

**Special Investigations and  
Prosecutions Unit**

**Report on the Investigation into  
The Death of Warren Corbitt**



**Eric T. Schneiderman  
NYS Attorney General**

## EXECUTIVE SUMMARY

On July 8, 2015, Governor Andrew Cuomo signed Executive Order No. 147 (the “Executive Order”), appointing the Attorney General as a special prosecutor “to investigate, and if warranted, prosecute certain matters involving the death of an unarmed civilian . . . caused by a law enforcement officer.” On Friday, October 14, 2016, Warren C. Corbitt died following a collision between Mr. Corbitt’s motorcycle and a New York State Police (“NYSP”) SUV operated by Trooper Cody Vetter. Governor Cuomo subsequently issued Executive Order No. 147.8, which expressly conferred jurisdiction upon the Attorney General to investigate any potential unlawful acts or omissions by any law enforcement officers relating to Mr. Corbitt’s death.

On October 14, 2016, at approximately 7:50 pm, the Village of Millbrook Police Department (“VMPD”) requested assistance from the NYSP to apprehend a man who had brandished a knife at several teenagers attending a high school football game. Four troopers, including Trooper Vetter, responded to the VMPD’s call for assistance. They traveled in four separate vehicles, all of which traveled at a high rate of speed with their emergency lights and sirens activated on a stretch of highway where New York State Route 82 (“Route 82”) and U.S. Route 44 (“U.S. 44”) run together as one combined road.<sup>1</sup>

Route 82/U.S. 44 has two lanes, one eastbound lane and one westbound lane. The collision between Trooper Vetter’s car and Mr. Corbitt’s motorcycle took place near the point where Route 82 and U.S. 44 divide. The three other troopers drove, in the eastbound lane, past this part of Route 82/U.S. 44 moments before the collision. The three other troopers passed a car operated by a civilian witness (the “Witness”) in the eastbound lane, and the Witness pulled her car over to the

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<sup>1</sup> A diagram of the general area of the accident is attached hereto as Exhibit 1. As depicted on the diagram, the collision took place where Route 82 and U.S. 44 separate. Route 82 continues in a straight path from the combined Route 82/U.S. 44. To continue on U.S. 44, a motorist in the eastbound lane must turn left.

edge of Route 82/U.S. 44. Mr. Corbitt, who was several feet ahead of the Witness's car on a motorcycle (also in the eastbound lane), did not pull over.

Moments later, when Trooper Vetter (who also was in the eastbound lane) attempted to pass Mr. Corbitt's motorcycle, Trooper Vetter's vehicle and Mr. Corbitt's motorcycle collided. The collision took place near the double yellow line separating the eastbound and westbound lanes, near the point at which Route 82 and U.S. 44 divide. Under the Vehicle and Traffic Law, Mr. Corbitt should have pulled over to the right, to the edge of the road on the eastbound lane that he was travelling in (which is what the Witness did). Instead, as Trooper Vetter attempted to pass Mr. Corbitt on his left, Mr. Corbitt's motorcycle moved to the left to the center of the roadway near the double line.<sup>2</sup>

The OAG investigation included, among other investigative steps: (1) an interview of the Witness; (2) interviews of the three other troopers who responded to the VMPD request for assistance; (3) inspection of the NYSP vehicle operated by Trooper Vetter and of the motorcycle operated by Mr. Corbitt; (4) review of the NYSP collision reconstruction report; and (5) review of the Dutchess County Medical Examiner Report.<sup>3</sup> The evidence, including the Witness's account of the incident, makes clear that the collision was a tragic accident for which no criminal charges are warranted.<sup>4</sup>

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<sup>2</sup> A diagram of the roadway and the collision in the collision reconstruction report is attached hereto as Exhibit 2. As depicted in the diagram it appears that Mr. Corbitt was attempting to turn left onto U.S. 44.

<sup>3</sup> Trooper Vetter declined to speak with the Attorney General's Office, which is his right under the Fifth Amendment. Notwithstanding Trooper Vetter's decision, the other available evidence (e.g., the Witness's account, the account of the three other troopers, and the accident reconstruction analysis) demonstrates that the collision was unintentional and does not warrant criminal charges.

<sup>4</sup> A Department of Motor Vehicle Administrative Law Judge held as follows in a hearing concerning whether the collision should have any effect on Trooper Vetter's driving privileges: "The Decedent's failure to yield the right of way to the police department vehicle . . . caused and/or contributed to this unfortunate accident. Respondent [Trooper Vetter] committed no violations of the Vehicle and Traffic Law which caused and/or contributed to this accident."

## STATEMENT OF FACTS

### 1. The Collision

On October 14, 2015, the Village of Millbrook High School hosted a football game at the Millbrook Sports Complex. At approximately 7:40 pm, a VMPD officer was informed that several teenagers at the game were menaced by an unknown male armed with a knife. The VMPD contacted NYSP Troop K to request assistance. Troopers Sarah Bohlin, Nicole Walther and Craig Rose responded to the VMPD's call for assistance from Troop K Headquarters in the Village of Washington, which is approximately five miles from the Millbrook Sports Complex. Trooper Vetter responded from the NYSP LaGrange substation, which is approximately 13 miles from the Millbrook Sports Complex.

Trooper Bohlin was the first to leave Troop K headquarters. Trooper Walther followed immediately behind Trooper Bohlin, and Trooper Rose followed immediately behind Trooper Walther. The three troopers drove onto Route 82/U.S. 44, which has two lanes, one eastbound lane and one westbound lane. The posted speed limit for the area of the collision is 55 miles per hour. Troopers Bohlin, Walther and Rose each traveled above the posted speed limit eastbound, in the eastbound lane. The Witness's car was in front of Trooper Bohlin in the eastbound lane. Trooper Bohlin changed her siren from a "yelp" sound to a "wail" in an attempt to alert the Witness to her presence and encourage her to yield the right of way. When the Witness did not immediately respond, Trooper Bohlin changed lanes into the oncoming westbound lane and passed the Witness's car. Trooper Walther and Trooper Rose followed closely behind Trooper Bohlin. As Trooper Rose approached the Witness's car, the Witness's car began to pull over to the eastbound side of the road. Mr. Corbitt, who was traveling in front of the Witness's car in the eastbound lane, did not pull over to the side of the road or otherwise yield the right of way to Troopers Bohlin,

Walther, and Rose. Troopers Bohlin, Walther, and Rose returned to the eastbound lane once they safely passed the Witness's car and Mr. Corbitt's motorcycle.

After Troopers Bohlin, Walter, and Rose each passed the Witness's car, the Witness noticed that Trooper Vetter's vehicle was approaching rapidly, with its emergency siren and lights activated. As Trooper Vetter passed the Witness's car, the Witness's car was stationary on the side of the road. After Trooper Vetter passed the Witness's car, Trooper Vetter's vehicle collided with Mr. Corbitt's motorcycle. According to the NYSP collision reconstruction report, the collision took place near the double yellow lines between the eastbound and westbound lanes, at the point at which Route 82 and U.S. 44 divide, as Mr. Corbitt's motorcycle moved to the left. After the collision, the motorcycle skidded across the road into a fence on the side of the road. Trooper Vetter and the Witness got out of their vehicles, and the Witness asked Trooper Vetter if she could retrieve emergency rescue equipment from the trunk of her car, so she could help Mr. Corbitt. At Trooper Vetter's direction, she did so. When the Witness attempted to help Mr. Corbitt, she could not detect his pulse. Trooper Vetter radioed the NYSP that he had been involved in a motor vehicle accident and requested that a supervisor and an ambulance respond to the scene. Soon thereafter, Edward Bownas, Chief of the Millbrook Fire Department, responded to the scene. Chief Bownas checked Mr. Corbitt's pulse and confirmed that Mr. Corbitt was deceased.

## **2. New York State Police Collision Reconstruction Report**

At approximately 8:45 p.m., Investigator Shannon Alpert of the NYSP Troop K Collision Reconstruction Unit responded to the scene. Inv. Alpert inspected and photographed gouge marks, scrapes and tire marks on the road; mechanical fluid from the motorcycle; debris from the vehicles strewn about the road; and Mr. Corbitt's body.

