

Ex-officer faces trial in deadly shooting - Express-Times, The (Easton, PA) - September 21, 2018 - page 001

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Former police officer Jonathan Roselle responded to what he thought was a carjacking, according to his attorney.

The ex-South Whitehall Township officer encountered **Joseph Santos**, who is seen on Roselle's body camera pointing to his own eyes, then pointing to the officer in what attorney Gavin Holihan said Roselle interpreted as a threatening gesture.

The video shown Thursday at the Lehigh County Courthouse showed a bloody Santos climb onto the hood of Roselle's police SUV, ignore Roselle's commands to get off and ignore Roselle's gun pointed through the window at him.

When backup didn't arrive quickly, Roselle got out of his car and shot Santos ending a "real and genuine threat of harm," Holihan said.

Lehigh County Judge Daniel Trexler disagreed. He ordered Roselle to stand trial on a charge of voluntary manslaughter after Thursday's preliminary hearing.

The video shows an unarmed Santos approach Roselle on Route 222 in front of Dorney Park on July 28. Through Roselle's body camera you can see Santos walk slowly toward Roselle with his hands visible and arms waving slowly by his sides.

Roselle is standing just outside the driver's side door, repeatedly yelling at Santos to drop to the ground. Santos keeps advancing toward the rear of the SUV and says "Don't do it" to the officer with the drawn gun. When Santos gets about 5 feet from the rear of the SUV, Roselle fires.

Santos took two bullets in his head and three in the torso, according to Lehigh County Detective James Bruchak. A woman wearing a T-shirt with Santos' picture on it sobbed during the graphic footage shown in court.

Santos' fiancée had said they were at Dorney Park that day when he left to buy cigarettes. The 44-year-old from Hasbrouck Heights, New Jersey, had a history of drug abuse, but it didn't justify Roselle's decision to kill him, she said.

A huge protest in support of Santos came a week after the shooting. That was followed by a pro-police rally attended by more than 100 people in support of Roselle. The 33-year-old Parryville, Carbon County, man's employment with the South Whitehall Police Department ended after the shooting, authorities have said.

Lehigh County Assistant District Attorney Jeffery Dimmig said Roselle's justifications for the

shooting don't matter. For purposes of the preliminary hearing, he needed only to prove that Roselle killed Santos and had a specific intent to do so.

Holihan argued that Roselle was motivated by Santos' bizarre behavior. Santos had "unnatural strength" and a high tolerance for pain that day, evidenced by the fact that he wore only socks and stepped on broken glass, Holihan said. He seemed oblivious to the blood coming off his body, Holihan said.

A toxicology report showed Santos had methadone, codeine, morphine, hydromorphone and a metabolite of heroin in his system at that time, Bruchak said. It's unclear whether they were all ingested as part of one dose or ingested separately, Bruchak said.

Holihan said Roselle's inaction may have allowed Santos to get control of the police SUV and its potentially dangerous contents. Without action, Santos would have continued to put the lives of the many bystanders in jeopardy, Holihan said.

Bystander video of the event has circulated on Facebook, but in court Thursday witnesses saw and heard what Roselle saw and said by way of his body camera.

A hysterical woman is heard over his police radio asking for help due to a man trying to break her car window. Then Roselle drives toward the Comfort Suites hotel for what he tells dispatch is a man with a "possible mental issue."

You see a distressed Santos approach the SUV as Roselle barks, "Go that way. Get in front of my vehicle right now."

That's where Santos makes the gesture with his fingers toward Roselle through the front driver's side window. He ignores commands to get in front of the car and climbs on the hood, smearing blood from his arm on the windshield.

An anguished Santos appears to whimper as Roselle orders him repeatedly, "Get off my vehicle right now." Roselle draws his gun and points it toward Santos but Santos doesn't stop.

Then Roselle drives with Santos on the hood. He stops and tells dispatch, "This guy's covered in blood and he's, like, attacking my vehicle so I'm not getting out until one of you guys shows up."

About a minute goes by and he gets out of the car anyway, ordering Santos onto the ground repeatedly before shooting him.

When officer Kevin Smith arrives, Roselle tells him, "He wouldn't stop, man. He just kept coming at me. (Expletive). He's done."

Smith starts performing CPR and tells the stunned Roselle to put on his latex gloves and get an AED, or automatic external defibrillator out of the SUV. Roselle tries to unlock the rear using the wrong key. His hand shaking, he finds the correct key and unlocks the rear.

He fumbles with the device, apparently unsure whether it's the one he wants, as a computerized

voice tells him, "Stay calm and follow these instructions."

He manages to get pads onto Santos' body as more police arrive.

The machine tells an officer administering CPR, "press, press, press, press..." as another officer takes Roselle aside.

Roselle tells the other officer, "He was coming at me. I told him to stop," and then, "It's not, it's not, I'm fine. I just, I'm concerned that I (expletive) up."

Roselle is a U.S. Army veteran who served in Afghanistan and at the time of the shooting was a major in the Pennsylvania Army National Guard.

He graduated from the Allentown Police Academy in December, then had 13 weeks of training, and was on patrol by himself for less than five months prior to the incident.

Holihan debated with Dimmig for much of the hearing over whether Holihan could ask Pennsylvania State Trooper Thomas Rummerfield to comment on his observations about the video. Rummerfield led the investigation for state police.

Dimmig said Holihan couldn't ask questions about whether Roselle's conduct was reasonable because that wasn't relevant to the preliminary hearing, only whether Roselle acted with a specific intent to kill Santos.

Lehigh County District Attorney James Martin was visibly irritated watching the attorneys argue until he interjected.

"You've made your ruling," he told Judge Trexler, adding that Holihan was inappropriately continuing his line of questioning.

Holihan said it was inappropriate for Martin to speak since Dimmig was handling the case.

"I'm the district attorney of Lehigh County," he forcefully asserted. "I'm not going to be stifled by his interpretation of a rule I've never heard of."

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