



New London man who refused sobriety tests acquitted at trial

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A New London man who refused to take sobriety tests after backing into a neighbor's car in February 2013 was acquitted of a drunken-driving charge at a trial this week in Superior Court.

A six-member jury delivered the not-guilty verdict Tuesday in the case of Walter Kokoszka, 50, of 87 Norwood Ave. During the brief trial, Kokoszka testified that he had consumed less than two pints of beer at the Olive Garden restaurant prior to the accident, according to his attorney, Jonathan R. Sills. He was trying to parallel park his car on the street outside of his house four days after a blizzard, Sills said, and he struck the neighbor's car. The neighbors, who witnessed the incident, called police and reported that Kokoszka smelled of alcohol.

The responding city patrolman, Kyle Gorra, who has since become a state trooper, asked Kokoszka to perform field sobriety and breath tests, according to Sills. Kokoszka refused and was placed under arrest and charged with driving under the influence of drugs or alcohol.

State law requires drivers to take breath, blood or urine tests if lawfully arrested by police, but police cannot force a driver to submit to testing unless a serious injury or death has occurred.

As a result of his refusal to submit to the tests, Kokoszka's driver's license automatically was suspended.

At the trial, prosecutor Sarah Bowman elicited testimony from Gorra, the neighbors and an expert on detecting signs of intoxication. The defense called Kokoszka and his aunt, who testified that he had had nothing to drink at her house prior to going to Olive Garden, Sills said.

The state was not allowed to introduce Kokoszka's prior record of drunken driving. Court records show he was sentenced in 2006 to two years in prison, followed by three years of probation for his third conviction for driving under the influence.