Inv. Alpert documented contact damage to Trooper Vetter's vehicle on the passenger-side front corner; passenger-side fender; hood; passenger-side headlamp assembly; passenger-side

front tire and rim; windshield; roof; passenger-side mirror; and spotlight. Inv. Alpert also observed damage to the left side of Mr. Corbitt's motorcycle, which Inv. Alpert concluded resulted from contact both with Trooper Vetter's vehicle and with the roadway as the motorcycle skidded to its final resting position.

Inv. Alpert analyzed data from the Restraint Control Module ("RCM") installed in Trooper Vetter's vehicle. The RCM recorded the speeds at which Trooper Vetter's vehicle was travelling at various times before the collision: five seconds before the collision, Trooper Vetter's vehicle was travelling 89.5 mph; two seconds before the collision, the vehicle was travelling 89.8 mph, and one second before the collision, the vehicle was travelling 90.3 mph. The RCM recorded that at .05 seconds before the collision, the vehicle's speed had decreased to 87.2 mph and that the brake was activated. At the moment of the collision, the vehicle was travelling 70.8 mph, the brake was activated, and the vehicle's anti-lock brake system was engaged.<sup>5</sup> The RCM's steering wheel angle data indicated that, immediately prior to the collision, Trooper Vetter sharply turned the steering wheel to the left, in an apparent effort to avoid contact with Mr. Corbitt.<sup>6</sup>

### **3. Medical Examiner's Report**

Dr. Kia Newman, the Dutchess County Medical Examiner, performed the autopsy on Mr. Corbitt at approximately 8:00 a.m. on October 15, 2016.<sup>7</sup> Dr. Newman's gross external examination revealed blunt force injuries to Mr. Corbitt's head, neck, torso and extremities. Dr. Newman found that Mr. Corbitt's cause of death was blunt force injuries and that the manner of

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<sup>5</sup> The collision reconstruction analysis indicates that the speed of Mr. Corbitt's motorcycle was between 48 mph and 60 mph. The collision reconstruction analysis is based on physical evidence from the scene and GPS data from Mr. Corbitt's motorcycle. The GPS data indicate that average speeds for the motorcycle in the area of the collision ranged between 31 mph and 57 mph.

<sup>6</sup> The collision reconstruction report is attached hereto as Exhibit 2.

<sup>7</sup> The Medical Examiner's report is attached hereto as Exhibit 3 .

death was an accident. At the time of his death, Mr. Corbitt was wearing a helmet and motorcycle body armor.

### ANALYSIS

The evidence makes clear that the collision and Mr. Corbitt's death were unintentional. A charge of criminally negligent homicide may be appropriate when an unintentional death occurs and is caused by someone who "fail[ed] to perceive a substantial and unjustifiable risk that such result will occur or that such circumstance exists." Penal Law §125.10. Traveling well in excess of the speed limit – even for a civilian motorist – does not, by itself, support a charge of criminally negligent homicide. See People v. Cabrera, 10 N.Y.3d 370, 377 (2008) ("[I]t takes some additional affirmative act by the defendant to transform "speeding" into "dangerous speeding"; conduct by which the defendant exhibits the kind of "serious[ly] blameworth[y]" carelessness whose "seriousness would be apparent to anyone who shares the community's general sense of right and wrong.") (alterations in original).

Here, at the time of the collision, Trooper Vetter was traveling well in excess of the speed limit, but he had his emergency lights and sirens activated, and he was responding to an ongoing police emergency that involved an armed suspect in a crowded area where juveniles were present.<sup>8</sup> New York State Vehicle and Traffic Law permits the driver of an emergency vehicle to exceed the speed

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<sup>8</sup> Passing a vehicle at an intersection can be part of the basis for a reckless driving charge, but under far different circumstances than here. See People v. Lamphear, 35 A.D.2d 305, 308 (3d Dep't. 1970) (a defendant, who was on a two lane highway, crossed over into the oncoming traffic lane while overtaking a standing vehicle and struck and killed a motorcyclist in that motorcyclist's lane; the defendant was acquitted of criminal negligence homicide and convicted of reckless driving, and the court noted that the view ahead of the defendant was not clear and the oncoming traffic lane was not free of oncoming traffic). In Lamphear, the defendant (unlike Trooper Vetter) was not operating an emergency vehicle en route to an emergency, and the defendant drove into oncoming traffic. See infra note 3 (discussing the DMV ALJ's determination that Trooper Vetter committed no violations of the Vehicle and Traffic Law that caused or contributed to the accident).

The New York State Police manual notes that troopers should avoid passing vehicles in intersections. Whether administrative action may be taken by the State Police is separate and apart from the OAG's criminal inquiry.

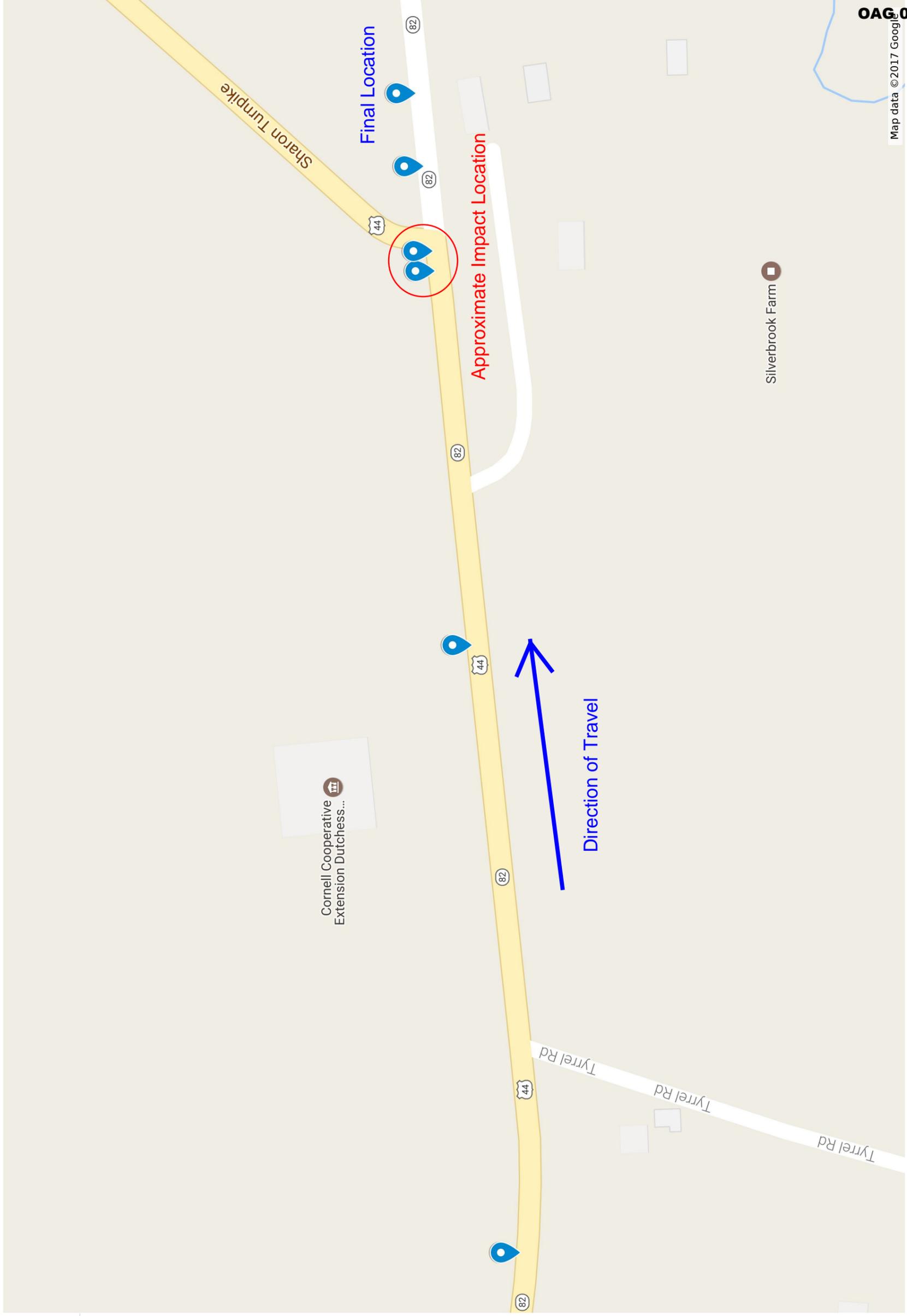
limit when he is responding to the scene of a police call. See Vehicle and Traffic Law §§ 114-b, 1104 (b)(3), (e). Further, Mr. Corbitt did not yield the right of way to Trooper Vetter as required by New York law. See id. §1144 (requiring civilian motorists, in response to an emergency vehicle with a siren and an emergency light activated to pull over as close as possible to the right-hand edge of a two-way roadway). Indeed, based upon the collision reconstruction analysis – and specifically on the location of the collision near the double yellow line – Mr. Corbitt’s motorcycle moved to the left instead of pulling off to the right to the side of the road. Finally, Trooper Vetter attempted to brake<sup>9</sup> and veer, apparently in order to avoid contact with Mr. Corbitt. Under these circumstances, no criminal charges are warranted. See generally Notorangelo v. State, 240 A.D.2d 716 (2d Dep’t 1997) (holding that a State Trooper was not negligent in a civil case where the Trooper was responding to a vehicle accident with his emergency lights and sirens on, and his car hit a civilian car that he assumed would move to the right so he could pass, but instead unexpectedly turned left).

