

# EXHIBIT 1

Exhibit 1 is a compact disc containing Springettsbury Police Department surveillance video of the underlying incident. The compact disc is being filed with the Clerk of Courts and a courtesy copy of the disc is being delivered to Magistrate Judge Carlson's chambers.

# EXHIBIT 2

COPY

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RONALD T. WHITAKER, SR., AND : CIVIL ACTION  
DALEA LYNN, CO-ADMINISTRATORS :  
OF THE ESTATE OF RONALD TAYLOR:  
WHITAKER, JR.; AND RONALD T. :  
WHITAKER, SR., TAYLOR :  
WHITAKER, BRANDI WHITAKER, AND:  
CHRISTOPHER HAMMERSTONE, : NO. 1:08-CV-00627  
INDIVIDUALLY, :  
PLAINTIFFS :

V

SPRINGETTSBURY TOWNSHIP; :  
SPRINGETTSBURY TOWNSHIP POLICE:  
DEPARTMENT; CHIEF OF POLICE :  
DAVID ESHBACH; AND POLICE :  
OFFICER GARY UTTER, :  
DEFENDANT : JURY TRIAL DEMANDED

VIDEOTAPED  
DEPOSITION OF: GARY UTTER

TAKEN BY: PLAINTIFFS

BEFORE: DONNA E. GLADWIN, REPORTER  
NOTARY PUBLIC

DATE: JANUARY 13, 2009, 10:10 A.M.

PLACE: HAGGERTY & SILVERMAN, P.C.  
240 NORTH DUKE STREET  
LANCASTER, PENNSYLVANIA

APPEARANCES CONTINUED ON NEXT PAGE



1 discharged your weapon yet?

2 A Based on my recollection that's already been --  
3 well, it's been gone back and forth so many times. I don't  
4 know where I'm at.

5 Q Okay. All right. All right. Here's where you --

6 A Nothing's been discharged yet.

7 Q Okay.

8 A One shot's already been discharged.

9 Q Okay. So the first shot was discharged kind of  
10 here, or tell me where?

11 MR. MacMAIN: If you know?

12 THE WITNESS: Your guess is as good as mine.

13 BY MR. SILVERMAN:

14 Q Okay. So we can't see is what you're suggesting?

15 A Right. The camera is directly above the door, and  
16 it's coming down.

17 Q All right.

18 A So there's a dead space between what you could see  
19 there and where the actual door is.

20 Q All right.

21 MR. GABRIEL: We're at 23:55:23.

22 BY MR. SILVERMAN:

23 Q All right. Now, in -- do you believe that at this  
24 point the first shot had been fired?

25 A The first shot's already been fired.

1 MR. MacMAIN: That's at 23:55:23 you already have  
2 one shot fired.

3 BY MR. SILVERMAN:

4 Q And for the record, each scene is not necessarily a  
5 second. So 23 could be -- going back as -- and then you  
6 raised your weapon and --

7 A I discharged my second shot.

8 Q Okay.

9 MR. MacMAIN: We're at 23:55:24, but there could be  
10 --

11 MR. SILVERMAN: Right, there are --

12 MR. MacMAIN: Since they're split seconds.

13 BY MR. SILVERMAN:

14 Q There's more than one scene in a -- all right.

15 A Go back five frames. One more. One more. Go  
16 forward one.

17 Q Okay. At this point has your -- and if you can  
18 tell, I don't know if you can, has your second shot been  
19 discharged?

20 A I don't know if it's the light off of that, but it  
21 could just be the color pixels. I mean, it's not that great  
22 a definition of camera, but --

23 Q Okay.

24 MR. MacMAIN: If you don't know, don't guess.

25 THE WITNESS: I don't know.

# EXHIBIT 3

JUL. 7.07 23:55:28  
EVT

Holdings  
Hall





# EXHIBIT 4

# FORENSIC PATHOLOGY ASSOCIATES, INC.

1210 S. Cedar Crest Blvd., Suite 3900  
Allentown, PA 18103  
Tel.: 610-402-8144  
Fax: 610-402-5637

## AUTOPSY REPORT

Name: WHITAKER, RONALD  
Age: 39 Race: WHITE Sex: MALE  
Coroner: MR. BARRY BLOSS  
YORK COUNTY CORONER  
Pathologist: B. K. BOLLINGER, M.D.  
Autopsy Protocol Completed: 7/9/07

Autopsy No.: C-07-462  
Hospital No.: N/A  
Transported to: YH  
Pronounced: 7/8/07 @ 0034 HR.  
Date of Autopsy: 7/9/07 @ 0930 HR.  
Autopsy ~33 Hours After Pronounced

## ANATOMIC DIAGNOSES

CAUSE OF DEATH: GUNSHOT WOUNDS TO TORSO

### FINAL PATHOLOGIC DIAGNOSES:

- I. Penetrating gunshot wound to abdomen:
  - A. Entrance: left inframammary region, with stippling
  - B. Bullet recovered:
    - 1. Large caliber, copper jacketed slightly deformed projectile
    - 2. Recovered from soft tissue, right lower abdominal quadrant, lateral aspect
  - C. Trajectory: right to left, slightly front to back, downwards
  - D. Injuries:
    - 1. Perforations of diaphragm, stomach, liver and gallbladder
    - 2. Contusions of mesentery and intestines
    - 3. Hemoperitoneum (50 ml)
  
