

Justice Served

By Bob Mitchell, Editor

FOR MURDERING Wildlife Conservation Officer David L. Grove, Christopher L. Johnson was found guilty of 1st degree murder and sentenced to death.

The sentence was handed down on the night of October 4, concluding a 9-day trial at the Adams County courthouse, before Judge Michael George and heard by a jury bussed in daily from Lancaster County.

On November 11, 2010, based on evidence and testimony presented at the trial, Christopher Johnson was waiting in the driveway of his friend Ryan Laumann when Ryan returned home from work around 4 o'clock in the afternoon. After Ryan changed into his hunting clothes, the two headed for a camp about five miles away owned by Johnson's parents. There the two did some target shooting with a .22 and drank some beers before heading to a 2-person treestand to bowhunt.

As darkness fell, the two left the stand, walked back to the cabin and then drove off in Johnson's blue pickup, cruising the back roads and orchards of Adams County, spotlighting for deer. At one point over the course of the clear, crisp night, Johnson shined a deer, a doe, as Laumann leaned out the window, drew back his compound bow — he had a release on his wrist — and shot. The deer, maybe 25 yards away, ran around in front of their vehicle, went about 40 yards and lay down in a patch of trees.

Leaving that deer, the two drove a short ways down the road and found another deer, on the left, 40 yards from the road. They continued down the road, turned around and went back, the deer now on the passenger side of the vehicle. With Johnson shining the spotlight over the top of the truck roof from the driver's side, Ryan grabbed a .22 rimfire lever-action rifle from behind the seat and took a shot. He missed. Johnson then brought the spotlight inside the cab and stuck it out the passenger side window, grabbed the rifle from Laumann, and while leaning across Laumann, rested the gun on the window or frame and fired twice. The deer stumbled and fell. The two then drove down the road and made a quick left, only to have headlights and then flashing red and blue lights suddenly appear behind them. It was Officer Grove.

Johnson didn't pull over right away, causing Grove to radio that the driver was going to flee, but after rounding a sharp bend in the road, Johnson pulled over when he got to a safe location, along a rural road just south of the Gettysburg National Military Park. After a few moments of silence, the two heard Officer Grove order through his loudspeaker for the driver to turn off the vehicle, toss the keys out onto the roadway, place his hands out the window, and then open the truck door from the outside. "I told Chris 'We're going to be in a lot of trouble'," Laumann testified, and Johnson replied, "Don't worry, I got you, but I'm not going back to jail."

Following Grove's orders, Johnson got out of the truck, turned and placed his hands up on the cab. Ryan then exited the vehicle, walked around and stood next to Johnson and placed his hands on the hood and windshield. Johnson then whispers to Ryan that he has a .45 tucked in his waist, and Ryan tells him, "There's nothing you can do with it; he's going to catch you with it and take it."

Officer Grove then asks about weapons, and Johnson nods and points to the window behind the cab, indicating their gun, the .22, was in the back of the cab. Then, still following Grove's directions, Johnson puts his hands on the back of his head and begins to walk backwards toward Grove. Ryan testified that while still looking at the hood of the truck he heard a click — the sound of the handcuff — and then Johnson say, "What'd I do? What'd I do?"

Scuffling sounds followed and then Grove began yelling, "Get on the ground now! Get on the ground now!" four or five times in all, followed by gun shots, followed by more guns shots, real quick.

Ryan, under the truck with his head tucked up against the front of the rear driver's side tire, screams, "Anywhere safe? Anywhere safe?" with the bullets flying everywhere, sounding like they were coming from right next to him. During a lull, he peeked out around the tire. Johnson was on the shoulder of the other side of the road, leaning slightly back, right arm fully extended, and Laumann watched as he fired three shots. Then all went silent.

Ryan then yelled, "Chris" and saw someone lying in the middle of the road. It was Chris, and when he got up and started running, yelling "I'm hit. I'm hit," he fell, grabbed his keys, got up again and yelled for Ryan. Scared, Ryan got up, looked around and saw someone else lying on the road, behind Grove's vehicle.

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The two then jumped in the truck and sped off, 60 to 80 miles an hour, Laumann figures. Under the dim blue light from the truck radio, Laumann watches as Johnson pulls a fresh clip from the truck console and reloads.

Shaken beyond belief, when Johnson slows at an intersection a few minutes later, Laumann grabs his bow and jacket and bails out, watches Johnson speed off into the darkness, and then drops down onto Route 15 and calls his girlfriend.

Based on 911 radio logs, from the time of Grove's last radio transmission until the "Officer down!" call from the first responding back-up officers on the scene, only two minutes and ten seconds elapsed. As more and more officers and emergency personnel arrived, the crime scene was secured, Grove was rushed to a nearby hospital where he was pronounced dead, and an extensive manhunt was underway.

