

GRAND JURY REPORT

MD-516-2016

INVESTIGATING GRAND JURY SUMMARY



The Franklin County District Attorney's Office

January 18th, 2019

INTRODUCTION

We, the members of the 2017 Investigating Grand Jury were empaneled on February 9th, 2017 upon the request of the Franklin County District Attorney. We convened on February 17th, 2017 through January 18th, 2019 and have heard testimony and reviewed evidence related to numerous, ongoing Franklin County criminal investigations. Of those cases presented before us, the final results are as follows:

Total Cases Submitted: 19

Types of Cases Submitted:

*Drug Delivery Resulting in Death: 16

*Homicide: 1

*Robbery: 1

*Sexual Assault: 1

Cases Closed: 14

Presentments: 16

Charges filed w/o Presentment: 9

Total Number of Suspects charged: 25

Our cases primarily involved the current Opioid/Overdose Crisis, the drug trafficking networks responsible for the distribution of narcotics throughout our county, and the unacceptable deaths of our fellow citizens as a result. We have also reviewed evidence and heard testimony concerning a 1972 homicide, a 2015 jewelry store robbery and a series of previously unreported sexual assaults.

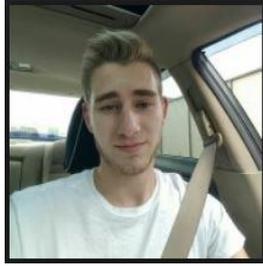
This report will serve as a summary of our findings concerning those matters brought before us.



SUBMISSION #1

On October 23rd, 2016, the Chambersburg Police Department began an investigation concerning the heroin overdose death of Lori Wassil, 50 years of age, in the Borough of Chambersburg. Through the course of the police investigation, it was determined that Keyon Shaffer was the subject who delivered the heroin to Wassil and he was charged with Drug Delivery Resulting in Death.

We heard the testimony of Detectives from the Chambersburg Police Department and the Franklin County Drug Task Force, as well as civilian witnesses, and reviewed evidence concerning Lori Wassil's death and the source of the heroin provided to her by Shaffer. Considering the facts, we determined that Jeffrey Coulter was the source of the heroin that ultimately killed Lori Wassil. As a result, we issued a Presentment recommending that the Franklin County District Attorney institute criminal proceedings against Jeffrey Coulter and charge him with Drug Delivery Resulting in Death. *On January 17, 2018, Coulter was found Not Guilty on all charges, following a jury trial.*



SUBMISSION #2

On October 17th, 2016, the Waynesboro Police Department began an investigation concerning the heroin overdose death of Matthew Mylod, 22 years of age, which occurred in the Borough of Waynesboro.

We heard the testimony of a Detective with the Waynesboro Police Department, the Coroner, and civilian witnesses, and reviewed evidence concerning Matthew Mylod's death and the potential source of the heroin that caused his death. Based upon the facts, we recommended that investigators follow-up on the witness testimony provided to us and that the investigation continue forward, in order to identify those responsible.



SUBMISSION #3

On September 20th, 1972, the Pennsylvania State Police, Chambersburg Station, began an investigation into the shooting death of Morgan Peters, 30 years of age, of Bayshore, Long Island, New York. The body of Morgan Peters had been discovered along the Pennsylvania Turnpike in the area of Metal Township. At that time, it was determined that Peters had been killed by a single gunshot to his back, two days prior, on September 18th, 1972.

We heard the testimony of a Trooper with the Pennsylvania State Police, and a civilian witness. We reviewed interviews that were recorded and documented in writing, as well as reports, photographs, and other evidence associated with the lengthy investigation. Upon consideration of the facts, we issued a presentment recommending that the Franklin County District Attorney institute criminal proceedings and charge an identified subject with First Degree Murder and Robbery. The case remains under review by the Franklin County D.A.



SUBMISSION #4

On January 11th, 2017, Pennsylvania State Police Chambersburg began an investigation into the overdose death of Clara L. Owens, age 27, which occurred in Southampton Township.

We heard the testimony of Troopers with the Pennsylvania State Police and a civilian witness, and reviewed evidence and photographs. Through the course of the investigation, Seth Flagle had been determined to be responsible for providing Clara Owens with the heroin that caused her death. In considering the facts presented to us, it was our finding that Austin Proctor was the source of supply of the heroin that Flagle obtained. As a result, the Pennsylvania State Police separately charged (without Presentment) Austin Proctor with Drug Delivery Resulting in Death, Unlawful Delivery, and Involuntary Manslaughter.



SUBMISSION #5

On July 22nd, 2016, the Pennsylvania State Police Chambersburg began an investigation into the overdose death of Joshua T. Biesecker, age 33, which occurred in Washington Township.

