

As lawyers tangle at Joseph Santos hearing, the district attorney joins the fray

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FULL TEXT

During an emotional hearing Thursday that featured dramatic body-camera footage that captured the July 28 shooting of Joseph Santos by rookie South Whitehall Township officer Jonathan Roselle, Roselle's attorney tried to argue the shooting was justified, setting off a heated exchange with prosecutors, including Lehigh County District Attorney Jim Martin.

Gavin Holihan, Roselle's attorney, had been questioning state police Trooper Thomas Rummerfield, who had edited the videos to show only what he felt were the the relevant scenes necessary for the hearing.

At first, Holihan asked the trooper's opinions of what was being projected onto a wall of the courtroom, leading to an objection from Chief Deputy District Attorney Jeff Dimmig.

After an objection, Holihan agreed not to ask for the trooper's opinions. Holihan continued questioning Rummerfield about other aspects of the video, including whether the hysterical woman was describing a carjacking when she flagged down Roselle and said, "He tried to break my window. He tried to get in my car." Rummerfield answered that it was difficult to interpret what she was saying. He added that the audio is being sent out to be cleaned up. Dimmig objected and said the trooper will not be doing "play-by-play" of everything shown in the video.

Holihan then asked the trooper about a gesture Santos could be seen making in the video. In the video, Santos twice points two fingers toward his eyes and then to Roselle's direction, as if to say, "I see you" or "I'm watching you."

Holihan described it as a threatening gesture, but Dimmig again argued the interpretation is something left to a jury to decide.

Holihan said he was only attempting to defend his client against the charge of voluntary manslaughter, which prosecutors say were the result of Roselle being under an unreasonable mistaken belief that he was justified in the shooting.

Roselle reasonably believed Santos was a threat to him and the community, Holihan argued.

Dimmig repeated that a jury would decide whether the shooting was justified, not a district judge.

"We only have to show three things here," he said. "That Mr. Santos was killed, that Jonathan Roselle killed him and that his intent was to kill him."

As the two continued going back and forth, a frustrated Martin, who had been sitting at the prosecution table, stood up and objected to Holihan's interpretation of the rules as it pertains to evidence at preliminary hearings. "I'm the district attorney of Lehigh County, I brought these charges," Martin said. "I'm not going to have this case stifled because of his interpretations of the rules."

Holihan responded by saying that it was inappropriate for the district attorney to intervene, "there's no tag team, two against one here."

Things calmed, but instead of having Rummerfield respond to questions about the video, Holihan had Dimmig play it a second time.

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