Because Officer Grove had followed all vehicle stop protocols, investigators had a description of the vehicle Grove had pulled over and its owner — Christopher L. Johnson, 27, of nearby Fairfield. Throughout the night, officers from Adams County, the Pennsylvania State Police and the Game Commission searched for Johnson and his truck.

The name Ryan Laumann quickly came up as a known associate of Johnson's, and over the course of the early morning hours police interviewed him on three separate occasions, around midnight at his home, and then two more times at the State Police barracks in Gettysburg. During those interviews, the details of Laumann's accounts changed.

Also interviewed were Johnson's girlfriend at the time, Laumann's girlfriend at the time, and Johnson's parents.

Shortly after nine o'clock the next morning, November 12, while officers in northern Adams County were checking the cabin owned by Johnson's parents, a report of a suspicious person walking with a limp came over the radio. The officers jumped in their vehicles and left, only to find near the end of the cabin lane a small white pickup with police vehicles behind it. A man got out of the passenger side of the truck, and as heavily armed officers swarmed in, he lay down on the ground. It was Johnson.

After taking him into custody, officers noticed blood on Johnson's waist. EMS personnel were summoned, and Johnson was soon loaded into an ambulance and taken to the York Hospital.

During the nearly hour-long drive, Trooper Neal Navitsky of the PSP Fugitive Apprehension Unit asked Johnson what had happened. From his account, after Laumann got out, Johnson proceeded to a remote location in the Michaux State Forest, abandoned his truck and spent the night walking through the forest, stopping at times to try to rest. Somewhere along the way, Johnson claims, he tossed his Colt 1911 over one side of the mountain and the holster over the other.

Later that morning, Johnson came to Old Route 30 and was walking along the road when a small white pickup pulled up and the driver asked if he needed a lift. Claiming he had slipped and hurt his hip on some rocks, Johnson got in and asked to be taken to what turned out to be the nearby cabin property where he was apprehended.

When investigators found Johnson's pickup, among the evidence they found was where, with his .45, he shot off the handcuff from his right wrist, and a black knife sheath with the front half of a blade in it.

One year, ten months and 13 days from the murder of WCO David Grove, Christopher Johnson had his day in court.

The trial began on September 24, 2012, in the Adams County Court House, in Gettysburg.

Opening remarks for the Commonwealth were made by Montgomery County Assistant District Attorney Kevin Steele who, along with members of his staff, assisted with the case.

"The defendant fired a shot at Wildlife Conservation Officer David Grove that struck Grove in the back of the head," Steele began. "The shot travelled through the spinal column, which it severed, and came out the side of his face as he fell to the ground. That's not the only bullet the defendant fired," Steele went on.

In what was described at the time as a ferocious gun battle, the defendant fired seven shots at Officer Grove, then moved to his right, flanking Grove, and from the opposite side of the road, 12 or so yards away, he reloaded and fired eight more rounds at Grove. Johnson did this, the prosecution contended, because he didn't want to go back to jail. As a convicted felon, Johnson was not allowed to possess a firearm.

Surprising to many, Chief Public Defender Kristin Rice opened with, "Christopher Johnson shot and killed WCO David Grove, and doing so he left a family without a son and brother and a fiancée and a community without a fine friend and citizen."

Ms. Rice went on to tell the jury that while Johnson did, indeed, kill Officer Grove, his intent as he was pulling the trigger is what the jury had to consider. She went on to say that it was the defense's

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contention that the shooting was not premeditated, that Johnson was so inebriated and so dazed and confused that he was incapable of making an “informed intent to kill,” that he was just reacting to the frenzied action of the moment.

The first witness to testify was the Adams County 911 Center dispatcher on duty the night of the shooting. A recording of the transmission between Officer Grove and the center was played while at the same time an accompanying transcript was projected on a large screen. Listening to Grove’s very words, the jury learned that Grove initiated the call at 10:30 p.m. The exact times of when Grove then announced he was making a vehicle stop, that he had made the stop, and that a firearm was in the vehicle were all noted. Grove’s final transmission came at 10:36:48. Then, two minutes and ten seconds of silence was followed by “Officer down!” The first back-up officers had arrived on the scene.

In the span of just 130 seconds, Grove got both suspects out of their vehicle, vacated his vehicle, directed Johnson to put his hands on the back of his head and back up, cuffed his right hand, 25 shots were exchanged, and then Johnson and Laumann got back in their truck and escaped.

Following testimony came from officers and paramedics who described what they saw and did at the scene, and from forensic specialists about the evidence they found: vehicle locations, shell casings, bullet fragments, blood, tire tracks, the locations of Grove’s handgun, flashlight, broken eyeglasses, hat. A photograph of the dead deer, a small 4-point shot in the head, that precipitated Grove’s vehicle stop also was shown.