- II. Penetrating gunshot wound to chest:
  - A. Entrance: mid scapular region, without soot or stippling
  - B. Bullet recovered:
    - 1. Large caliber, copper jacketed slightly deformed projectile
    - 2. Recovered from inferior vena cava
  - C. Trajectory: back to front, downwards, without left/right deviation
  - D. Injuries:
    - 1. Perforations of 9<sup>th</sup> thoracic vertebra, spinal cord, esophagus, aorta, heart
    - 2. Contusion, left lung
    - 3. Bullet embolization of the inferior vena cava
    - 4. Hemopericardium (300 ml)

SARALEE FUNKJE, M.D. \* SAMUEL LAND, M.D. \* BARBARA K. BOLLINGER, M.D.

**AUTOPSY REPORT – Continued**

Name: WHITAKER, RONALD

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III. Hanging:

- A. Obliquely oriented dried furrow, anterior and lateral aspects of neck
- B. Hyoid bone, cervical vertebrae, tracheal and laryngeal cartilages intact and without fracture
- C. Peritracheal soft tissues without hemorrhage
- D. Petechia, left lower palpebral conjunctiva

IV. Blunt force injuries of head:

- A. Contusion, 1 1/2 in., right temporal region
- B. Contusion, 1 1/2 in., mid right forehead
- C. Subscalpular hemorrhage, right temporalis muscle, 2 in.
- D. No skull fractures
- E. No subdural, epidural or subarachnoid hemorrhage
- F. No intracranial injuries

V. Blunt force injuries of torso:

- A. Abrasion, right shoulder, 2 in.
- B. Contusion, right clavicular region, 3 1/2 in.
- C. Contusion, left axillary region, 3 in.
- D. Contusion, left lower abdominal quadrant, 1/4 in.

VI. Blunt force injuries of upper extremities:

- A. Contusion, right arm, 1/2 in.
- B. Abrasion, right elbow, 3 in.
- C. Abrasion, right forearm, 1/4 in.
- D. Contusion with laceration, right forearm, 3/4 and 1/8 in.
- E. Contusions, right wrist, 2 1/2 in.
- F. Contusions, left arm, 1 and 1/2 in.
- G. Contusions, left arm, 1 in., 1 1/2 in., 2 in.
- H. Abrasion, left elbow, 1/4 in.
- I. Abrasion, left forearm, 3/4 in.
- J. Contusions, left forearm and wrist, 3 in. focus
- K. Contusion, left hand, 1/2 in.
- L. No palpable fractures

VII. Blunt force injuries of lower extremities:

- A. Contusions, multiple, right thigh and knee, 5 in.
- B. Contusions, left thigh and knee, 1/2 in. (2)
- C. Contusion, left thigh, 2 in.
- D. Contusion, right thigh, 1 1/2 in.
- E. No palpable fractures

VIII. Atherosclerosis, coronary arteries:

- A. Left anterior descending coronary artery, 80% stenosis
- B. Left circumflex coronary artery, 50% stenosis

## AUTOPSY REPORT - Continued

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## IX. Toxicology:

- A. Volatile screen:
  - 1. Blood (heart): 0.05% ethanol
  - 2. Vitreous: 0.08% ethanol
- B. Blood (leg):
  - 1. Cocaine: 74 ng/ml
  - 2. Benzoyllecgonine: 225 ng/ml
- C. Urine: positive for cocaine and cannabinoids
- D. Urine: positive for THC metabolite
- E. HIV antibody, Western Blot: negative

OPINION:

The cause of death in this 39-year-old white man, Ronald Whitaker, is gunshot wounds to torso.

At autopsy, the decedent had two penetrating gunshot wounds: one to the chest and one to the abdomen. The gunshot wound to the chest perforated the spinal cord and heart. The gunshot wound to the abdomen perforated the stomach and liver. Slightly deformed, large caliber copper jacketed projectiles (2) were recovered.

There were multiple blunt force injuries of the head, torso and extremities consisting of abrasions, contusions and rare lacerations. Additionally, there was evidence of hanging without underlying trauma to the neck.

Postmortem toxicology testing showed the presence of alcohol, cocaine, a cocaine metabolite and cannabinoids.

Manner of death will be certified by the coroner.

*BK Bollinger MD*  
B. K. Bollinger, M.D.  
Forensic Pathologist

BKB/mrs

**AUTOPSY REPORT – Continued**

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**CIRCUMSTANCES:**

The decedent is a 39-year-old white man who, according to coroner's report, was arrested for stealing a cash register at a local grocery store on 7/7/07. During the attempted robbery, he was subdued, receiving contusions. He was then transported to Springettsbury Township Police Department's holding cell. While he was within the cell, he tried to hang himself by a boot lace, which he tied to a door knob. An officer found him and attempted to release him. As he was being released he began to attack the officer. A scuffle ensued. Mr. Whitaker was tazered, without effect. Mr. Whitaker attempted to harm the police officer by grabbing at his baton. The officer then pulled out his .40 caliber weapon and shot Mr. Whitaker. Emergency medical services arrived. He was taken to York Hospital where he was pronounced dead on arrival at 0034 hr. on 7/8/07.