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<sup>9</sup> See generally Cabrera, 10 N.Y.3d at 378 (“[O]ur decisions have uniformly looked for some kind of morally blameworthy component to excessive speed in determining criminal negligence; for example, consciously accelerating in the presence of an obvious risk.”).

# Accident Area

Motorcycle GPS Path Data



**Division Vehicle/Motorcycle Fatal Injury Collision  
Amended Report**

**State Route 82  
Town of Washington  
Dutchess County**

**October 14, 2016**

**7:56 PM**



**Troop K  
Collision Reconstruction Unit  
2541 Route 44  
Salt Point, New York 12578  
Telephone (845) 677-7318  
Facsimile (845) 677-7406**

**Prepared by  
Investigator Shannon M. Alpert**

|  |                                       |  |  |
|--|---------------------------------------|--|--|
| NYS Station / Outside Agency<br><b>SP Poughkeepsie</b> |                                       | T/Z/S<br><b>K231</b>                           | Case Number<br><b>0AG 003</b><br>SJS 7190288 |
| Collision Date<br><b>10/14/2016</b>                    | Time of Collision<br><b>7:56 P.M.</b> | C/TV of Collision<br><b>Town of Washington</b> | County<br><b>Dutchess</b>                    |

Location  
**State Route 82 and US Route 44**

Report Type:       Full Report                       Summary Report                       Diagram Report  
                           Supplemental Report                       Amended Report                       No Report / Consultation

Comments:  
Refer to the Crash Data Retrieval Analysis section for Vehicle #2

| <input checked="" type="checkbox"/> Vehicle #1 | <input type="checkbox"/> Bicyclist | <input type="checkbox"/> Pedestrian  | <input checked="" type="checkbox"/> Vehicle #2 | <input type="checkbox"/> Bicyclist | <input type="checkbox"/> Pedestrian  |
|--|------------------------------------|--|--|------------------------------------|--|
| Last, First, MI<br><b>Vetter, Cody J.</b>      | DOB<br>[REDACTED]                  | <input type="checkbox"/> Deceased<br><input checked="" type="checkbox"/> Injured | Last, First, MI<br><b>Corbitt, Warren C.</b>   | DOB<br>[REDACTED]                  | <input checked="" type="checkbox"/> Deceased<br><input type="checkbox"/> Injured |
| Last, First, MI                                | DOB                                | <input type="checkbox"/> Deceased<br><input type="checkbox"/> Injured            | Last, First, MI                                | DOB                                | <input type="checkbox"/> Deceased<br><input type="checkbox"/> Injured            |
| Last, First, MI                                | DOB                                | <input type="checkbox"/> Deceased<br><input type="checkbox"/> Injured            | Last, First, MI                                | DOB                                | <input type="checkbox"/> Deceased<br><input type="checkbox"/> Injured            |
| Last, First, MI                                | DOB                                | <input type="checkbox"/> Deceased<br><input type="checkbox"/> Injured            | Last, First, MI                                | DOB                                | <input type="checkbox"/> Deceased<br><input type="checkbox"/> Injured            |
| Last, First, MI                                | DOB                                | <input type="checkbox"/> Deceased<br><input type="checkbox"/> Injured            | Last, First, MI                                | DOB                                | <input type="checkbox"/> Deceased<br><input type="checkbox"/> Injured            |

**Table of Contents**

| Report Type                         | Section                               | Page(s) | Section             | Page(s) |  |
|-------------------------------------|---------------------------------------|---------|---------------------|---------|--|
| Summary Report                      | INTRODUCTION                          |         | Conspicuity         | --      |  |
|                                     | SUMMARY                               |         | Driver Background   | 9       |  |
|                                     | DIAGRAM(S)<br>Number of Diagrams:     |         | Laboratory Analysis | 8       |  |
| Full Report                         | INTRODUCTION                          | 1-2     | Occupant Kinematics | --      |  |
|                                     | COLLISION SCENE DESCRIPTION           | 2-3     | Witness Statements  | 11-12   |  |
|                                     | COLLISION SCENE EVIDENCE              | 3-4     | Autopsy/Toxicology  | 8       |  |
|                                     | VEHICLE EXAMINATIONS                  | 5-7     |                     |         |  |
|                                     | CRASH DATA RETRIEVAL ANALYSIS         | 9-10    |                     |         |  |
|                                     | INJURY PATTERNS / AUTOPSY             | 8       |                     |         |  |
|                                     | MATHEMATICAL FINDINGS                 | 8       |                     |         |  |
|                                     | SPECIAL TOPICS (WHEN APPLICABLE)      |         |                     |         |  |
|                                     | COLLISION PHASES                      | 7-8     |                     |         |  |
|                                     | MV-104A POLICE ACCIDENT REPORT REVIEW | 10      |                     |         |  |
| CONCLUSIONS / FINDINGS              | 12-13                                 |         |                     |         |  |
| DIAGRAM(S)<br>Number of Diagrams: 3 | 13-15                                 |         |                     |         |  |

|   |                                      |                                    |   |
|---|--------------------------------------|------------------------------------|---|
| Submitted By (Rank & Name)<br><b>Investigator Shannon M. Alpert</b>                | Shield<br><b>1663</b>                | Date Submitted<br><b>3/30/2017</b> | FIU Senior Investigator<br><b>Sr Inv Holtman</b>  |
| Troop CRU / Station<br><b>K/Headquarters</b>  | CRU Case Number<br><b>K2016-1014</b> |                                    | Date  <b>3/30/17</b> |
| 1 <sup>st</sup> Peer Review By<br><b>Investigator Roy Kievit</b>                   | Shield<br><b>5183</b>                | Date Reviewed<br><b>3/30/2017</b>  |   |
| 2 <sup>nd</sup> Peer Review By<br><b>Senior Investigator Michael J. MacIntosh</b>  | Shield<br><b>2903</b>                | Date Reviewed<br><b>3/30/2017</b>  | Date Published  |

## INTRODUCTION:

On October 14, 2016, at approximately 8:10 PM, I, Investigator Shannon Alpert, of the New York State Police Collision Reconstruction Unit (KCRU), was contacted by the Troop K SP Communications section to assist SP Poughkeepsie Patrols with the investigation of a Division Vehicle/Motorcycle fatal injury collision. The collision occurred at the intersection of New York State Route 82 (State Route 82) and US Route 44 (US 44) in the Town of Washington, Dutchess County, New York, at approximately 7:56 PM.

