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Lawsuit claims dashcam doesn't support trooper's claim in one of his four deadly shootings

This was the third time Trooper Jay Splain had been involved in a deadly shooting. He was involved in another one 19 months later.

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A Philadelphia law firm's civil lawsuit and a dash cam video obtained by Lebanon Daily News shines new light on a trooper-involved fatal shooting in Jackson Township in 2020, with lawyers claiming the shooting was unjustified

A recent New York Times article showed that one of those troopers has fatally shot three other people in line of duty incidents.

In a complaint filed August 2021 on behalf of Charity Thome's estate, the accounts of the events described by state troopers Jay Splain and Matthew Haber do not appear to match a North Cornwall Township Police department vehicle video of the fatal shooting. The video was obtained by the law firm of **Kline and Specter**, which represents the estate.

Splain shot and killed Thome in Jackson Township in March 2020. Splain also shot and killed Andy Dzwonchyk, 40, in Jonestown in November 2021. That shooting remains under investigation.

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Troopers shot Thome in Jackson Township after chasing her car for 10 miles on the morning of March 16, 2020. At the end of the chase, police said, she rammed her car into an officer's cruiser.

An autopsy found methamphetamines and amphetamines in her system. Lebanon County district Attorney Pier Hess Graf said in a 2020 statement that "The intoxicants in her system are stimulants which typically cause irrational thought and erratic action."

Haber and Splain were aware that Thome was a known methamphetamines user, according to a written response by the officers in the civil case.

On March 16, Thome allegedly attempted to illegally enter her former home on Heilmandale Road. North Lebanon Township Police responded and she fled. State police then joined that pursuit.

"Thome exhibited no regard for traffic lights, signs, police sirens, other vehicles on the roadway, or the safety of the general public," Graf said in a news release in 2020.

The pursuit ended at the 500 block of King Street, after state police performed a Precision Immobilization Technique, or P.I.T., maneuver on Thome's vehicle. This tactic is used to make fleeing vehicles turn sideways abruptly, causing the driver to lose control and stop.

The police video shows that immediately after the P.I.T. maneuver, Thome moved her car forward. Haber left the passenger side of the trooper's cruiser and headed toward Thome's vehicle.

Seconds later, Thome accelerated and struck the Haase vehicle. Thome was going around 5 mph, according to the complaint and the officers' response.

The impact did minimal damage to the police vehicle, according to the civil complaint. Neither Haase's or Thome's airbags deployed.

Photo taken of North Lebanon Police Officer Ryan Haase's car taken after chasing of Charity Thome March 16 2020.

After Thome's car struck the North Lebanon Police Department SUV, Splain got out of his cruiser. A second later, the first shots can be heard.

More than nine shots can be heard in the video. The autopsy showed that the mother of two was shot seven times.

The troopers' response to the civil suit states that Splain fired four or five shots in quick succession. Haber fired two shots. Thome's car continued moving and she appeared to be reaching for something, according to the troopers. Splain then fired one or two more shots.

"Ms. Thome ignored Troopers Splain and Haber's verbal commands and looked right at Trooper Splain as she grabbed the gear shift and slammed down on the gas slamming into Officer Haase's police cruiser," the answer to the civil complaint states. "She did not take her foot off the gas and continued to accelerate upon ramming into Officer Haase's police cruiser."

The troopers stated in interviews that they feared multiple outcomes of the situation, according to Graf's release in 2020.

The audio track on the video the Lebanon Daily News obtained includes sirens, police radio communications, the sounds of the collision between Thome's and Haase's vehicles, and the gunshots. However, no sounds of verbal commands from the officers can be heard.

It is also unclear in the video if Thome was continuing to accelerate into Haase's vehicle after she initially struck it.

Both the complaint and trooper's answers agree that Haase, in his interview, said he did not feel fear for his life when Thome's car struck his SUV.

In the video, the North Cornwall officer can be seen leaving his car, but does not pull his weapon until the gunshot sounds can be heard.

More than a month later, Graf ruled the fatal shooting of the Richland resident by state police to be justified.

"The totality of Thome's actions, the realities of the situation and the split seconds which required the troopers to act all prove this shooting was justified," Graf said in the same 2020 release.

When asked by a Lebanon Daily News reporter Monday if she would like to comment on this case, Graf said in an email that she stands behind the investigation officials conducted and the release she issued on the matter.

Attorneys for Thome's estate originally filed a complaint contending that Thome got out of her car after the P.I.T. maneuver, with an eye-witness saying they heard the gunshots and saw Thome's body lying seven feet from her car as officers tried to revive her. The attorney's second complaint was amended to say Thome was still in the car, with the North Cornwall Officer's dash cam footage being added as an exhibit.

In December, The New York Times reported that Splain has been involved in four fatal police-related shootings, two of which happened in Lebanon County over the last 19 months.

Splain shot Dzwonchyk as he and another trooper tried to take Dzwonchyk into custody in November 2021. The troopers had been dispatched to Union Township on a protection-from-abuse violation, when Dzwonchyk turned up in his vehicle.

A struggle ensued between Dzwonchyk and troopers while he was in the driver's seat, according to officials.

"Dzwonchyk drove forward and in reverse while one trooper was partially in the vehicle, causing the trooper to be dragged," state police public information Officer David Boehm said at a news conference in November.

After attempts to taser Dzwonchyk were unsuccessful, Splain, who was not being dragged, fired at Dzwonchyk.

According to the New York Times article, Splain's first fatal shooting was in Lehigh County in 2007 when a mentally distraught Joseph Rotkewicz pointed a gun at him.

In 2017, Splain shot and killed Northampton County resident Anthony Ardo who threatened to blow off his own head off with an explosive. The report notes that the 47-year-old had been addicted to drugs for years, getting over a breakup and had been recently evicted by his mother.

Ardo was shot in his car, and according to police, lighting a firework that was draped around his neck.

Both the 2007 and 2017 shootings were deemed justified.

Splain has been on administrative duty since the Dzwonchyk incident, according to state police communication director Cpl. Brent Miller. This modified assignment of work is standard policy during the investigation of a trooper involved in a line-of-duty shooting.

"Every officer involved shooting involving a Pennsylvania State Police (PSP) Trooper is thoroughly investigated criminally and administratively, and the decision as to whether criminal charges will be brought is solely within the discretion of the independent elected District Attorney of the relevant jurisdiction," Miller said in an email.

"Other than the incident on November 7, for which the investigation is still open, with respect to each of the shootings identified an investigation was completed and the decision that Trooper Splain's actions were legally justified under Pennsylvania Law was made by the District Attorney and or grand jury."

The Dzwonchyk shooting remains under investigation by the Pennsylvania State Police Troop L Major Case Team and the Lebanon County District Attorney's office. Graf told the Lebanon Daily News that she was unable to comment on the investigation at this time.

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