Other evidence presented included a human silhouette target found at the Johnson cabin. It had dozens of small (22-caliber) holes scattered all over it and several large (45-caliber) holes, including three in maybe a 2-inch cluster directly on the “center of mass” of the human form. The 45-caliber casings from this site matched those found at the crime scene and in Johnson’s truck.

Among the most important testimony came from Neal Navitsky’s questioning of Johnson on his way to the hospital.

Over the course of the 45-minute interview, which was played for the jury while, again, an accompanying transcript was projected on a large screen, Johnson described what happened in clear detail and admitted to shooting Grove, calling it “a really bad decision.”

The doctor who treated Johnson at the hospital testified that Johnson had only flesh wounds, on his waist, caused by bullet fragments, and that he was discharged less than four hours after being admitted. Johnson was actually hit twice, one bullet hitting a sheath knife and another hitting a cell phone. A bent knife was found at the scene and the sheath and rest of the knife was found near Johnson’s abandoned truck.

More key testimony for the prosecution came from Ryan Laumann, 19 at the time. His testimony largely corroborated the events as described by Johnson, and what he did after getting out of Johnson’s truck. He also testified that both he and Johnson were drinking beer during the afternoon and evening, but that at no time did Johnson seem unable to walk, talk, climb a ladder, drive, etc.

Laumann also testified that he was so terrified after the shooting that he didn’t know what to say to the police right after the incident.

Forensic evidence presented showed that Grove suffered four bullet wounds, two were self-inflicted. Powder residue on the inside of his right pant leg showed where Grove’s gun was positioned when at least one shot was fired, and a slight wound along the inside of the right calf and a wound to the inside of his left foot came from Grove’s gun.

Just how this occurred will never be known. The defense used it to suggest that Grove shot himself at least once when he drew his handgun or during a struggle. Another, more likely explanation is that Grove shot himself while firing from the supine position, on his back with his legs up and bent in a defensive position, as officers are trained to do when on the ground. Grove was also shot through the left thigh and through the neck.

In defense of Johnson, Rice and Assistant Defense Attorney William Miele tried to emphasize how much alcohol Johnson consumed the day of the shooting. Among those called to testify was Johnson’s girlfriend at the time. She testified that she and Johnson had been fighting for a day or two leading up to the shooting, because of Johnson’s drinking, and that he had been drinking heavily most of the day on November 11. On cross examination, though, she admitted that she was basing her determination almost exclusively on cell phone conversations.

The defense also brought in an expert witness to testify about what Johnson’s blood alcohol level would have been, based on what witnesses had said he may have been drinking that day, and how that would affect his ability to develop an “intent to kill.” In other words, was Johnson capable of making such a

decision? The defense also brought in an ophthalmologist who tried to convince the jury that the bright headlights and flashing red and blue emergency lights would have made Grove difficult if not impossible to see, much less shoot. The prosecution countered with its own expert witnesses.

In the end, given Johnson's actions before, during and after the killing, it was hard to argue he wasn't clearly thinking or was unable to see. That Johnson had, just 10 minutes before shooting Grove, shot a deer in the head 40 yards away; told Laumann he wasn't going back to jail; fired seven shots at Officer Grove, moved to a better vantage point, reloaded and fired eight more times, seemingly tracking Grove — whose gun was on the ground behind him — as he was trying to seek cover behind his vehicle; fled the scene; and then ditched his truck and hid evidence all indicated Johnson was clearly thinking and was capable of developing an "intent to kill."

In closing arguments, the defense reiterated its admission that Johnson did kill Officer Grove, and that he also was guilty of three other charges before him: Persons not to possess a firearm; Possessing a firearm without a license; and Possessing an instrument of crime. So, the only decision left for the jury was whether or not Johnson's killing of Grove was a conscious, informed intent, murder of the first degree, or the result of actions made without comprehending what he was doing, murder of the third degree.

The prosecution closed with a rundown of the evidence that showed Johnson did comprehend what he was doing: his statement to Laumann that he wasn't going back to jail; that he emptied his weapon twice, reloading while he moved out of the light and into a better shooting position; fled the scene at a high rate of speed; reloaded his firearm again; went to a remote forest location where he got rid of or hid all the evidence he could; shot the handcuff off his wrist; and then fled into the night, somewhere along the way hiding the murder weapon so well that despite several extensive searches it has not yet been found.

"When you take a .45, point it at a person's body and pull the trigger 15 times, can there be any other intent?" District Attorney Shawn Wagner asked the jury.

On Tuesday morning, October 2, Judge George gave the jury members their final instructions, reminding them to set aside all sympathy and prejudice and make their decision based on the evidence, and that their verdict must be unanimous.

