assigned to the same elementary school.

Grassi was recently retired and had remarried about a year before her death. She and Wacker stayed close because of their devotion to the Cardinals baseball team.

Heineck testified that, for the last five years, her sister and Wacker followed the Cards to one away game a year. They had been as far as San Francisco before they went to see their team play the Phillies at Citizens Bank Park on the afternoon of July 10, 2008.

Police say the two left the stadium after the game to go to dinner. They were crossing Broad at Curtin Street when they were struck.

McCaffery said Genovese's actions went beyond running a red light. Genovese was stopped at the red light behind two cars when he swerved around the stopped cars, drove through the light, and hit the two women at high speed as they were in the crosswalk.

McCaffery argued for a 10-to-20-year prison term, citing Genovese's record of "menacing behavior" before and after the crash. She noted that Genovese posted his police "mug shot" on his MySpace page, a site that was largely a faux-gangsta tribute to smoking marijuana and driving his Lexus at high speeds.

McCaffery noted that Genovese's first remark to police after the accident was to ask if his auto-insurance premium would increase.

Defense attorney Louis T. Savino Jr. criticized McCaffery for trying to demonize Genovese by exaggerating the actions of a "troubled young man."

Savino noted that Genovese did not flee the scene of the accident and demonstrated remorse by pleading guilty and sparing Wacker the emotional pain of traveling back to Philadelphia for a trial.

But Lerner cited a string of seven previous arrests before the crash, as well as Genovese's admission to smoking marijuana after he had been freed on bail and awaiting trial.

Lerner told Genovese he was "an out-of-control, self-absorbed young man who believed he could do anything he wanted to do and there would be no consequences."

"You didn't belong on the streets of Philadelphia," Lerner said, "with or without a car."

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