**EXTERNAL EXAMINATION:**

The decedent is received in a body bag labeled with the name Ronald Whitaker and wrapped in sheets and blue synthetic chuck-style pads. The decedent is received clad in the following:

1. Red sleeveless T-shirt - "Winner's Circle," size Large. A "Dale Jr. 8" imprint is on the front of the T-shirt. Two circular defects, one in the back center and one in the lower left posterior abdominal region are present on the shirt. The shirt is blood streaked. A metallic tazer probe is present in the right shoulder of the T-shirt. Over the right anterior aspect of the T-shirt are three 1/8 in. irregular defects. Over the mid and lateral left anterior aspects of the T-shirt are single 1/8 in. irregular defects.
2. Blue jeans - "Levi's," size 34. The jeans are zipped and buttoned. Blood is present on the posterior aspects of the blue jeans. The pockets are empty.
3. Gray brief-style undershorts - "Hanes," size 32x34. The underwear is bloody.
4. Two brown boots, worn on each foot - "Work Force," size 10. The left boot is laced and tied. The right boot is without a lace. The boots are steel-toed. Over the front of each steel toed boot are 2 in. irregular defects.

Accompanying the body are multiple fragments of fine copper-colored wire between the legs of the decedent. A 13 1/2 in. fragment of shoelace also accompanies Mr. Whitaker, one end of which is frayed, and the other end of which has a synthetic cover. Two and one half inches from the frayed end is a 3 in. diameter loop tied with a single knot.

The body is that of a well-developed, well-nourished, small framed adult man who appears to be the reported age 39 years. The body measures 66 in. in length on the autopsy table and weighs 155 lb. wearing the above clothing. There is fixed pink livor mortis over the posterior aspects of the body, except in areas exposed to pressure. There is marked rigor mortis. The body is cold.

**AUTOPSY REPORT – Continued**

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Dried blood is present over the anterior aspects of the face, including the nose. Dried blood is present over the torso and upper extremities to include the anterior and posterior aspects of each hand.

The scalp is atraumatic and is covered by 3 1/2 in. gray-brown, wavy hair. The irides are blue-gray. A single petechial hemorrhage is present in the left lower palpebral conjunctiva. The conjunctivae and sclerae are otherwise without petechiae. The conjunctivae and sclerae are without jaundice. All bones of the face are intact to palpation. The ears are unremarkable. Dentition is natural, in good repair and with an atraumatic mucosa. There are no petechiae within the oral mucosa. A gray-brown goatee, mustache and beard stubble are present. The neck is symmetrical. Injuries to the head and neck are described below.

The chest and abdomen are symmetrical. A 1 1/2 in. faint hypopigmented scar is over the left lower abdominal quadrant. The genitalia are those of a normal adult circumcised man. The testes are palpated within the scrotal sac and are unremarkable.

The extremities are symmetrical and with the usual numbers and configurations of fingers and toes. The fingernails are bitten down and irregular. A 3/4 in. healed circular scar is over the proximal lateral aspect of the left arm. A white hospital identification band encircles the left wrist. An identification band in the name of the decedent encircles the left thumb. Injuries to the extremities are described below.

**INJURIES:**

There are blunt force injuries of the head, torso and extremities. There are two penetrating gunshot wounds of the torso. There is evidence of hanging. These injuries are described as "A" through "G"; no sequence or severity is implied. The injuries are described with the body in the anatomic position.

**A. BLUNT FORCE INJURIES OF HEAD:**

A 1 1/2 in. light pink contusion is present over the right superior lateral aspect of the forehead, at the hairline.

A 1 1/2 in. pink contusion is present over the right mid anterior aspect of the forehead.

The right temporalis muscle has a 2 in. focus of hemorrhage. There are no other subscalpular hemorrhages.

There are no skull fractures. There are no abnormal intracranial collections of fluid. There are no intracranial injuries.

## AUTOPSY REPORT - Continued

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B. BLUNT FORCE INJURIES OF TORSO:

A 2 in. dried yellow-pink abrasion is over the superior and posterior aspect of the right shoulder.

A 3 1/2 in. focus of pink irregular contusion with a 1 3/4 in. central focus of pallor is over the right clavicular and infraclavicular region. The right clavicle is intact.

A 3 in. faint pink roughly horizontally oriented linear contusion extends over the left mid and posterior axillary regions, along the mammary line.

A 1/4 in. faint pink contusion is over the left lower abdominal quadrant, along the anterior axillary line, near the groin region.

A 3 1/2 in. focus of brown-pink abraded contusion is over the right lateral aspect of the abdomen, extending from the right anterior to the right posterior axillary line. Within this focus is a 1/4 in. superficial irregular laceration.

C. BLUNT FORCE INJURIES OF UPPER EXTREMITIES:

A 1/4 in. light pink abrasion is over the proximal anterior aspect of the right forearm.

A 3/4 in. pink contusion with a central 1/8 in. superficial laceration is over the distal anterior aspect of the right wrist.

A 1/2 in. light pink contusion is over the distal medial and lateral aspects of the right arm.

A 1 in. light pink contusion is over the proximal anterior aspect of the left arm.

A 1/2 in. light pink contusion is over the proximal anterior aspect of the left arm, just below the above described contusion.

A 3/4 in. pink abrasion is over the proximal anterior and medial aspect of the left forearm.

