

Grand Island man sent to prison for crash that paralyzed grad student

By [James Staas](#) | Buffalo News Staff Reporter on March 26, 2015 - 7:48 PM

Steven Mrzygut stood in an Erie County courtroom Thursday and recalled the night last fall when his son's car was rear-ended by a drunken driver traveling at a high rate of speed as his son slowed down while approaching a stop sign. The crash, shortly after midnight Sept. 22 as Andrew Mrzygut was returning to his parents' Grand Island home, left him facing possible death. "Andrew chose to fight to stay alive," his father said. His son, 24, a Niagara University graduate with an honors degree in biology, is paralyzed from the neck down, suffers from short-term memory loss and requires around-the-clock care at home. "Andrew asks everyday, 'What will become of my life?' " his father said.

Steven Mrzygut finds himself worrying about whether his son "will ever be able to be the Andrew he was and do all the things he loved to do." "Will he ever have a family of his own?" the father asked. "Will he ever remember falling in love with his girlfriend?" He said his son had his life stolen from him by the careless actions of one man – Nicholas Fachko, who had a blood alcohol level of 0.25 percent the night of the crash, more than three times the legal limit. He asked Judge Kenneth F. Case to consider the magnitude and effect of the crime on his son and give Fachko, who also lives on Grand Island, the maximum prison sentence for first-degree vehicular assault.

The judge sentenced the 25-year-old defendant to 16 months to four years behind bars, which is less than the maximum of 28 months to seven years. Case told Fachko that although he didn't set out to hurt anyone that night, he made "horrible, horrific decisions" that caused significant harm to the victim and had a profound effect on his family, girlfriend and friends. The judge said Andrew Mrzygut sent him a letter, noting that he will not be able to surf, hike or climb mountains with his brother as they used to do. Case sympathized with the parents, who spent months at the hospital "wondering if their son was going to make it."

His mother gave up her job so she can take care of her son and take him to his frequent appointments with physical therapists and doctors, the judge said, while his father continues working as he deals with the financial impact of the crash. In imposing less than the maximum sentence, Case said Fachko had pleaded guilty as charged, sparing the victim's family a trial and the additional suffering of reliving that night. He also noted that Fachko has completed six months of counseling and expressed remorse for his actions. Case urged Fachko to educate others about the dangers of drinking and driving when he gets out of prison so that such a tragedy will not be repeated.

The judge also heard from Mark Gallo, a Niagara University professor who worked with Andrew Mrzygut in the lab on a study of the spread of plastic in the environment. "He added to the collective understanding of the world," Gallo said, noting that he was taking graduate courses in clinical microbiology last fall when the crash occurred. Gallo asked for the maximum sentence so that Fachko can think about how his actions affected others. "He already sentenced Andrew to a different life," he told the judge.