At approximately 8:45 PM, I arrived on scene, which was at the intersection of State Route 82 and US 44. Members of the New York State Police on scene included Major Robert M. Nuzzo, Captains John Ryan, Dominick Chiumento and Kenneth Luttmann, Lieutenant Michael Sumnick, Senior Investigators Michael MacIntosh and Erich Schaffer, Investigators Michael Ramirez and Roy Kievit (KCRU), Zone Sergeant Daniel McMorris, Sergeants Ronald Cardis, Charles Harklerode, Brian Williams and Michael Frontino, Troopers Craig Rose and Peter Maczkiewicz (KCRU) and other members of the Uniform Force and Bureau of Criminal Investigation. Millbrook Fire Department and Rescue Squad also assisted at the scene.

For report clarity, the involved vehicles will be identified as follows:

Vehicle #1: 2016 Ford Police Interceptor SUV, color Blue, bearing New York State Police Plate 2K45, operated by Cody J. Vetter, with a date of

Vehicle #2: 2016 BMW R1200 GS Motorcycle, color Black/Gray, bearing New York registration 33RV64, operated by Warren C. Corbitt, with a

Uninvolved Vehicle: 2008 Ford Mustang, color Gray, bearing New York registration operated by , with a

Trooper Vetter was transported to Vassar Brothers Hospital in Poughkeepsie, New York with non-life threatening injuries. Warren C. Corbitt was pronounced deceased at the scene by Dutchess County Medical Examiner Dennis Chute at 8:43 P.M.

I was advised by Sergeant McMorris that the initial investigation revealed that Vehicle #1 was traveling eastbound on State Route 82/US 44 with emergency lights and siren activated while going to assist the Village of Millbrook Police Department. Vehicle #2 was also traveling

eastbound on State Route 82/US 44 in front of the uninvolved vehicle. As Vehicle #1 and Vehicle #2 approached the intersection with State Route 82/US 44 the vehicles collided with each other.

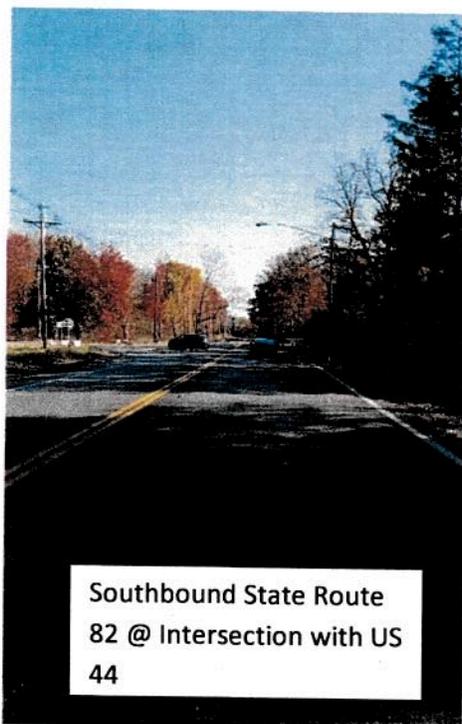
The responding members of SP Poughkeepsie secured the scene. Investigator Kievit secured photographs documenting the scene upon our arrival.

With the assistance of Trooper Maczkiewicz, scene measurements were recorded with a Leica TCRP1205 +R400 Electronic Total Workstation (ETWS), serial number 268315.

The weather at the time of my arrival was partly cloudy, with dry roadway conditions, and the temperature was approximately 42 degrees Fahrenheit. Sergeant McMorris indicated that these conditions were consistent with what he observed upon his arrival.

### **COLLISION SCENE DESCRIPTION:**

New York State Route 82 (State Route 82) and US Route 44 (US 44) run concurrently in the area prior to the collision scene. In the area of the collision, US Route 44 changes direction and travels north creating the eastern intersection of State Route 82 and US 44.



New York State Route 82 (and US 44) was a two-way, two-lane roadway constructed of asphalt that traveled in a general north – south direction. In the area of the collision, however, due to the layout of the roadway and permanent landmarks, State Route 82 travels in a true east – west direction, and will be described as such. State Route 82 travels straight through the intersection. The roadway was divided by double-yellow lane lines, and solid white lane lines in the area of the shoulders. The shoulder of the eastbound lane of State Route 82 measured approximately 1.73 feet in width. The eastbound lane of State Route 82 measured approximately 17.6 feet in width, measured from the middle of the center line to the white fog line. The

shoulder of the westbound lane measured approximately 5.95 feet in width. The westbound lane of State Route 82 measured approximately 12.28 feet in width, measured from the middle of the center line to the white fog line. The overall width of State Route 82 from the edge of the pavement to the edge of pavement measured approximately 40.33 feet in width.

In the area of the collision, US 44 intersects with the westbound lane of State Route 82. US 44 was a two-way, two-lane roadway constructed of asphalt that travels in an east – west direction, but due to the layout of the roadway it travels in a true north – south direction.

All roadway markings were visible and in good condition. In the area of the collision, State Route 82/US 44 had a posted speed limit of 55 miles per hour (MPH). There were no obvious roadway defects or permanent view obstructions that would prevent safe vehicular travel.

### **COLLISION SCENE EVIDENCE:**

On October 14, 2016, I, along with Investigator Kievit and Trooper Maczkiewicz, inspected the collision scene for physical evidence pertinent to the investigation. Evidence was located at the intersection of State Route 82 and US 44. The locations of various items of evidence were photographed and documented. Items of evidence included gouge marks, tire marks, fluid, scrapes, debris from the vehicles, the deceased, furrows, and the involved vehicles.

A reference point was established on a roadway sign off the eastbound lane of State Route 82 and will be labeled RP. All measurements for items of evidence and the associated vehicles will be measured from this point.

The initial area of post impact evidence was located approximately 104.51 feet west of the RP and 3.39 feet north of the center of the roadway. Scrape marks from Vehicle #2 continue from this area and lead to the final resting position of Vehicle #2.

A tire mark from Vehicle #1 started approximately 96.58 feet west of the RP and 5.43 feet north of the centerline of the roadway.

A tire mark from Vehicle #2 was located in the eastbound lane of State Route 82 and started approximately 35.17 feet west of the RP, 5.24 feet south of the centerline and measured approximately 3.59 feet in length.

Two furrows were left on the grassy portion of the north shoulder. The furrows started approximately 47.77 feet and 41.52 feet north of the RP and 22.54 feet north of the centerline of the roadway. The furrows continued for 279.63 feet and 245.53 feet respectively.

As Vehicle #2 slid to its position of final rest, it left a furrow on the dirt portion of the south shoulder approximately 62.31 feet east of the RP and 20.78 feet south of the centerline of the roadway.

A BMW variable top box from Vehicle #2 was located on the eastbound center lane line approximately 21.51 feet north of the RP. The seat from Vehicle #2 was located in the westbound lane of State Route 82 approximately 127.63 feet east of the RP and 5.75 feet north of the centerline.

There were two separate fluid trails in the westbound lane of State Route 82. One started approximately 28.8 feet north of the RP and 1.68 feet north of the centerline and the second started 45.26 feet northeast of the RP and 3.59 feet north of the centerline.

A blood trail was located approximately 42.49 feet northeast of the RP in the westbound lane. It continued on the center lane lines to the operator of Vehicle #2's position of uncontrolled final rest.

The left leg of the operator of Vehicle #2 was amputated during the collision and was located in the eastbound lane of State Route 82 approximately 50.96 feet northeast of the RP and 2.51 feet south of the centerline. The operator of Vehicle #2 was located in the westbound lane of State Route 82, laying supine, at his position of uncontrolled final rest, approximately 67.55 feet northeast of the RP and 3.74 feet north of the centerline, facing west.

The uninvolved vehicle was located in the eastbound lane and south shoulder of State Route 82 approximately 10.10 feet north of the RP and 12.78 feet south of the centerline. This vehicle was at its position of controlled final rest.

Vehicle #2 was located at its position of uncontrolled final rest facing east on the south shoulder of State Route 82 approximately 107.5 feet east of the RP and 21.42 feet south of the centerline.

Vehicle #1 was located at its position of uncontrolled final rest facing east in the westbound lane of State Route 82 approximately 288.76 feet northeast of the RP and 7.64 feet north of the centerline.

