

The Sun

**3-year term imposed in crash  
Man violated parole after drunken driving caused fatality**

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A Germantown man convicted after fatally injuring a man in a 1992 drunken-driving accident in Clarksville has been ordered back to prison because he falsified attendance slips for Alcoholics Anonymous meetings.

William Scott Marcellino, 35, was convicted Monday in Howard District Court of violating his probation. He was ordered by Judge George Helinski to spend three years in prison, the balance of the four-year sentence he was given in 1993.

Marcellino's attorney, Jonathan Scott Smith, said he is considering appealing the decision in a case that became political fodder in a bitter 1996 race for Howard County's Circuit Court bench.

Assistant State's Attorney Debra Saltz said Marcellino falsified paperwork to show his attendance at as many as 20 AA meetings. Marcellino was ordered to attend the meetings twice weekly as part of his probation after an early release from jail.

"Probation definitely is a privilege, and if you abuse the privilege you should not get a second chance," Saltz said yesterday.

In November 1992, Marcellino's Dodge truck slammed head-on into a car driven by Saleem Alam Shah, 60, of Catonsville, on Route 108. Marcellino's blood-alcohol level was 0.11 -- 0.01 over the legal limit. He was found guilty of homicide by motor vehicle while intoxicated.

Nancy Shah, one of Shah's six daughters, said yesterday that Marcellino had gotten the sentence he deserved. Former District Judge Lenore Gelfman originally sentenced Marcellino to four years in jail, suspending all but 18 months. She later modified the sentence to one year in jail.

'Slap on the wrist'

The sentence "was a slap on the wrist to him and a slap in the face to us," said Shah, who wore in court Monday a shirt bearing pictures of her injured father in the hospital before he died. "Now I feel justice has been served. He should have gotten this the first time."

Gelfman's sentence played a role in the contentious 1996 race for two judicial seats, during which issues of crime and punishment took center stage.

Gelfman and Smith, Marcellino's attorney, challenged Circuit Judge Diane Leasure and then-Circuit Judge Donna Hill Staton. Leasure and Gelfman won the seats.

During the campaign, the Leasure-Hill Staton camp used the Marcellino case in a television commercial to challenge Gelfman's and Smith's tough-on-crime position.

Ad recounted case

The ad recounted the case: The prosecutor and the victim's family wanted Marcellino sent to prison for five years, but Gelfman decided on the 18-month jail sentence and 1,248 hours of community service because she wanted Marcellino to get treatment for alcoholism.

A voice at the end of the commercial asked, "Sound like a tough judge to you?"

Gelfman declined to comment yesterday. At the time of the ad, she defended her decision.

"The prosecutor wants the toughest, most restrictive sentence. The defense attorney wants the lightest sentence. I, as the judge, want the most effective sentence," Gelfman said in an October 1996 interview.

Former campaign officials for Leasure and Hill Staton declined to comment on the new charges against Marcellino, saying the race was over.

"I don't want to start bringing up those kinds of issues again," said Lin Eagan, former campaign chairwoman for the Leasure-Hill Staton ticket. "It's meaningless now."

In court Monday, Janet Marcellino, William Marcellino's estranged wife, testified that her husband stopped attending AA meetings in June 1995. Then, she found several AA attendance slips in her husband's pants pocket purporting to show he had attended meetings from July through October 1995.

#### 1985 conviction

Saltz said Marcellino had been convicted in 1985 of drunken driving and admitted in his presentence investigation for the 1993 case that he falsified AA attendance slips because he did not think the program was worthwhile.

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