It didn't take long.

Deliberating less than half an hour, the jury found Christopher L. Johnson guilty of first degree murder. When the judge looked at Johnson and asked if he had any questions, Johnson quietly replied, "No."

Following a lunch recess, the sentencing phase of the trial began. During this phase the jury was presented evidence and testimony to use to decide whether to sentence Johnson to death or to life in prison without parole. (First degree murder is the only charge for which the penalty is decided not by a judge, but by a jury, the same jury that decides the guilt phase.)

To make its decision the jury had to first determine if Johnson was guilty of any or all aggravating circumstances charged by the prosecution, which would in effect mean a death sentence would be imposed and then, if so, determine if any or all mitigating factors outweighed the aggravating circumstances to the extent that a life without parole would be warranted.

To give a defendant a degree of protection, aggravating circumstances must be proven "beyond any reasonable doubt," while mitigating factors need to be proven only to a "preponderance of evidence" level.

Four aggravating circumstances were charged by the prosecution: (1) killing a law enforcement officer in the performance of his duty; (2) killing a person while committing another felony (a convicted felon possessing a firearm); (3) while committing a felony, killing an eyewitness to keep him from testifying and (4) a history of felony convictions involving the threat of violence.

To mitigate, or more than offset those aggravating circumstances, the defense attempted to prove several mitigating factors: that Johnson was under extreme mental and emotional stress; suffering from depression; incapable of appreciating the brevity of his conduct; that he was and needed to remain a strong parental figure for his daughter; and that he had been drinking heavily.

Testifying for the prosecution during the sentencing phase were the owners of two businesses Johnson had burglarized in 2002, and Curtis A. Whitmoyer, a PSP criminal investigator who testified to the fact that Johnson had pled guilty to those two burglaries and two others at the Gettysburg Outlet complex, all felonies.

Also testifying at this sentencing stage of the trial were Lucy Grove, Dave's mother; Angela Heare, the young woman for whom Dave had just bought an engagement ring for as a Christmas gift; and Dana Grove, Dave's father.

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Struggling to hold her emotions and tears in check, Lucy Grove described her family and what Dave meant to her, his father and his brother and sister, and the devastation the loss of Dave has caused each of them and to Angie. Lucy went on to describe how she learned of Dave's death. It began with a knock at the door at 2 a.m. A Game Commission officer was at the door, but it wasn't her son, as she had thought.

Angie talked of the plans she and Dave were making. They wanted to get married on a special day, and when Angie suggested November 11, 2011 (11-11-11), Dave said, "No way, that's hunting season." They settled on September 10, 2011 (9-10-11). They talked of children, they talked of buying a home. What she misses most is his love, companionship and wonderful Christian testimony.

Dana talked of how much his son enjoyed being a WCO and of how he and his sons enjoyed hunting and fishing together, and watching sports (Steelers and Penguins) on TV, activities that now don't mean the same to him.

To present a case for mitigating factors, the defense called more than a dozen people to testify: three members of the clergy who met with Johnson while in prison; specialists of one sort or another who offered opinions on Johnson's mental health; corrections officers who knew Johnson from prison; and friends and family members of Johnson's. Johnson himself even testified, apologizing to the Groves for the pain he caused the family.

Most poignant was the testimony of Johnson's mother. Struggling with her emotions as well, she described Johnson's life, the effects her two broken marriages had on him, his school life, his role as a father to his daughter. Photos and video clips were even shown to the jury, portraying Johnson as a fun-loving individual who enjoyed his family.

It didn't work. None of it worked.

In closing arguments, the prosecution pointed out that the aggravating factors had, indeed, been proven and reminded the jury what penalty the law therefore prescribed.

The defense claimed that the tragic events of November 11, 2010, were the result of a "terrible storm:" alcohol, depression, unemployment. . .

In his final instructions, Judge George again reminded jurors that if they found the defendant guilty of any or all aggravating circumstances, they had to impose the death penalty; that if they found the defendant guilty of any or all aggravating circumstances and identified any mitigating factors but none that outweighed the aggravating circumstances, they had to impose the death penalty. Only by finding mitigating factors that did outweigh the aggravating circumstances could the jury impose the life sentence.

After four hours of deliberations, the jury reached a verdict: Death.

Was justice served? When presented with the evidence and had the law explained to them, the jurors had no choice.

After almost two years from gunning down Officer David Grove while he was in the performance of his duty, his killer was brought to justice.

In their testimony during the sentencing phase, both Dana Grove and Angela Heare commented about not yet, after nearly two years, being able to grieve in private. Let's hope that with justice now served, all of Officer David Grove's family, friends, fellow officers and all others affected by this tragedy can now find some semblance of comfort and peace.