**VEHICLE EXAMINATIONS:**Vehicle #1

Registration State: New York  
 NYSP Plate: [REDACTED]  
 VIN: [REDACTED]  
 Year: 2016  
 Make: Ford  
 Model: Police Interceptor SUV  
 Color: Blue  
 Odometer: 794.6  
 Inspection: 11032670 Expires 9/2017



Operator:  
 Cody J. Vetter  
 1220 Washington Ave.  
 Albany, New York 12226

Owner:  
 New York State Police  
 1220 Washington Avenue  
 Albany, New York 12226

There was contact damage to the passenger side front corner, passenger side fender, hood, passenger side headlamp assembly, passenger side front tire and rim, windshield, roof, passenger side mirror and spotlight. Induced damage to Vehicle #1 included the passenger side front door and the interior.

All four tires were Goodyear Eagle RSA size 245/55R18. All tires had a tread depth of 10/32 of an inch. The left front tire was inflated to 30 PSI, both rear tires were inflated 28 PSI. The right front tire was flat due to damage from the collision.

Vehicle #1 was equipped with a lap belt/shoulder harness safety restraint system. The driver side front seat belt was extended and locked. This indicated that the operator was wearing his seat belt at the time of the collision. Vehicle #1 was also equipped with a supplemental safety restraint system comprised of frontal and side-curtain airbags. The driver side front airbag and the passenger side curtain airbag did deploy during this collision.

A check of the supported vehicle database for the Bosch Crash Data Retrieval System determined that this vehicle was supported. On October 14, 2016 Investigator Kievit and Trooper Maczkiewicz conducted an imaging of the Airbag Control Module (ACM) of Vehicle #1, at the scene of the collision utilizing the Crash Data Retrieval Tool 17.0. An analysis of the data obtained will be addressed in this report under Special Topics section: Crash Data Retrieval Analysis.

A search of the National Highway Traffic Safety Administration's recall database revealed no recalls for this vehicle. A search of the Ford recalls indicated there were no current field service actions for this vehicle.<sup>1</sup>

Vehicle #2

Registration State: New York

Registration Number: [REDACTED]

VIN: [REDACTED]

Year: 2016

Make: BMW

Model: R1200GS

Color: Black/Gray

Odometer: Unknown

Inspection Number: 070693

Expires: 7/2017



Owner:

Warren C. Corbitt  
[REDACTED]

Operator:

Warren C. Corbitt  
[REDACTED]

There was contact damage to the left side of Vehicle #2 including the faring, wind screen, left side molding, the variable top box, left side frame and left foot peg. The damage to the left side is from contact with Vehicle #1 and from the roadway as it slid to its position of final rest.

The front tire was a Michelin Anakee III size 120/70R19, with a tread depth of 4/32 of an inch and was inflated to 26 PSI. The rear tire was a Michelin Anakee III size 170/60R17, with a tread depth of 5/32 of an inch and was inflated to 30 PSI.

Operator of Vehicle #2 was wearing a DOT approved Schuberth C3Pro helmet with full face shield with the strap fastened. Mr. Corbitt was also wearing Daytona riding boots, Rukka gloves and jacket and Bohn Body Armor.

A check of the supported vehicle database for the Bosch Crash Data Retrieval System determined that this vehicle was not supported.

<sup>1</sup> NHTSA and Owner.Ford.Com recall databases

A search of the National Highway Traffic Safety Administration's recall database revealed no recalls for this vehicle.

### Uninvolved Vehicle

This vehicle was a 2008 Ford Mustang, color gray, bearing New York registration [REDACTED], being operated by [REDACTED] was following behind Vehicle #2. [REDACTED] was not involved in this collision. There was no contact between [REDACTED] vehicle and Vehicle #1 or Vehicle #2.



## COLLISION PHASES:

Based on the physical evidence, an examination of the vehicles and witness statements<sup>2</sup>, the following describes the collision phases:

### Pre-Impact phase

Vehicle #1 was traveling eastbound on State Route 82/US 44 in emergency operation with emergency lights and siren activated. Vehicle #1 was traveling in the eastbound and westbound lanes attempting to pass the uninvolved vehicle and Vehicle #2. Vehicle #2 was traveling eastbound on State Route 82/US 44. The uninvolved vehicle, being operated by Mrs. Allen, was traveling eastbound on State Route 82/US 44, behind Vehicle #2, and moved towards the shoulder.

### Impact Phase

Vehicle #1 was partially in the eastbound and westbound lanes of State Route 82/US 44, having passed the uninvolved vehicle, when Vehicle #2 moved to the left within the intersection. Vehicle #1 and Vehicle #2 collided north of the center yellow lane line, in the intersection of State Route 82/US 44.

### Post-Impact Phase

Vehicle #1 traveled off the north shoulder, continued eastbound in the grass and re-entered the westbound lane of State Route 82, to its position of controlled final rest, facing east. Vehicle #2 was redirected from the area of impact, east across the eastbound lane of State Route

<sup>2</sup> Refer to Genl 4 Supporting Depositions of [REDACTED], Troopers Sarah Bohlin, Nicole Walther and Craig Rose

82 and onto the south shoulder to its position of uncontrolled final rest, facing east. The uninvolved vehicle pulled to the south shoulder of State Route 82.

### **MATHEMATICAL FINDINGS:**

Based on an interpretation of the physical evidence, a mathematical determination of the minimum speed of Vehicle #2 and the operator of Vehicle #2 was calculated utilizing accepted published collision reconstruction formulas.

For Vehicle #2, measurements were taken from the start of the post impact evidence showing Vehicle #2 was sliding to its position of final rest. Using a range of drag factors for the roadway and a range for the earth shoulder, I determined the speed of Vehicle #2 to be between 48 MPH and 60 MPH.

For the operator of Vehicle #2, measurements were taken from the start of the post impact evidence to his position of final rest. Using a range of take-off angles, I determined the speed of the operator to be between 47 MPH and 57 MPH.

For Vehicle #1, measurements were taken from the start of the post impact evidence, onto the north shoulder, grass and then to Vehicle #1's position of final rest. Using a range of drag factors for the roadway and the grass, I determined the speed for Vehicle #1 was between 79 MPH and 92 MPH.

### **SPECIAL TOPICS:**

#### Injury Patterns/Autopsy/Toxicology:

On October 15, 2015, Doctor Kia K. Newman of the Dutchess County Office of the Medical Examiner, conducted an autopsy on Mr. Warren C. Corbitt. Dr. Newman determined the cause of death to be blunt force injuries. Post mortem toxicology of Mr. Corbitt's blood was positive for caffeine. <sup>3</sup>

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<sup>3</sup> Refer to Office of the Medical Examiner, Dutchess County, Report of Autopsy #DC16-696

Driver Background:

## Vehicle #1

At the time of the collision, Cody J. Vetter, of Albany, NY, possessed a valid New York State NONCDL Class C license which expires on October 18, 2020. There were no restrictions on his license and he also had a tow truck endorsement.

## Vehicle #2

At the time of the collision, Warren C. Corbitt, of Brooklyn, New York, possessed a valid New York Class DM license which expires on November 11, 2018. There was a restriction for corrective lenses on his license.

Crash Data Retrieval Analysis:

## Vehicle #1

Two types of events can be recorded, non-deployment and deployment. A Non-Deployment Event records data but does not deploy the airbag. It contains pre-crash and crash data. The Restraint Control Module (RCM) can store up to two crash events. A Non-Deployment Event can be overwritten by subsequent events. A Deployment Event also contains pre-crash and crash data. Deployment Events cannot be overwritten or cleared by the RCM. Once the RCM has deployed an airbag, the RCM must be replaced.

The RCM of Vehicle #1 recorded the deployment data (first record) from this collision. The RCM stored five seconds of pre-crash data at half second intervals. The RCM also recorded five seconds, at one-tenth of a second intervals of pre-crash data for the Steering Wheel Angle, which indicates the degree of the steering wheel being turned, and in what direction. A positive value indicates left turn and a negative value would indicate a right turn. "Time Zero" or "Event Beginning" of any event is defined as the first Algorithm wake-up during that event. All the Pre-Crash, At Event, Delta V Data, deployment times etc. are relative to "Time Zero".

The ignition cycle of Vehicle #1 at deployment during the First Record was 154 and was 155 at the time of imaging. The Complete File Recorded was yes. The Multi-Event, Number of Events was 1. The Safety Belt Status for the driver was Buckled, and the Safety Belt Status for the passenger was Unbuckled.

