

Judge orders ex-officer to stand trial; Lawyers spar over videos showing minutes before, after New Jersey man was killed

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FULL TEXT

The video shows an unarmed man, shoeless and bloodied, walking along Hamilton Boulevard as a police officer repeatedly orders him to stop.

The man, Joseph Santos, continues toward the officer. Santos blurts out "don't do it" a few seconds before five cracks of gunfire send him crumpling to the street.

Taken by the body camera of South Whitehall Township police officer Jonathan Roselle, the video doesn't show the rookie officer's face, but it shows the gun in his hand and the consequences.

Moments after the gunshots rang out, the video shows officers swarming to the scene. Roselle walks away and seems to be sitting on the passenger side of his cruiser when the video shows another officer walking up to him. "I told him to stop," Roselle told the officer. "I should have stayed in the car."

Prosecutors played the graphic and dramatic video in a packed Lehigh County courtroom Thursday as they made their case for the voluntary manslaughter charge filed against Roselle in the fatal shooting of the 44-year-old New Jersey man.

The video, which lasted about six minutes, also showed one officer's desperate attempts to save the lifeless man. After seeing three videos projected on a courtroom wall and hearing other evidence at Roselle's preliminary hearing in Allentown, District Judge Daniel Trexler ruled the now-fired officer must face trial in Lehigh County Court.

Prosecutors, for the first time, revealed the autopsy findings, which found Santos had heroin and other controlled substances in his system.

Lehigh County Detective James Bruchak, who attended the Santos autopsy, testified that Santos was shot twice in the head and three times in the torso.

He also said toxicology tests revealed that Santos had five controlled substances in his system. Blood tests found methadone, codeine, morphine and hydromorphone in Santos' system, he said, and a vitreous exam, which tests the fluid in the eyeball, found the presence of 6-monoacetylmorphine, a metabolite of heroin. The Mayo Clinic says the metabolite is a "definitive indication of heroin use" and "has a very short half-life."

Relatives of Santos previously told The Morning Call that Santos had a history with drugs but had gained sobriety in recent years. He had been on probation for a drug possession charge in New Jersey at the time of his death.

Gavin Holihan, Roselle's attorney, argued that because Santos was under the influence, he could have possessed extraordinary strength along with a high threshold for pain.

Roselle's body-cam video begins with a woman pulling up beside the officer's SUV and screaming about a man trying to get into her car. Roselle makes a U-Turn and heads north on Hamilton Boulevard, where he pulls up behind a red Jeep. Santos can be seen next to the Jeep, which drives off shortly after Roselle stops his patrol vehicle.

Santos begins walking toward Roselle's vehicle on his driver's side. Roselle can be heard repeatedly ordering

Santos to "Go that way! Get in front of the vehicle!"

The body-cam video shows Santos crawling on the hood of Roselle's police cruiser, slapping the windshield and grimacing at the officer.

Roselle, a 33-year-old rookie officer, is heard calling for backup, noting that the man on his cruiser had a "possible mental issue."

Roselle is already holding his service weapon and pointing it at Santos through the closed passenger-side window, the video shows, while he repeatedly yells at Santos to get off the cruiser.

"This guy is covered in blood and attacking my vehicle, I'm not getting out until he shows up," he tells the dispatcher.

Moments later, however, Roselle exits his cruiser and begins yelling at Santos to get on the ground. Santos keeps walking toward Roselle as Santos says "don't do it," the video reveals, before shots ring out.

Santos' family began to cry loudly as the shooting was shown.

Roselle was charged just days after the shooting of Santos, who reportedly left a relative's birthday party at Dorney Park and began jumping on moving cars on Hamilton Boulevard and asking passers-by for help with an unknown problem. Detectives on Thursday said Santos had jumped a Dorney Park fence, losing his shoes, and ended up on Hamilton Boulevard.

The shooting sparked rallies in the township, some by people who saw the death of an unarmed Latino man as the latest in a nationwide string of police shootings of unarmed men of color, and others by supporters of Roselle, an Army veteran of Afghanistan who had been patrolling alone for only five months.

During the hearing, Holihan battled with Chief Deputy District Attorney Jeff Dimmig during Holihan's cross-examination of state trooper Thomas Rummerfield, who edited the videos to show only what he felt were the relevant scenes.

Rummerfield said that as part of the investigation he obtained footage from four body cameras and six vehicle dashboard cameras.

Holihan asked Rummerfield if the woman who first alerted Roselle to Santos' behavior reported the incident as a violent attempted carjacking. The trooper said he was unsure.

As Holihan continued with his questioning, Dimmig objected, saying Rummerfield would 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 it, 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 argued such an interpretation was something for a jury to decide.

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

Holihan argued Roselle reasonably believed Santos was a threat to him and the community. He said that if Santos would have made it to Roselle, he could have disarmed the officer and taken his police vehicle.

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

"We only have to prove three things here," Dimmig 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, District Attorney Jim Martin, who was seated at the prosecution table, stood up and objected to Holihan's questioning of the trooper.

When Holihan said he did not like Martin's "interruption," Martin replied, "I'm the district attorney of Lehigh County, I brought these charges."

Holihan then said it was inappropriate for the district attorney to intervene - "there's no tag team, two against one here."

Martin has previously said that while Santos was behaving erratically, he did not demonstrate a serious enough

threat to warrant the use of deadly force. He also has said he did not think race or police brutality played a role in the shooting, describing it more as "the act of a relatively inexperienced officer."

Martin has said Santos was not armed and Roselle had working nonlethal tools he could have used instead, including a Taser, pepper spray and a baton.

Roselle was placed on administrative leave after the shooting and was fired two weeks ago.

Santos' family left the courtroom after the hearing and did not comment. Maegan Munoz, a representative of Make the Road PA, which advocates for Latino communities, sat in the courtroom with them and later spoke on the family's behalf.

"They were very emotional seeing the video at all those different angles, seeing someone they love so much get killed like that," Munoz said. "They were glad that it's actually going to trial. They were very nervous that it was going to get to this point and be done and they were going to let the officer off."

Munoz also said the family had a difficult time watching video that showed Roselle's demeanor after the shooting. The body-cam video of township officer Kevin Smith, the first to arrive after the shooting, shows him running toward Roselle as Santos lies face-down in a pool of blood.

Without being asked what happened, Roselle says, "He kept coming, he wouldn't stop."

When Smith tells Roselle that they must perform CPR in an attempt to revive Santos, Roselle blurts out an expletive.

As Smith kneels next to Santos, he tells Roselle to get his gloves on. Roselle answers he only has one. Smith again tells him they must perform CPR and tells Roselle to get some gloves.

"He's done," Roselle can be heard saying. Smith says something inaudible and Roselle responds, "I know, I'm just saying."

Smith's body-camera video ends with him repeatedly performing chest compressions on Santos.

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Credit: By Manuel Gamiz Jr.; Laurie Mason Schroeder - Of The Morning Call - mgamiz@mcall.com; Twitter @mannypantalones; 610-820-6595

Caption: Roselle

Santos

Joseph Santos' son, Kenneth, ex-wife Ruth (right), and other family and friends leave the Lehigh County Courthouse after Thursday's hearing.

Family and friends of Joseph Santos leave Lehigh County Courthouse on Thursday after ex-South Whitehall Township police officer Jonathan Roselle was ordered to stand trial in Santos' death.

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