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DA: Police 'justified' in killing Fuller

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Article Text:

The state police were justified in the use of deadly force when they shot and killed Norman T. Fuller, 44, of Ridgebury on June 29, the Bradford County district attorney has concluded.

"The death was a justifiable homicide," Bradford County District Attorney Daniel Barrett said in written statement that he issued Friday to the media following his review of the death. "The troopers had a reasonable belief that Fuller was attempting to cause them death or serious injury."

Barrett said he was asked by the Pennsylvania State Police to review Fuller's death and the circumstances that led up to it.

"The state police as part of their procedures request the opinion of the district attorney (in a shooting death such as this one) because my agency is independent of them," Barrett said. In addition to the district attorney's review of the death, a separate investigation into Fuller's death was conducted by state police officers who were not involved in the incident, Barrett said. "The state police have concluded that the troopers (involved in the shooting) acted appropriately," the district attorney said.

Wayne Dunkling and Matthew Knock, who are the two troopers who shot Fuller, are experienced troopers with commendable service records, Barrett said.

Barrett said that Fuller's death is the only fatal shooting by police in Bradford County that he knows of in the last 40 years.

The district attorney provided the following account of Fuller's death and the events that led up to it:

Fuller had spent the evening of June 28 at a relative's home in Athens Township. While at the relative's home, Fuller learned that a female minor had complained that Fuller had engaged in sexual misconduct against her. Fuller became very upset and stated that he would kill himself rather than go to jail.

After 11 p.m. that night, the relative called Athens Township police about Fuller's conduct and condition.

Athens Township Officer Thomas Van Fleet immediately went to the residence, but Fuller had by that time left the residence.

The relative told police that Fuller had been drinking and had left in a highly agitated state. Shortly before midnight, the Athens Township officer notified the state police and suggested that the troopers make a check upon the welfare of Fuller at Fuller's residence in Ridgebury. Troopers Dunkling and Knock, who were on patrol, were told to check on Fuller when time allowed.

Dunkling knew Fuller and Fuller's residence from a disturbance in April, after which Dunkling had charged Fuller with the summary offense of harassment of another person. Fuller had pleaded guilty to the charge.

The troopers arrived at Fuller's home at 3:20 a.m., after dealing with a burglary in progress in Armenia Township, an assault in Monroeton and a vehicle accident.

The troopers first went to the mobile home on the property where Fuller's father, Tracy VanDyke, lives.

No one responded at the mobile home, although someone inside had turned on a light, looked through the blinds and then turned the light off.

The troopers then went to the powerboat on the property in which Fuller lived.

The troopers heard Fuller shout, "What do you want?"

The troopers identified themselves. Trooper Dunkling directed his flashlight at Fuller and saw that Fuller was pointing a rifle at them.

The troopers immediately went to the passenger side of their automobile for protection. One of the troopers crawled across the front seat to deactivate the lights and use the radio.

Throughout the incident, Fuller moved in and out of the troopers' view, and the troopers told Fuller that they had not come there to arrest him.

VanDyke came from the mobile home to the boat area and yelled to Fuller to come out and talk.

Fuller yelled back: "No Dad, we're going to shoot it out."

VanDyke yelled to the troopers that Fuller did not have a gun, but the troopers had already seen the rifle.

The troopers saw the glow of some small fire in the boat and heard the sound of a gunshot.

The troopers heard another sound of a gunshot.

Fuller again came into the troopers' sight, pointing the rifle at them.

The troopers fired at Fuller with their sidearms. Fuller continued to act in an aggressive manner as the shots were fired and the troopers continued to shoot until Fuller went down. All the shooting occurred within a few seconds.

Seeing no movement from Fuller at that point, the troopers approached, saw a large hunting knife in his back pocket, and the rifle on the ground.

The troopers checked for vital signs and found none, but they called for an ambulance.

Bradford County Coroner Thomas Carman pronounced Fuller dead at the scene.

Carman ruled that Fuller had died from gunshots, and that the gunshots were not fired by Fuller, according to the district attorney.

The gun that Fuller was carrying was a .22 caliber rifle, but no ammunition that could be used in the rifle was found in the gun or at the scene, and there were no empty cartridge casings of .22 ammunition found at the scene, the district attorney said.

While there were 13 rounds of .17-caliber HMR ammunition found in Fuller's pocket, the .17-caliber ammunition was too large to be used in the .22-caliber rifle, Barrett said.

Police did find exploded cartridge cases of .17-caliber HMR ammunition near a marine flare, which Fuller had ignited.

Fuller burned and exploded the .17-caliber cartridges in the fire to simulate gunfire and make the troopers believe he was shooting at them, the district attorney said.

"Fuller wanted to have the troopers shoot him," the district attorney said.

Fuller had a criminal record, Barrett said.

Fuller had been convicted of felony aggravated assault on police officers in 1998 and had served a sentence in state prison for that assault, Barrett said. The aggravated assault had

occurred while state and local officers were handling a call about domestic violence committed by Fuller.

Fuller had also been in state prison for arson and delivery of a controlled substance, Barrett said.

Fuller pleaded guilty to a sex offense regarding a minor female in 2000, the district attorney said.

Because of his previous convictions, it was a felony for Fuller to have any rifle in his possession. The district attorney also said the state police investigation into Fuller's death "was properly conducted according to required procedures."

"The Pennsylvania State Police showed commendable professionalism during the incident (the events leading up to and including Fuller's death) and the investigation," Barrett wrote in a Aug. 20 letter to Lt. Richard Krawetz of the Pennsylvania State Police, in which he announced the conclusions of his review. "I have concluded that the troopers were fully justified in the use of deadly force."

While Dunkling and Knock were placed on administrative leave following the shooting, they returned to their normal duties on July 4, the district attorney said.

Police are always placed on administrative leave when they have shot someone, in order that the officers involved can be available to answer questions about the shooting, Barrett has said.

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