A 2 in. focus of light brown-pink contusion consisting of irregular 1/4 to 1 in. faint oval-shaped contusions is over the proximal posterior and lateral aspects of the left arm.

A 1/4 in. light pink abrasion is over the posterior aspect of the left elbow.

A 3 in. focus of irregular pink contusion consisting of 1/2 to 3/4 in. irregular and roughly circular pink contusions extends over the posterior aspect of the left wrist to the lateral aspect of the left wrist.

A 1/2 in. light purple contusion is over the anterior aspect of the left thumb, at its base.

A 3 in. focus of pink abrasion is over the posterior aspect of the right elbow.

## AUTOPSY REPORT – Continued

Name: WHITAKER, RONALD

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A 2 1/2 in. focus of three 3/4 to 1 1/4 in. irregular pink contusions is over the posterior aspect of the right wrist and proximal posterior aspect of the right hand.

There are no palpable fractures of the upper extremities.

D. BLUNT FORCE INJURIES OF LOWER EXTREMITIES:

A 5 in. focus of multiple pink 1/4 to 1 in. irregular contusions extends over the anterior aspects of the right thigh and right knee.

A 1 1/2 in. light purple contusion is over the posterior aspect of the right thigh.

A 2 in. focus of light purple contusion is over the posterior aspect of the left thigh.

Two 1/2 in. light pink contusions are over the distal anterior aspect of the left thigh and left knee.

There are no palpable fractures of the lower extremities.

E. PENETRATING GUNSHOT WOUND TO ABDOMEN:

A gunshot entrance wound of the left inframammary region is centered 20 in. below the top of the head and 4 1/2 in. left of midline, below the left nipple. It is a 3/8 in. circular defect with a 1/16 to 1/8 in. irregular rim of abrasion, most prominent at its left lateral aspects. No soot is present on the surrounding skin. Faint irregular stippling is present on the surrounding skin, extending from 1/4 in. from the center at its right medial aspects to 2 in. from the center at its left lateral aspects.

After penetrating the skin and soft tissues of the left chest region, the bullet then enters the left hemithorax at the left seventh intercostal space. The bullet then perforates the left hemidiaphragm, the greater curvature of the stomach and the inferior aspects of the liver. The bullet creates a 1/4 in. defect in the left hemidiaphragm, a 3/4 in. irregular defect within the stomach and multiple irregular 3/4 to 1 1/2 in. defects of the inferior aspects of the liver. It then perforates the gallbladder. The mesentery, small and large intestines are contused and hemorrhagic. The abdominal cavity contains approximately 50 ml of liquid blood.

A copper jacketed large caliber projectile is recovered from the soft tissue of the lateral aspect of the right lower abdominal quadrant, centered 26 in. below the top of the head and 6 1/2 in. right of midline. The bullet is recovered from the region of the above described irregular brown-green contusion.

The trajectory of this projectile is from right to left, downwards and slightly front to back.



**AUTOPSY REPORT – Continued**

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F. PENETRATING GUNSHOT WOUND TO CHEST:

A gunshot entrance wound of the mid scapular region is centered 19 in. below the top of the head and 1/2 in. right of midline. It is a 3/8 in. circular defect with a 1/8 in. symmetrical rim of abrasion. No soot or stippling is present on the surrounding skin.

After penetrating the skin and soft tissues of the scapular region, the bullet then fractures the 9<sup>th</sup> thoracic vertebral body. The spinal cord is transected. The bullet then perforates the esophagus, creating a 1/4 in. defect. The bullet then perforates the aorta and aortic valves, creating 1/2 to 1 1/4 in. defects. The pericardial sac contains approximately 300 ml of liquid and clotted blood. The lower lobe of the left lung is contused.

The bullet is then embolized to the inferior vena cava. The bullet is recovered approximately 22 in. below the top of the head and 1/2 in. right of midline. The bullet is a slightly deformed, large caliber copper jacketed projectile.

The trajectory of this projectile is from back to front, downwards and without left/right deviation.

G. HANGING:

An upwardly oriented 1/8 to 3/8 in. dried red-brown furrow extends over the lateral and anterior aspects of the neck. Over the left lateral aspect of the neck there are two obliquely oriented furrow lines. Over the left posterior aspect of the neck are two 1/8 in. dried red-brown associated abrasions. The furrow extends to the posterior aspect of the neck, where it is upwardly angled and becomes pale.

The tongue is without trauma. The peritracheal soft tissues are without hemorrhage or other abnormalities. The hyoid bone, tracheal and laryngeal cartilages are intact and without fracture or trauma. The oropharynx, larynx and trachea are lined by intact tan mucosa and are without petechiae, ulceration, edema, obstruction or other abnormality. The paravertebral soft tissues are intact and without hemorrhage. The cervical vertebrae are intact.

The left lower palpebral conjunctiva has a single petechial hemorrhage.

These injuries, above having been described, will not be repeated.