We heard testimony from a Trooper with the Pennsylvania State Police, the Coroner and a civilian witness. We reviewed reports, records and evidence associated with the investigation. We conclude that the heroin which killed Joshua Biesecker originated from the Hagerstown, MD area, however, the source of heroin was not specifically identified. We recommended that Investigators continue to investigate Joshua Biesecker's death and attempt to identify any possible link to known sources of supply in Hagerstown, MD.



SUBMISSION #6

On January 26th, 2017, the Waynesboro Police Department began an investigation concerning the methamphetamine and fentanyl overdose death of Brian G. Cosey, 35 years of age, which occurred at the Days Inn in the Borough of Waynesboro.

We heard the testimony of a Detective with the Waynesboro Police Department and a civilian witness. We reviewed evidence associated with the investigation to include hotel surveillance video, photographs, reports and witness interviews. Based upon the facts of the case, we determined that Stephanie Sass was responsible for the death of Brian G. Cosey and she was subsequently charged (without Presentment) with Involuntary Manslaughter, Unlawful Delivery, and Tampering with Evidence. She entered a plea of nolo contendere to Involuntary Manslaughter.



SUBMISSION #7

On November 6th, 2016, the Pennsylvania State Police began an investigation into the fentanyl overdose death of Dereck A. Middlekauff, 23 years of age, which occurred in Hamilton Township.

We heard testimony from a Trooper with the Pennsylvania State Police, the Coroner and three civilian witnesses. We reviewed reports, records and evidence associated with the investigation. Although an individual was identified as the potential source of supply of the fentanyl that caused the death of Dereck A. Middlekauff, there was insufficient evidence to initiate a prosecution. We recommended that, if possible, the investigation of the identified individual continue.



SUBMISSION #8

On February 22nd, 2017, the Pennsylvania State Police Chambersburg began an investigation into the fentanyl overdose death of Dwayne E. Thomas Jr., 24 years of age, which occurred outside of the McDonald's located on Buchanan Trail East in Greencastle.

We heard testimony from Investigators with the Pennsylvania State Police and the Franklin County Drug Task Force, the Coroner and three (3) civilian witnesses. We reviewed reports, records and evidence associated with the investigation, to include the McDonald's surveillance video that showed Dwayne Thomas exiting a vehicle in the parking lot shortly after ingesting the fentanyl. He collapsed before reaching the building and died in the parking lot outside of the building.

Based on the facts, we determined that Nathan Mills delivered the fentanyl to Dwayne Thomas that caused his death. Additionally, we determined that Laneice Baker was the source of supply of the fentanyl to Mills. As a result, we

issued Presentments recommending that the Franklin County District Attorney institute criminal proceedings against both Nathan Mills and Laneice Baker, charging them each with Drug Delivery Resulting in Death. Both were subsequently charged, as we recommended.

Further investigation led to the identity of Baker's source of supply from the Hagerstown area as Laty Jerome Arrington. The Franklin County Drug Task Force initiated an investigation concerning Arrington and his distribution of fentanyl into Franklin County. Shortly thereafter, Laty Arrington was taken into custody by members of the Franklin County Drug Task Force during an operation in the Borough of Chambersburg, and found to be in possession of a quantity of fentanyl. He was subsequently charged with Drug Delivery Resulting in Death and two (2) counts of Possession with Intent to Deliver.



SUBMISSION #9

On November 19th, 2015, the Sniders Jewelry Store located in the Borough of Mercersburg was robbed by two masked males. Both were armed with handguns and were driven from the scene by a third individual.

We heard testimony from the Investigating Officer with the Mercersburg Police Department and six civilian witnesses. We reviewed reports, records and other evidence compiled by the Investigating Officer. Based on our findings in this case, we issued Presentments recommending that the Franklin County District Attorney institute criminal proceedings against Kevin Jade Combs and charge him with Robbery, Conspiracy and Theft by Unlawful Taking, that Gerard Davis be charged with Robbery, Conspiracy, and Theft by Unlawful Taking, and that Juan Antonio Fernandez-Munoz be charged with Robbery, Conspiracy, and Theft by Unlawful Taking. All were charged as recommended.



SUBMISSION #10

On July 11th, 2017, the Waynesboro Police Department began an investigation concerning the overdose death of Jason E. Byers, 34 years of age, which occurred at the Days Inn in the Borough of Waynesboro.

We heard the testimony of an Officer and a Detective with the Waynesboro Police Department, the Coroner and two civilian witnesses, and we reviewed reports associated with the investigation. Based upon the information available to us, we recommended that the Investigators follow-up on testimony provided by the witnesses and continue the investigation into the death of Jason Byers.



SUBMISSION #11

On February 15th, 2017, the Waynesboro Police Department began an investigation concerning the fentanyl overdose death of Holly M. White, 24 years of age, which occurred in the Borough of Waynesboro.