The driver pretensioner (retractor) deployment, Time to Fire was 5.5 milliseconds (msec). The driver pretensioner (anchor) deployment, Time to Fire was 10.5 msec. The driver frontal

airbag deployment, Time to First Stage Deployment was 27 msec and the second stage deployment was 38 msec. The passenger right side airbag/curtain airbag deployment, Time to Deploy was 34 msec.

At five seconds<sup>0</sup> prior to time zero, the vehicle speed was 89.5 miles per hour (mph), engine RPM was 2570, with 26.4 accelerator pedal percent, service brake was off and ABS activity was non-engaged. At two seconds prior to time zero, the vehicle speed was 89.8 miles per hour (mph), engine RPM was 2586, with 30.1 accelerator pedal percent, service brake was off and ABS activity was non-engaged. At one second prior to time zero, the vehicle speed was 90.3 miles per hour (mph), engine RPM was 2600, with 29.9 accelerator pedal percent, service brake was off and ABS activity was non-engaged. At 0.5 seconds prior to time zero, the vehicle speed was 87.2 miles per hour (mph), engine RPM was 2468, with 0.0 accelerator pedal percent, service brake was on and ABS activity was non-engaged. At "Time zero", the vehicle speed was 70.8 miles per hour (mph), engine RPM was 2046, with 0.0 accelerator pedal percent, service brake was on and ABS activity was engaged.

The Steering Wheel Angle (in degrees) was recorded from five seconds prior to "Time Zero" and broken up into tenths of a second. From 5.0 seconds to 1.3 seconds before "Time Zero", the steering wheel angle is between -0.1 to -5.1degrees. From 1.2 seconds to "Time Zero" the angles are from 1.7 up to 113.8 degrees. From 0.4 seconds to "Time Zero", there is a hard left turn where the steering wheel angle goes from 74 at 0.4 seconds, 113.8 at 0.3 seconds, 109.6 at 0.2 seconds, 72.7 at 0.1 seconds to 76.3degrees at Time Zero. This indicates a hard left turn of the steering wheel by the operator of Vehicle #1 and impact forces just prior to "Time Zero"

#### Vehicle #2

On March 23, 2017, the Motorrad Navigator V was removed from Vehicle #2 and imaged by Investigator Timothy Milone of Troop K Computer Crimes Unit (KCCU). The data contained date/time, latitude, longitude, and distances between the map points. Using accepted collision reconstruction formulas, an average speed for each segment was calculated. The average speeds for Vehicle #2, between GPS coordinates, ranged between 31 MPH and 57 MPH. The GPS coordinates are approximately from 2541 Route 44 to the collision scene.

#### MV-104A Police Accident Review:

On November 14, 2016, Sergeant Michael A. Frontino completed a Police Accident Report (MV-104A) #SPM2156714R6 which was reviewed and forwarded to DMV.

Witness Statements:

On October 14, 2016 at approximately 9:25 P.M., [REDACTED] stated in sum and substance that I was traveling eastbound on Route 44 in the Town of Washington near the State Police barracks, I noticed a motorcycle in front of me traveling at maybe 40 MPH, very conservatively in the middle of the travel lane. As we approached an intersection I heard the sirens behind me. I looked in my mirror and saw a police car was behind me with his emergency lights on so I slowed down and moved over to the right side of the lane to allow the police car to pass. Before I could get back in the lane I heard additional sirens and observed additional police cars approaching from behind with their emergency lights on. At this point I pulled over onto the shoulder and stopped to allow them to pass. I looked up to see if I could see the emergency and could see the motorcycle was continuing down Route 82 with the lights of the police cars in front of the motorcycle. The motorcycle appeared to be traveling the same as he was previously and had not pulled over to the shoulder. As I was ready to pull back out, I observed another police vehicle with his emergency lights and siren approaching rapidly behind me. I stayed on the shoulder where I had previously stopped, looking ahead waiting for the police car to pass me. When the forth police car passed me, it was a second or two before I heard the sound of a collision and then screeching of tires. I didn't see what happened but it sounded to me like a thud. I saw the police car lights still going and a large object which reflected off my headlights, possibly the motorcycle, appeared to fly through the air and strike a fence on the south shoulder. I then attempted to render aid, I could immediately tell the motorcycle operator was deceased. <sup>4</sup>

On November 12, 2016 Trooper Sarah C. Bohlin stated in sum and substance that on October 14, 2016 at approximately 7:45 P.M., I was working out of SP Poughkeepsie, in marked unit 2K41. I heard a radio transmission for a call from the Village of Millbrook Patrol, 7K250, reporting a person with a knife at the Millbrook High School, near the football fields. 2K45, operated by Trooper Cody Vetter advised that he was enroute to assist the Village of Millbrook Police. I advised SP Communications that I was enroute to assist. I patrolled east on Route 44 with Trooper Nicole Walther in 2K35 and Trooper Craig Rose in 2K36. I had both my lights and siren activated. While responding I approached a silver mustang also traveling eastbound. The mustang was not moving to the right, I changed my siren from a yelp to a wail in an attempt to alert the driver. Just prior to passing the mustang, I observed a motorcycle in front of the mustang and both of these vehicles failed to move to the right. Both of the vehicles maintained their speed and did not attempt to move to the shoulder, causing me to travel east in the westbound lane. As I reached the Franklin Avenue traffic light, I heard 2K45 radio in a File 3. <sup>5</sup>

On November 13, 2016 Trooper Nicole C. Walther, stated in sum and substance that on October 14, 2016 at approximately 7:45 P.M., I was working out of SP Poughkeepsie, in marked

<sup>4</sup> Refer to the Genl 4 supporting deposition of [REDACTED]

<sup>5</sup> Refer to the Genl 4 supporting deposition of Trooper Sarah C. Bohlin

unit 2K35. I heard Millbrook Police Officers report a subject with a knife, who fled into the woods at a high school football game. Millbrook was asking for more units to respond to assist. I left the station traveling east on Route 44 toward Millbrook with my lights and siren on. I was behind Trooper Sarah C. Bohlin in 2K41 and in front of Trooper Craig T. Rose in 2K36. As we were traveling up the hill by Fowler road, I observed a gray mustang also traveling eastbound. I observed the mustang not move over or slow down as Trooper Bohlin began to pass. As I began to pass the mustang, I saw a faint taillight of a motorcycle not far in front of the mustang. The motorcycle maintained its position in the center of the eastbound lane and never gave way as I was passing. By the top of the hill, I returned to my lane and safely continued to the call in Millbrook. <sup>6</sup>

On November 11, 2016 Trooper Craig T. Rose stated in sum and substance that on October 14, 2016 at approximately 7:45 P.M., I was working in marked unit 2K36 and heard a radio report from Millbrook police advising a subject brandished a knife at the Millbrook High School football game who fled into the wooded area. I advised SP Communications via land line that I would be enroute to assist Millbrook PD. Trooper Sarah C. Bohlin in marked unit 2K41 left the station first, followed by Trooper Nicole C. Walther in 2K35 and I was behind her. As we were traveling eastbound on Route 44 passing Fowler Road, I observed a car in the eastbound lane with a motorcycle ahead of the car. As I was passing the car I had my emergency lights activated while using the horn siren. I observed the car move to the shoulder and then observed the motorcycle, which did not slow or attempt to move over. Once I was turning onto Church Street in the Village of Millbrook, I heard a radio transmission from Trooper Cody J. Vetter in 2K45 advising SP Poughkeepsie he was involved in an accident. <sup>7</sup>