**AUTOPSY REPORT – Continued**

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ORGAN WEIGHTS AND FLUID VOLUMES:

Brain:	1500 grams
Heart:	325 grams
Right Lung:	650 grams
Left Lung:	340 grams
Liver:	1575 grams
Pancreas:	170 grams
Spleen:	190 grams
Right Kidney:	130 grams
Left Kidney:	140 grams
Prostate:	4.8 cm
Urinary bladder:	40 ml

INTERNAL EXAMINATION:

HEAD:

There are no skull fractures. There is no epidural, subdural or subarachnoid hemorrhage. The brain weighs 1500 gm. The brain is of normal size and shape. The sulci and gyri are arranged normally. The leptomeninges are thin and glistening. The cerebral vessels are without aneurysms or atherosclerosis. The cerebral white and gray matter, deep nuclei and ventricles are without focal abnormalities. The brainstem and cerebellum maintain their usual patterns on cut surface and are unremarkable.

NECK:

The tongue is without trauma. The hyoid bone and cervical vertebrae are intact. The peritracheal soft tissues are intact and without trauma. The oropharynx, larynx and trachea are lined by intact, pink-purple mucosa and are without ulceration, edema, obstruction or other abnormalities.

BODY CAVITIES:

All of the body organs are in their normal anatomic positions. The pleural, pericardial and peritoneal cavities are without adhesion. The right hemidiaphragm is intact.

CARDIOVASCULAR SYSTEM:

The pericardial sac is intact and distended. The heart weighs 325 gm. The right dominant coronary artery circulation has focal atherosclerosis of the left anterior descending and circumflex coronary arteries. The circumflex coronary artery is up to 50% occluded by atherosclerosis. The proximal segment of the left anterior descending coronary artery is up to 80% occluded by atherosclerotic stenosis. The remaining segments of left anterior descending, circumflex and right coronary arteries are without significant stenosis. The left ventricle is 1.3 cm in wall thickness; the right ventricle is 0.2 cm in wall thickness. The myocardium is red-

**AUTOPSY REPORT – Continued**

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brown, firm and without focal pallor or softening. The endocardium is without fibrosis or thrombus formation. The mitral, tricuspid and aortic valves are intact and competent. The inferior vena cava is intact and unremarkable. The pulmonary arterial circulation is without thromboemboli. The aorta is smooth and has focal fatty streaking.

RESPIRATORY SYSTEM:

The right lung weighs 650 gm; the left lung weighs 340 gm. The pleural surfaces are purple-red, intact and with even contours. Serial sections throughout the pulmonary parenchyma are without focal obstructions, masses or other abnormalities. The tracheobronchial tree contains a slight amount of hemorrhage and is otherwise unremarkable.

GASTROINTESTINAL SYSTEM:

The esophagus is lined by gray-tan mucosa. The gastroesophageal junction is unremarkable. The stomach is empty. The gastric mucosa is gray-tan, smooth and otherwise without abnormalities. The small and large intestines are otherwise without pathologic abnormalities. The appendix is not identified.

HEPATOBIILIARY SYSTEM:

The liver weighs 1575 gm and has soft red-brown parenchyma without fibronodularity or masses. The gallbladder is devoid of bile. The mucosa is green-yellow and without other abnormalities.

HEMOLYMPHATIC SYSTEM:

The spleen weighs 190 gm, has an intact purple-red capsule and unremarkable parenchyma. There is no lymphadenopathy. The bone marrow is of usual appearance for age.

GENITOURINARY SYSTEM:

The right kidney weighs 130 gm; the left kidney weighs 140 gm. The cortical surfaces are red-brown, smooth and without focal abnormalities. The corticomedullary junctions, renal pyramids and collecting systems are unremarkable. The ureters maintain uniform caliber and lead to a urinary bladder containing approximately 40 ml of light yellow urine. The bladder mucosa is light tan, smooth and unremarkable. The prostate is 4.8 cm in greatest dimension and is without fibronodularity or mass abnormalities.

**AUTOPSY REPORT – Continued**

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ENDOCRINE SYSTEM:

The pituitary gland is unremarkable. The thyroid gland is red-purple, intact and without hemorrhage or other abnormalities. The adrenal glands are in their normal anatomic positions and are unremarkable. The pancreas weighs 170 gm, has a yellow-tan lobulated appearance and is without abnormalities.

MUSCULOSKELETAL SYSTEM:

There are no acute fractures of the clavicles, sternum or pelvis. The musculature is normally distributed.

MISCELLANEOUS:

Onalee Gilbert was the forensic autopsy assistant. Also attending the autopsy were Barry Bloss, York County Coroner and Bryan Henneman and Michael Weaver, Pennsylvania State Police.

Photographs are obtained by this office and by the Pennsylvania State Police.

Representative sections of all major organ systems are retained in 10% formalin.

Specimens are collected and submitted for toxicology testing.

Remanded to the custody of the Pennsylvania State Police are the following items: body bag; sheets and chuck pads wrapping the body; all clothing; metallic probe; metallic wire; accompanying shoelace; pulled scalp hair; fingernail clippings; two projectiles; a tube of blood.