We heard the testimony of a Detective with the Waynesboro Police Department and three civilian witnesses, and reviewed evidence in the form of reports, records and photographs. Based upon the testimony and the evidence presented, it was evident that, as in other overdose cases in the Waynesboro area, the fentanyl that caused the death of Holly M. White came from the Hagerstown, MD area. The investigation of this case resulted in a Drug Delivery Resulting in Death charge (without Presentment) against Dale Daywalt, and charges (without Presentment) of Unlawful Delivery and Conspiracy for Andrea Hintermyer. Based upon the facts presented to us, we believe that this case is linked to the Antoine Henderson heroin/fentanyl distribution network in the Hagerstown area.



SUBMISSION #12

On September 30th, 2017, the Pennsylvania State Police Chambersburg began an investigation into the overdose death of Chad A. Biesecker, age 34, which occurred in Washington Township.

We heard testimony from a Trooper with the Pennsylvania State Police, the Coroner and a civilian witness, and we reviewed reports, records and evidence associated with the investigation. Based upon the facts it is evident, as it was in the Josh Biesecker case (his twin brother) that the source of the heroin that caused the death of Chad A. Biesecker was located in the Hagerstown, MD area. However, the information provided to us was not sufficient to identify one particular individual. We recommended that the investigation continue, in an attempt to identify the Hagerstown source.



SUBMISSION #13

On April 22nd, 2017, the Waynesboro Police Department began an investigation concerning the fentanyl overdose death of Marc A. Brumbaugh, 27 years of age, which occurred in the Borough of Waynesboro.

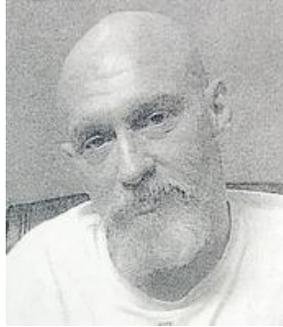
We heard the testimony of a Detective with the Waynesboro Police Department, the Coroner and four civilian witnesses, and we reviewed evidence in the form of reports, records and photographs. Based upon the testimony and the evidence presented, we determined that the fentanyl that caused the death of Marc Brumbaugh came from the Hagerstown, MD area, and an individual associated with the Antoine Henderson heroin/fentanyl distribution network in Hagerstown was identified. Based upon the findings in this case, Jaoquan Patillo has been separately charged (without Presentment) with one count of Drug Delivery Resulting in Death. Additionally, during this investigation, both Antoine Henderson and Leslie Patillo were federally indicted in Baltimore, MD.



SUBMISSION #14

On August 16th, 2017, the Waynesboro Police Department began an investigation concerning the fentanyl overdose death of Nathan L. Bolden, 27 years of age, which occurred in the Borough of Waynesboro.

We heard the testimony of a Detective with the Waynesboro Police Department and four civilian witnesses, and we reviewed evidence in the form of reports, records and photographs. Based upon the facts presented to us, we determined that the fentanyl that caused the death of Nathan Bolden also originated from the Hagerstown based Antoine Henderson heroin/fentanyl distribution network. However, no specific individual from that organization has been identified. As a result of the investigation, David J. Northrup was separately charged (without Presentment) with one count of Drug Delivery Resulting in Death.



SUBMISSION #15

On September 6th, 2017, the Waynesboro Police Department began an investigation concerning the fentanyl/cocaine overdose death of Samuel E. Myerly, 49 years of age, which occurred in the Borough of Waynesboro.

We heard the testimony of a Detective with the Waynesboro Police Department, the Coroner, and five civilian witnesses, and we reviewed evidence in the form of reports, records and photographs. Based upon the testimony and the evidence presented, Brian S. Shatzer was separately charged (without Presentment) with Drug Delivery Resulting in Death.



SUBMISSION #16

On September 7th, 2015, the Chambersburg Police Department began an investigation concerning the heroin overdose death of Rudy Barbour, 21 years of age, which occurred in the Borough of Chambersburg.

We heard the testimony of a Detective with the Chambersburg Police Department, a Detective with the Franklin County Drug Task Force, the Coroner and five civilian witnesses. We reviewed evidence in the form of reports, records and photographs. Based upon the testimony and the evidence presented in this case, it was determined that Kathleen Weaver provided the heroin that caused the death of Rudy Barbour. It was further determined that Charles Lynch was Weaver's source of heroin and provided her with the heroin that caused the death of Rudy Barbour.

Subsequently, Kathleen Weaver was separately charged (without Presentment) with Conspiracy-Drug Delivery Resulting in Death and Conspiracy-

Unlawful Delivery. Charles 'Billy' Lynch was charged with Drug Delivery
Resulting in Death and Unlawful Delivery.