### CONCLUSIONS:

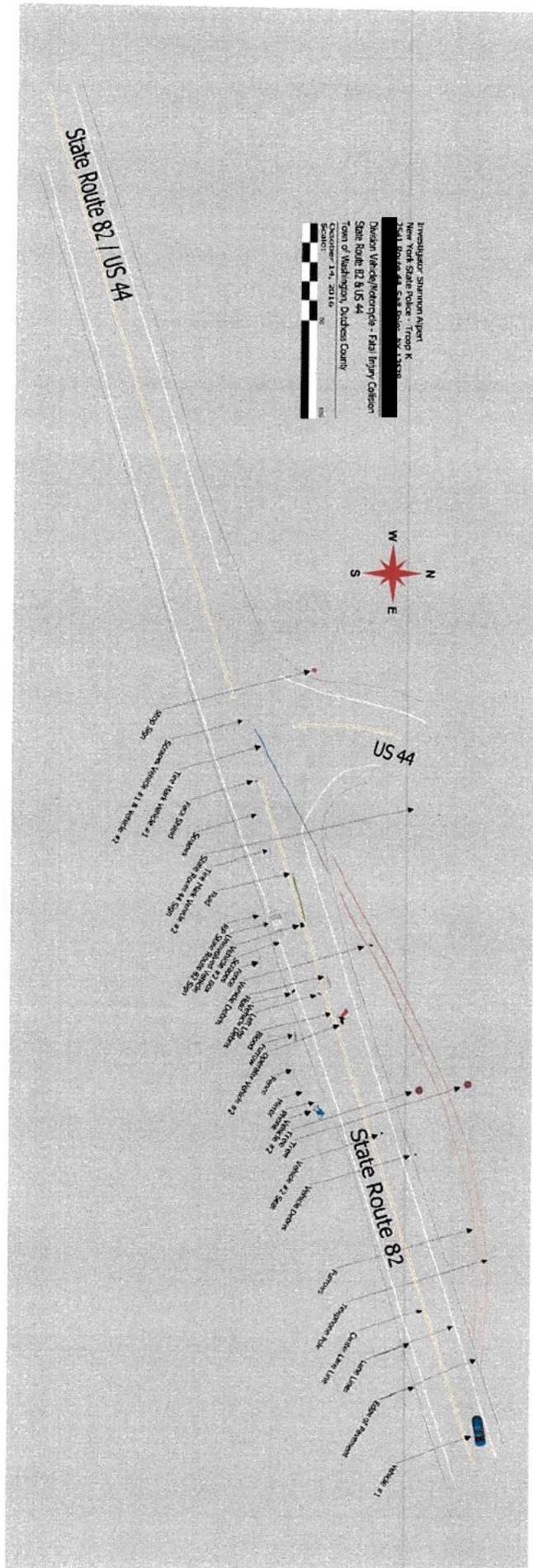
Vehicle #1 was traveling eastbound on State Route 82/US 44 in emergency operation with emergency lights and siren activated, partially in the eastbound and westbound lanes in an effort to pass an uninvolved vehicle and Vehicle #2. Vehicle #2 was traveling eastbound on State Route 82/US 44. An uninvolved vehicle being operated by [REDACTED], was traveling eastbound on State Route 82/US 44, behind Vehicle #2. Vehicle #1 was partially in the eastbound and westbound lanes of State Route 82/US 44, having passed the uninvolved vehicle, when Vehicle #2 moved to the left. Vehicle #1 and Vehicle #2 impacted each other in the intersection of State Route 82/US 44. Vehicle #1 traveled off the north shoulder, continued eastbound in the grass and re-entered the westbound lane of State Route 82, to its position of controlled final rest, facing east. Vehicle #2 was redirected from the area of impact, east across

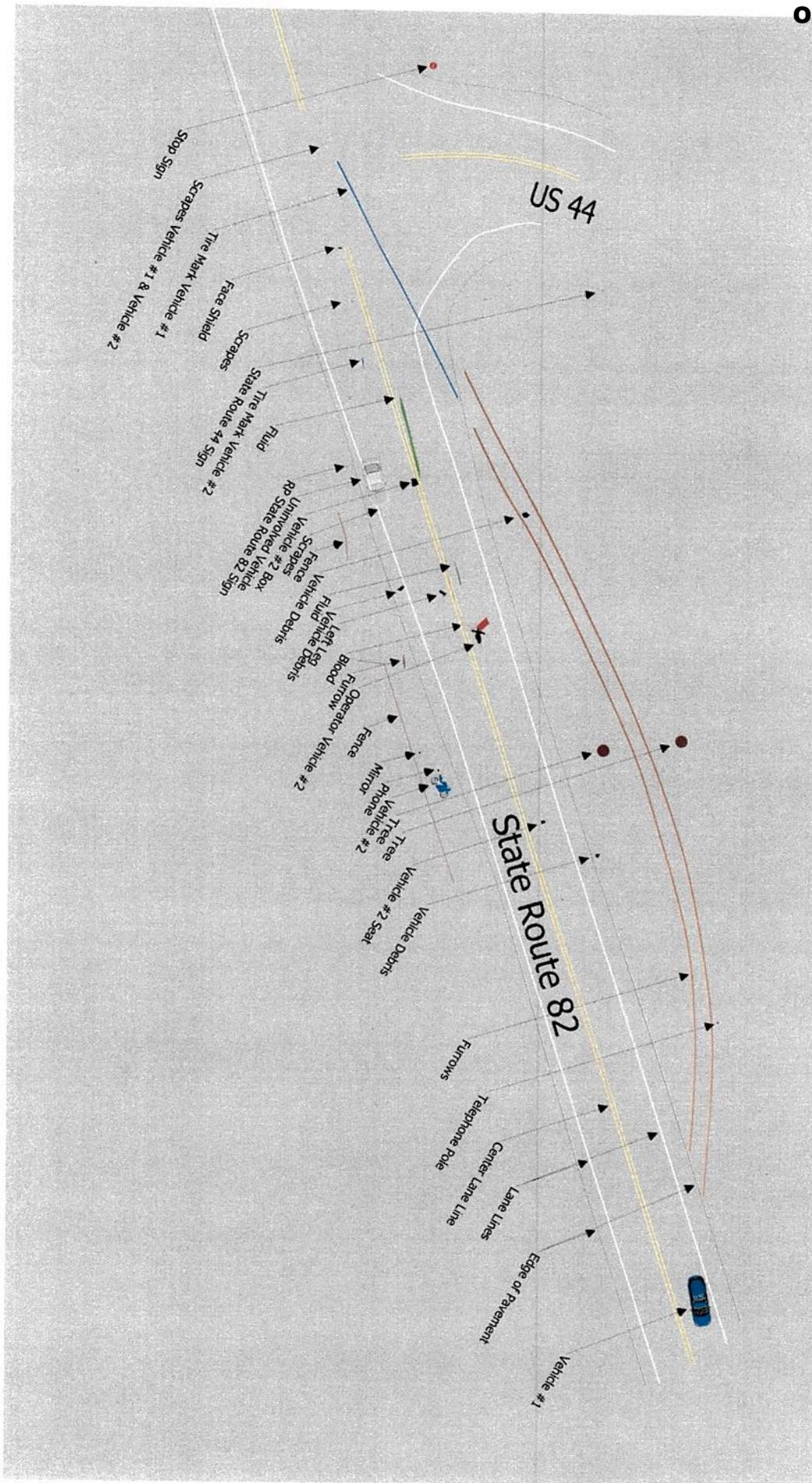
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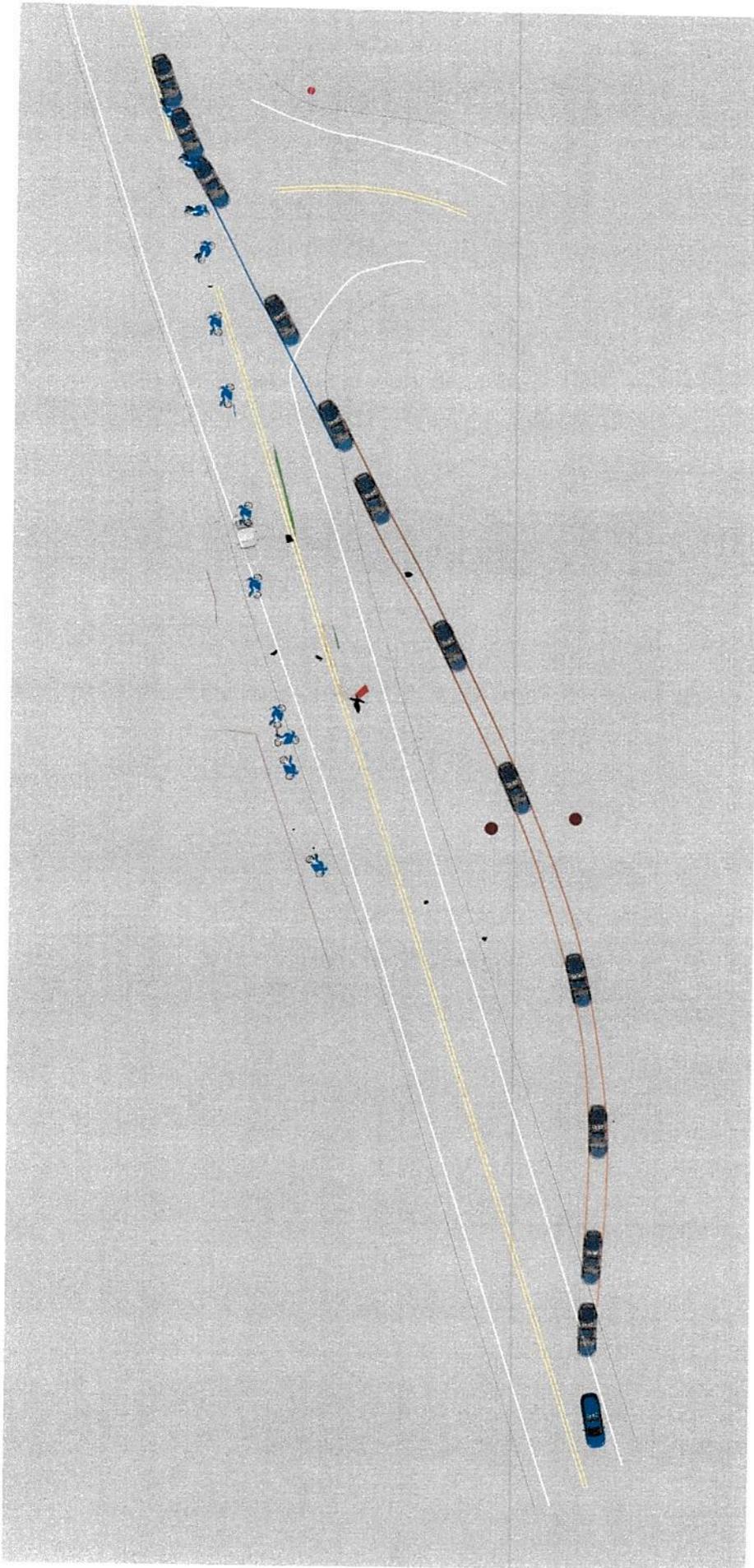
<sup>6</sup> Refer to the Genl 4 supporting deposition of Trooper Nicole C. Walther