2024 Lehigh Street  
Allentown, PA 18103-4798  
(610) 402-8170  
Toll Free: (877) 402-4221

DATE: July 27, 2007

TOXICOLOGY REPORT: Whitaker, Ronald 39/M  
C07-462  
Autopsy Date: July 9, 2007

HISTORY: Death in custody. GSWs

SPECIMENS SUBMITTED:

Blood, Urine, Vitreous, Liver, Kidney and Brain Tissues

RESULTS:

Volatile Screen

Blood (heart) 0.05 % ethanol  
Vitreous 0.08 % ethanol

Blood (leg)

Cocaine 74 ng/ml  
Cocaethylene None detected (Detection limit 10 ng/ml)  
Benzoylcegonine 225 ng/ml  
(Cocaine degradation product)

Blood (heart)

Cannabinoids None detected by GCMS

Urine positive for cocaine and cannabinoids by immunoassay

Urine positive for THC metabolite by GCMS

Hepatitis B Surface Antigen Negative

\* Test performed by Specialty Labs

Please see attached Analysis Summary for complete listing.

Joann Sell, MT (ASCP), SC, TC  
Manager, Toxicology

Health Network Laboratories  
Request for Post-Mortem Toxicology

WHITAKER, RONALD  
C07-462  
BLOSS/YORK CO.

7-9-07

B/

0930 7/9/07  
Date and Time of Specimen Collection

Bollinger  
Requesting Pathologist

Police Authority/Coroner

Brief History: Age: 39 Sex:  male  female

Death in custody - GSKS

Medications/Drugs Prescribed or Found at Scene:

0

Specimens Submitted (check all that apply)

Blood

- gray top - NaF
- purple top - EDTA
- red top - no preservative
- dark blue -- heavy metal

Site of Collection

HC  
 bag - HC  
 bag - HC  
 0

Vitreous

- gray top
- red top

- Bile
- Gastric
- Other \_\_\_\_\_

Liver

- Kidney
- Spleen
- Brain
- Nasal Swabs

Urine

Analysis Requested

- Alcohol
- Toxicology Panel 1 \*
- Toxicology Panel 2 \*
- Comprehensive Toxicology Panel 3 \*
- Carboxyhemoglobin
- Blood Group and Type
- Cyanide/Thiocyanate
- Hepatitis B
- Heavy Metals
- Vitreous, Electrolytes
- Vitreous Glucose/Acetone
- Hemoglobin Electrophoresis
- Other \_\_\_\_\_

\* see reverse side for panels and specimen requirements

For Toxicology Use Only

Date of Receipt: 7/17/07

Received by: Annie Kmet

Toxicology Number: TX-11892

Accession No: W24355

### Toxicology Panels and Specimen Requirements

#### Toxicology Panel 1 -- Blood Alcohol and Immunoassay Drug Screen

Screen for alcohol, amphetamines, barbiturates, benzodiazepines, benzoyllecgonine (cocaine), cannabinoids (marijuana), methadone, methaqualone, opiates, phencyclidine (PCP), and propoxyphene.

##### Specimen requirements:

- 10 ml urine
- 7 ml blood (gray top)
- 10 ml blood (red top)
- gastric contents optional

#### Toxicology Panel 2 -- Blood Alcohol, Immunoassay Drug Screen, and Therapeutic Drugs

Includes Panel 1 constituents plus tricyclic antidepressants, therapeutic drugs and various over-the-counter medications.

##### Specimen requirements:

- 10 ml urine
- 20 ml blood (gray top)
- 10 ml blood (red top)
- gastric contents (record total volume)

#### Comprehensive Toxicology Panel 3 -- Comprehensive Screen

Includes Panel 1 and 2 constituents plus carboxyhemoglobin and ethanol distribution if ethanol is positive

##### Specimen requirements:

- urine (as much as possible)
- 20 ml blood (2 gray top)
- 20 ml blood (2 red top)
- 10 ml blood (2 purple top)
- gastric contents (record total volume)
- tissues (optional)

#### For Toxicology Use Only

Specimen inventory by: Anna Lima

Date: 7/17/07

<input checked="" type="checkbox"/> Blood	No. of tubes
gray	<u>2</u>
red	<u>2</u>
purple	<u>3</u>
dark blue	<u>0</u>
<input checked="" type="checkbox"/> Urine	<u>20</u> mls
<input checked="" type="checkbox"/> Vitreous	
red	<u>1</u> mls
gray	<u>2</u> mls

Gastric Contents  
 Bile  
 Liver  
 Kidney  
 Brain

Other

## ANALYSIS SUMMARY

Methodologies employed in analysis include:

Immunoassay, Gas Chromatography, Thin-Layer Chromatography, Gas Chromatography/Mass Spectroscopy, Colorimetric, Spectrophotometric

General toxicology analysis includes screening for the following classes of compounds:

**Volatiles:** ethanol, methanol, isopropanol, acetone

**Antidepressants/Antipsychotics:** tricyclics, serotonin uptake inhibitors

**Antiarrhythmics:** lidocaine, procainamide, diltiazem, verapamil

**Sedative Hypnotics:** barbiturates, benzodiazepines, glutethimide, carisoprodol/meprobamate, methaqualone, methyprylon, phenothiazines

**Hallucinogens:** phencyclidine, ketamine

**Stimulants:** amphetamines, MDMA, MDA, MDEA cocaine, phentermine

**Opiates and Narcotics:** codeine, morphine, methadone, hydromorphone, hydrocodone, oxycodone, meperidine, pentazocine, propoxyphene

**Over the counter:** salicylate, acetaminophen, doxylamine, PPA, pseudoephedrine, dextromethorphan,

**Antihistamines:** diphenhydramine, pheniramines, hydroxyzine

**Cannabinoids:** - marijuana metabolites - THC

The following tests must be ordered specifically as they are NOT included in the general screen.