SUBMISSION #17

On January 6th, 2018, the Pennsylvania State Police Chambersburg began an investigation into the methamphetamine overdose death of 3-year-old Logan Starliper, which occurred in the Borough of Greencastle.

We heard testimony from Troopers with the Pennsylvania State Police, a Detective with the Franklin County Drug Task Force, the Coroner and six civilian witnesses, and we reviewed reports, records and evidence associated with the investigation. During the course of this investigation, it was determined that Logan's mother, Brittany Higgins, and Brian Bennett were at the West Baltimore St address during the period that Logan ingested the controlled substance that caused her death. Both Higgins and Bennet were under the influence of methamphetamine at the time Logan ingested the methamphetamine.

Accordingly, the Pennsylvania State Police separately charged (without Presentment) Brittany Higgins and Brian Bennett with Murder of the Third

Degree, Drug Delivery Resulting In Death, Involuntary Manslaughter, Endangering the Welfare of Children (2 counts) and Possession of Drug Paraphernalia.

Our investigation focused on identifying the source of the methamphetamine that caused Logan's death, as the investigating agencies provided additional evidence and testimony. Ultimately, a drug network responsible for the distribution of methamphetamine in Franklin County was identified. Considering the facts, we determined that Paul Crawford was responsible for bringing the methamphetamine into the county and distributing the methamphetamine through Rodney Mower, Michael Gatrell, Daniel Schultz, Kelly Monn and Brittany Baker.

Based upon the evidence that we obtained and considered, we issued eight Presentments recommending that the Franklin County District Attorney institute criminal proceedings against eight (8) individuals and charge each as follows:

Larry Paul Crawford: Drug Delivery Resulting in Death, Unlawful Delivery, Corrupt Organization, Conspiracy-Corrupt Organization, Criminal Use of Communication Facility, and Dealing in Proceeds of Unlawful Activity.

Rodney Mower: Corrupt Organization, Conspiracy-Corrupt Organization, Criminal Use of Communication Facility, and Dealing in Proceeds of Unlawful Activity.

Michael Gattrell: Corrupt Organization, Conspiracy-Corrupt Organization, Criminal Use of Communication Facility, and Dealing in Proceeds of Unlawful Activity.

Daniel Schultz: Corrupt Organization, Conspiracy-Corrupt Organization, Criminal Use of Communication Facility, and Dealing in Proceeds of Unlawful Activity.

Kelly Monn: Corrupt Organization, Conspiracy-Corrupt Organization, Criminal Use of Communication Facility, and Dealing in Proceeds of Unlawful Activity.

Brittany Baker: Unlawful Delivery, Corrupt Organization, Conspiracy-Corrupt Organization, Criminal Use of Communication Facility, and Dealing in Proceeds of Unlawful Activity.

Brian Bennett: Unlawful Delivery and Criminal Use of Communication Facility.

Brittany Higgins: Criminal Use of Communication Facility.

All were subsequently charged as we recommended.



SUBMISSION #19

On June 25th, 2018, the Pennsylvania State Police Chambersburg began an investigation into the heroin overdose death of Cody D. Wileman, age 34, which occurred in Quincy Township.

We heard testimony from Troopers with the Pennsylvania State Police, Detectives with the Franklin County Drug Task Force, the Coroner and four civilian witnesses, and we were provided with reports, records and photographs for our review. Based upon the evidence we determined that Angel Javier Fortich (aka “Pops”) supplied Cody Wileman with the heroin that caused his death. The source of supply to Fortich remains under investigation.

As a result, we issued a Presentment recommending that the Franklin County District Attorney institute criminal proceedings against Angel Javier Fortich and charge him with Drug Delivery Resulting in Death, Unlawful Delivery, and Criminal Use of Communication Facility. He was subsequently charged as recommended.

CONCLUSION

We have been convened as an Investigating Grand Jury since February 17, 2017, and our overwhelming focus has been fatal overdose investigations related to heroin and fentanyl-related drug trafficking in Franklin County. We are a conscripted group of citizens, representing Franklin County, and our eyes and worldviews have been widely expanded regarding what happens in the shadows of our county.

With our focus on Drug Delivery Resulting in Death, in the midst of what has been rightfully called an opioid “epidemic,” we have learned of the lives of many victims, often called “addicts” or “junkies.” While in all cases they did choose to ingest the drugs, there was also a network providing these illegal drugs. Additionally, a network of family and friends of the victims were severely impacted by their deaths. When one sincerely reflects upon that familial and societal impact, and the basic value of an individual’s life, attitudes and mores change from uneducated offhand comments about addiction, to comprehension, acknowledgment and involvement. With this full understanding of the drug delivery network and empathy for the victims, we have worked hard to change both user attitudes and the illegal drug supply network.

So our focus has been on lost lives, which all matter, and we have purposefully included pictures of our County's victims, as they are forever etched in our minds. We will not forget them.