

End of the road

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Christian Schubart's years on the lam are over. The 63-year-old former Noblesville man, whose last known address was Berlin, Germany, was sentenced June 3 to six years in prison for failing to appear in Hamilton Circuit Court for sentencing for an accident in 1997.

That 1997 case was his ninth alcohol related incident during a 10-year period of the late 1980s and early and mid 1990s. He was sentenced in Hamilton Superior 4 for two other alcohol related arrests this morning.

A review of documents and motions in each of Schubart's nine court folders shows a man who played the court system.

Abusing the judicial system

Jeffrey Wehmuller, administrative chief deputy for the Hamilton County Prosecutor's Office, said defense attorneys in many Indiana counties, including Marion and Madison, present motion after motion for continuance with the hope that either the police officer will not appear in court or the prosecutor's office will dismiss the charges.

"A lot of people who commit crimes in Hamilton County also have committed crimes in Madison and Marion counties. If they think they can get out of their cases here by filing multiple continuances, they're greatly mistaken," Wehmuller said. "In regards to the Schubart case, he filed continuances time after time, and then he up and left the country. We did not dismiss the charges. We waited patiently until Interpol or U.S. agencies got him."

The final decision on whether the court grants or denies the motion for continuance is up to that court's judge. Retired Hamilton Superior 2 Judge Jerry Barr said the granting of numerous continuances undermines the judicial system's principle of a speedy trial.

"Some things do come up that are reasonable and fair, but when you're presented with the second motion, the judge needs to say, 'Wait. The public needs to have this case resolved,'" Barr said. "Judges have to be on their toes so the system is not abused. The judicial system was set up for fair and prudent resolution of the case, not to drag the public along."

Justice served

The case heard by Judge Judith Proffitt June 3 concerned Schubart's arrest on May 1, 1997 when he struck a guardrail along Interstate 69 near the 96th Street exit. He agreed to plead guilty on Sept. 15, 1997, but left the country before he could be sentenced on Oct. 28, 1997.

"I was under a lot of stress because of my marriage problems, so I moved back to Germany," Schubart said.

A woman whom Schubart said he met after he moved to the European country helped him quit his addictions to alcohol and cigarettes in the late 1990s.

"I don't want to lose her," he said. "I am a German citizen, not an American citizen. I would like to go back home."

He was arrested on April 3 in New York by agents with the Department of Homeland Security. Hamilton County Probation Department officer Carol Bruns said security officers at the U.S. Customs office in East Elmhurst, N.Y., discovered there were outstanding arrest warrants for Schubart, who said he was returning to the United States to visit his brother.

Proffitt sentenced Schubart to six years for operating a vehicle following a lifetime suspension of his license, and three years for operating a vehicle while intoxicated. The two sentences are to run concurrently. Schubart was sentenced in Hamilton Superior 4 today for failing to appear in court for a 1995 accident and for violating the terms of the sentence for a 1994 accident. Blood samples taken after each arrest led police to determine that Schubart was more than twice the legal limit of intoxication at the time of the accident.

The six years levied by Proffitt will be served consecutively to the sentence handed down by Superior 4 Judge Richard Campbell.

Multiple chances

Barr said the Schubart's lengthy arrest record and the fact that he has been granted so many continuance requests is the exception in Hamilton County and not the norm. What is common, however, is Schubart's repeated violation of the state's OWI law. Two recent trials in Hamilton County show that motorists arrested for OWI repeat their crimes.

In March, Michael Faucett, 44, Elwood, Ind., was found guilty of causing the head-on accident that killed Joanne Wilson, 42, Madison County, Ind. on Dec. 29, 2002. His blood alcohol content following the accident registered .143 percent. Faucett had been arrested for OWI twice before the 2002 accident.

On May 28, Kokomo's Boyd Gillem, 51, was sentenced to two 20 year sentences and one eight year sentence for his part in a 2001 accident that killed two people and severely injured a third at 276th Street and Anthony Road in

Jackson Township. With 20 years suspended and one-for-one goodtime, Gillem could be released from prison in 2009.

Gillem's arrest record includes OWI convictions in 1983, 1990, 1999, and 2001. In each case, Gillem served one year probations without incident.

"I'm taken aback at how you did not amend your life after the first OWI conviction, the second OWI conviction, the third OWI conviction, and now this accident that resulted in death. If you had, we would not be here today," Hamilton Superior 1 Judge Steven Nation said at Gillem's sentencing hearing.

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