Carboxyhemoglobin  
Strychnine  
Cyanide and thiocyanate  
Ethylene glycol

Reporting units and conversion:

ug/ml = mg/l = ppm  
ng/ml = ug/l = ppb



# EXHIBIT 5

SP 70054/096	REPORT TYPE <input checked="" type="checkbox"/> INCIDENT <input type="checkbox"/> OTHER	DATE(S)/DAY(S) OF INCIDENT 07/07/07	INCIDENT NO. 107-16797-14
PENNSYLVANIA STATE POLICE CONTINUATION SHEET SUPPLEMENTAL INVESTIGATION REPORT		TIME(S) OF INCIDENT 23:55 hours	JUVENILE <input type="checkbox"/> DOMESTIC VIOLENCE <input type="checkbox"/>

ATTACHMENTS: <input type="checkbox"/> FELONY CRIMES AGAINST THE PERSON <input type="checkbox"/> VICTIM WITNESS ASSISTANCE GUIDE RECEIPT <input type="checkbox"/> PROPERTY RECORD <input type="checkbox"/> OTHER	<input type="checkbox"/> MISSING PERSON CHECKLIST <input type="checkbox"/> STATEMENT FORM(S) <input type="checkbox"/> RIGHTS WARNING AND WAIVER	DISP.: <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> EXCEPTIONALLY CLEARED- DATE	<input type="checkbox"/> DEATH FACTOR <input type="checkbox"/> VICTIM REFUSED TO COOPERATE <input type="checkbox"/> PROSECUTION DECEASED <input type="checkbox"/> JUVENILE NO. OUSTERY <input type="checkbox"/> EXTRADITION DENIED <input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> MULTIPLE CLEARUP
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1. JURISDICTION PAPSP94007A/01	2. DATE OF REPORT 07/23/07
3. OFFENSE Death Investigation	4. VICTIM

5. NARRATIVE  
**DECEASED: Ronald WHITAKER JR** **DATE OCCURRED: 07/07/07**

Synopsis Continued:

Just as UTTER opened the hallway door; the taser fell to the floor and traveled towards the southern doorway. At 23:55:19, WHITAKER is observed on video reaching around UTTER's body towards his gun/ASP area of his duty belt. Approximately four seconds after WHITAKER is observed reaching around UTTER's gun belt, UTTER fired the first shot striking WHITAKER in the lower left chest area. Immediately following the first shot, WHITAKER is clearly observed with UTTER's ASP baton and WHITAKER spun to the left and began to travel south in the hallway. UTTER was not aware if he had struck WHITAKER with the first shot and then aimed the gun towards WHITAKER and fired a second shot in the hallway. WHITAKER then fell to the floor facing a southern direction and is observed picking up UTTER's taser with his left hand. Once UTTER observed WHITAKER laying on the floor with all action at a stop, he immediately exited the northern doorway and called for help using a portable radio.

After UTTER fired the two shots, Officer MILLER who was outside of the rear of the station, heard the gunshots and retrieved the keys for the station from his personal vehicle. MILLER then entered the station at 23:56:22 to ascertain what had happened. One second after MILLER entered the rear of the station; EMS arrived at the station and is then notified that WHITAKER is down. Officer MILLER immediately radioed for assistance and retrieved rubber gloves to begin first aid on WHITAKER. Since the police department doors are kept locked from the outside, UTTER opened the rear door to allow responding EMS and back up officers inside the building. EMS begin first aid with the assistance of MILLER and on 07/08/07 at 00:00:40, WHITAKER is placed on a gurney to be transported to a hospital. WHITAKER is then taken out of the building on the gurney and at 00:04:09, the ambulance left the station to rendezvous with advanced life support personnel. WHITAKER was subsequently transported to York Hospital and officially pronounced dead upon arrival. It should be noted that all times that are listed on this synopsis in regards to actions that took place at Springettsbury Township Police Department are times reflected on the video footage from the station camera system.

6. OFFICER'S NAME/SIGNATURE Det. Bryan R. HENNEMAN	BADGE NO. 8636	7. INVEST. RECM. <input checked="" type="checkbox"/> CONT. <input type="checkbox"/> TERM.	8. SUPV. INIT./BADGE NO. TSL 5596	9. <input checked="" type="checkbox"/> CONCUR <input type="checkbox"/> NONCONCUR	10. PAGE 4
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DEPARTMENT HEADQUARTERS

# EXHIBIT 6



PENNSYLVANIA STATE POLICE  
BUREAU OF FORENSIC SERVICES



**Harrisburg Regional Laboratory**  
1800 Elmerton Avenue  
Harrisburg, PA 17110-9718

An ASCLD/LAB Accredited Laboratory  
(Since March 7, 2002)

**Ballistics**

LAB REPORT H07-07502-1  
REPORT DATE: August 30, 2007  
INCIDENT NO.: H07-1679711

CASE: HOMICIDE  
SUBJECT: Whitaker, Jr., Ronald (Victim)  
PLACE: York City, York County, Pennsylvania  
DATE: July 09, 2007  
FROM: PSP York  
SUBMISSION: Items 4, 5, 6, 7, and 8 were submitted by Jere D. Hershberger on July 11, 2007. Items 9 and 10 were submitted by James E. Babirad on July 17, 2007. Item 13 was submitted by Todd M. Neumyer of Harrisburg Regional Laboratory on August 21, 2007.

