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The Columbus Dispatch

BELLISARI RECEIVES 3-DAY JAIL TERM, TIME IN REHAB

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SPORTS 01D

Illustration: Photo

By Kevin Mayhood
Dispatch Staff Reporter

Hoping to be on the football field New Year's Day, Steve Bellisari chose not to fight a drunken-driving charge and instead was sentenced yesterday to three days in jail and time at a rehabilitation center.

Bellisari, a three-year starter at quarterback for Ohio State, will serve the jail term beginning Jan. 11, after the Buckeyes take on a yet-to-be-named team in the Outback Bowl in Tampa, Fla.

Bellisari, 21, pleaded no contest to an enhanced charge of drunken driving, which has a stiffer penalty than a standard drunken-driving offense.

Bellisari was charged with the enhanced offense because his blood-alcohol level was measured at 0.22 percent -- more than twice the amount at which a person is considered to be driving drunk -- when he was arrested earlier this month.

Franklin County Municipal Judge H. William Pollitt accepted the plea, found Bellisari guilty and imposed the sentence. The jail time must be followed by three days in an alcohol-rehabilitation program, the judge said.

Defense attorney Scott Schiff said Bellisari chose not to go through a trial in an attempt to be sentenced on the lesser offense because he wants to "focus on the upcoming New Year's bowl game."

Bellisari did not speak in court but, through his lawyers, said he made a "stupid" mistake and takes responsibility for it.

To get out of the media spotlight, Bellisari had little choice but to plead and avoid a trial, said defense attorneys who handle drunken-driving cases.

They also said the sentence Bellisari received is typical for a first-time offender convicted of the

enhanced offense.

"Much has been made of this," said attorney Sam Weiner, who also represented Bellisari. "This is a student-athlete . . . a leader of his team for three years and nine games."

Weiner called the drunken-driving arrest on Nov. 16 the "stupidest mistake" of Bellisari's life, for which he lost the honor of being team captain, was suspended for the last home game and rode the bench during the Michigan win.

Otherwise, Bellisari has been "exemplary on and off the field," Weiner said.

In exchange for the plea, the city prosecutor's office dismissed the lesser drunken-driving offense, as well as charges of squealing tires and failure to stop at a stop sign.

Pollitt, who played on the Buckeyes' 1968 national championship team, ordered Bellisari to pay a \$350 fine and court costs and to attend a panel discussion of victims of drunken drivers. His driver's license was suspended for six months.

The judge also held the possibility of another 174 days in jail over Bellisari's head as punishment if he violates probation, which was set at two years or until Bellisari completes the other requirements.

Bellisari is scheduled to spend three days in the Franklin County jail the weekend of Jan. 11.

OSU police stopped Bellisari near W. 12th and Neil avenues at 2:10 a.m. Nov. 16. He failed three roadside sobriety tests, then the breath test.

His attorneys, Weiner and Scott Schiff, had Alfred Staubus, an associate professor of pharmacology at OSU's School of Pharmacy, review the breath test administered by police.

Staubus said officers followed state procedures in the arrest but also said the test was not verified by a second test given within 10 minutes of the first -- as recommended by the National Safety Council.

He said he would have testified that "the system of testing (for drunken driving) isn't functioning properly to ensure scientific reliability" if Bellisari had gone to trial.

Dan Connor and *Cleve Johnson*, defense attorneys who handle a number of drunken-driving cases each year, said the sentence was what could be expected.

"A problem here is it's a high-profile case," Connor said. "If he took it to trial, every time he turned around he'd be on TV or in the newspaper."

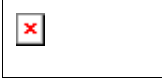
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Caption: Tom Dodge / Dispatch

Steve Bellisari waits while attorneys Scott Schiff, right, and Sam Weiner confer in Municipal Court. Bellisari pleaded no contest to a drunken-driving charge.

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