- ITEMS:
- 4. **One (1) sealed evidence envelope**
  - 4.1 One (1) discharged Federal, caliber: .40 S&W cartridge case, marked: N-1.
  - 4.2 One (1) discharged Federal, caliber: .40 S&W cartridge case, marked: N-2.
  - 5. **One (1) sealed evidence envelope**
  - 5.1 One (1) magazine for use with Item 6.1, marked: TMN-1.
  - 5.1.1 Ten (10) undischarged Federal, caliber: .40 S&W cartridges, marked: M-1 through M-10, respectively. (NOTE: Item 5.1.1 was contained within Item 5.1 as received. M-1 and M-2 were discharged during examinations of Item 6.1. M-3 through M-7 were discharged during distance tests.)
  - 5.2 One (1) undischarged Federal, caliber: .40 S&W cartridge, marked: M-11.
  - 6. **One (1) sealed box**
  - 6.1 One (1) Sig Arms double-action semiautomatic pistol, model: SP2340, caliber: .40 S&W, serial number: SP0008767, marked: TMN, with Hogue finger-groove grip sleeve.
  - 6.1.1 One (1) Pennsylvania State Police test ammunition envelope containing test fired laboratory ammunition created during examinations of Item 6.1.
  - 7. **One (1) sealed paper bag**
  - 7.1 One (1) pair of blue jeans, marked: TMN-2.
  - 8. **One (1) sealed evidence envelope**
  - 8.1 One (1) red sleeveless T-shirt, marked: TMN-3.
  - 9. **One (1) sealed evidence envelope**
  - 9.1 One (1) discharged and mutilated metal-jacketed bullet, marked: T-1.
  - 10. **One (1) sealed evidence envelope**
  - 10.1 One (1) discharged and mutilated metal-jacketed bullet, marked: T-2.
  - 13. **One (1) sealed evidence envelope**
  - 13.1 Gunshot residue chemical test results from Item 7.1 (TMN-3) and test patterns created at known distances using Items 6.1 and 5.1.1 (M-3 through M-7) in combination.

CONCLUSIONS: 1 Examinations showed Item 6.1 to be functional and capable of discharging the type of



PENNSYLVANIA STATE POLICE  
BUREAU OF FORENSIC SERVICES  
Harrisburg Regional Laboratory

LAB REPORT H07-07502-1  
REPORT DATE: August 30, 2007  
INCIDENT NO.: H07-1679711

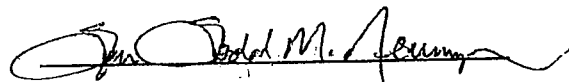
ammunition for which it was manufactured.

- 2 Examinations showed the weight of trigger pull of Item 6.1 to be approximately 5 1/4 lbs. single-action, 9 3/4 to 10 lbs. double-action.
- 3 Various shock and drop tests did not induce Item 6.1 to discharge.
- 4 Examinations showed that Items 4.1 (N-1) and 4.2 (N-2) had been discharged within Item 6.1.
- 5 Examinations showed that Items 9.1 (T-1) and 10.1 (T-2) had been discharged from Item 6.1.
- 6 Item 7.1 (TMN-2) was examined visually and microscopically for the presence of holes and none were found.
- 7 The area around each of the two holes found in Item 8.1 (TMN-3) was examined visually and microscopically, and processed chemically for the presence of gunshot residues and residues were found. Using Item 6.1 and ammunition from Item 5.1.1 (M-3 through M-7) gunshot residue test patterns were created at known distances for comparison.
- 8 Examinations showed that the hole in the low left portion of the back panel of Item 8.1 (TMN-3) was created at an approximate muzzle-to-garment distance of greater than contact, but less than twelve (12) inches.
- 9 Examinations showed that the hole near the center of the back panel of Item 8.1 (TMN-3) was created at an approximate muzzle-to-garment distance of less than three (3) feet.
- 10 Item 6.1 was test fired for IBIS entry.

**PLEASE ARRANGE FOR DISPOSITION OF THE EVIDENCE WITHIN THIRTY (30) DAYS.**

slims

COPIES: Commanding Officer  
Bryan R. Henneman



Todd M. Neumyer, Trooper  
Firearm & Tool Mark Examiner  
Harrisburg Regional Laboratory

# EXHIBIT 7

Exhibit 7 is a compact disc containing a clip of the videotaped deposition of Officer Gary Utter. The compact disc is being filed with the Clerk of Courts and a courtesy copy of the disc is being delivered to Magistrate Judge Carlson's chambers.

# EXHIBIT 8



JUL. 7.07 23:55:24  
EVT

23:55:24a

Holdings  
Hall



# EXHIBIT 9

JUL. 7.07 23:55:19  
EVT

Holding  
Hall

Taser



# EXHIBIT 10

JUL. 7. 07 23:55:23  
EVT

Holdings  
Hall

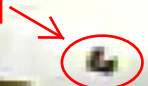


# EXHIBIT 11

JUL. 7. 07 23:55:24  
EVT

Holdings  
Hall

Taser



ASP