<sup>7</sup> Refer to the Genl 4 supporting deposition of Trooper Craig T. Rose

the eastbound lane of State Route 82 and onto the south shoulder to its position of uncontrolled final rest, facing east. The uninvolved vehicle pulled onto the south shoulder of State Route 82.









**OFFICE OF THE MEDICAL EXAMINER  
DUTCHESS COUNTY**



**REPORT OF AUTOPSY**

Name of Deceased: Warren Corbitt

M.E. Case #: DC16-696

Autopsy performed by: Kia Newman, M.D.

Date of Autopsy: 10/15/16

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**FINAL DIAGNOSES**

- I. **BLUNT FORCE INJURIES OF THE HEAD AND NECK:**
    - a. **ABRASIONS; LACERATIONS**
    - b. **SKULL FRACTURES**
    - c. **PONTOMEDULLARY RENT**
    - d. **SUBARACHNOID HEMORRHAGE**
    - e. **VERTEBRAL FRACTURES**
  - II. **BLUNT FORCE INJURIES OF THE TORSO:**
    - a. **ABRASIONS; CONTUSIONS; LACERATIONS**
    - b. **RIB FRACTURES, BILATERAL**
      - i. **HEMOTHORACES**
    - c. **VERTEBRAL FRACTURES**
    - d. **INJURIES OF THE AORTA, SPINAL CORD, LUNGS AND SPLEEN**
    - e. **PELVIC FRACTURES**
  - III. **BLUNT FORCE INJURIES OF THE EXTREMITIES:**
    - a. **ABRASIONS; CONTUSIONS**
    - b. **AVULSION INJURY**
    - c. **LONG BONE FRACTURES**
    - d. **TRAUMATIC AMPUTATION, LEFT LOWER EXTREMITY**
  - IV. **ATHEROSCLEROTIC CARDIOVASCULAR DISEASE:**
    - a. **ATHEROSCLEROSIS OF THE CORONARY ARTERIES AND AORTA, FOCAL, MODERATE**
  - V. **POSTMORTEM TOXICOLOGY RESULTS:**
    - a. **CAFFEINE (peripheral blood): POSITIVE**
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DC16-696

Warren Corbitt

2

**CAUSE OF DEATH: BLUNT FORCE INJURIES**

**MANNER OF DEATH: ACCIDENT**

DC16-696

Warren Corbitt

3

**OFFICE OF THE MEDICAL EXAMINER  
DUTCHESS COUNTY  
REPORT OF AUTOPSY**

**M.E. CASE NO. DC16-696**

I hereby certify that I, **Kia K. Newman, M.D.**, Dutchess County Deputy Medical Examiner, performed an autopsy on the body identified as *Warren Corbitt* on the 15<sup>th</sup> day of October of 2016, commencing at 8 AM, at the Dutchess County Medical Examiner's Office, in the presence of Investigator Karen Shaw and Investigator Shannon Alpert of the New York State Police and Ms. Marilyn Bence of the Medical Examiner's Office who assisted with the autopsy.

**EXTERNAL EXAMINATION:**

The body is received in the supine position in a white plastic body bag. The body is that of a normally developed, well-nourished Caucasian, approximately 6'0", approximately 183 lbs (BMI: 24.8), man who appears the reported age of 45 years. The straight brown with flecks of grey scalp hair is approximately 3-1/2" over the crown. There is slight facial hair stubble. The irides are green. The corneae are clear. The sclerae are anicteric. The conjunctivae have no congestion, hemorrhage or conjunctival petechiae. The teeth appear natural and are in good condition. The ears and nose are unremarkable. The nose and facial bones are palpably intact. The trachea is midline. The torso is symmetric and the abdomen is flat. The genitalia are those of a circumcised adult male and the testes are in the scrotal sac. The anus is unremarkable. There are multiple blunt force injuries which are described below.

**SCARS/TATTOOS AND OTHER IDENTIFYING FEATURES:**

There are no scars or tattoos identified.

**POSTMORTEM CHANGES:**

There is moderate symmetrical rigor mortis of the upper and lower extremities, neck and jaw. Lividity is pink, blanches with pressure and on the posterior surface of the body except in areas exposed to pressure. The body is cool to the touch.

**CLOTHING AND ACCOMPANYING EFFECTS:**

The decedent is clad in a black Schuberth helmet (there is a defect on the helmet, see photos for additional information), a pair of brown glasses, a black coat, a black glove is on the left hand, a pair of black jeans, a black belt, a pair of black underwear, a pair of black leggings, a long-sleeved grey shirt, a black T-shirt, a pair of green socks, and a pair of black boots. Multiple items were removed from the coat and jeans including: a set of keys and a BMW fob, \$444.30 in U.S. currency, candies, a blue bandanna, multiple credit cards, a social security card, business cards, a check, and 2 medicine bottles (escitalopram 10 mg, 4 tablets, lorazepam 0.5mg, 11 tablets). The clothing and personal items are retained as evidence and released to the New York State police department (Investigator Shannon Alpert).

**THERAPEUTIC PROCEDURES:**

There is no evidence of emergency resuscitation or medical therapy.

**INJURIES (EXTERNAL AND INTERNAL):**

**BLUNT FORCE INJURIES OF THE HEAD AND NECK:**

There is a moderate amount of dried blood on the face; liquid blood emanates from the auditory meatuses and nares. A 1" transverse gaping laceration is on the left side of the occipital region of the head. A 1 x 1/2" irregular red abrasion is on the chin. A 3/4" linear depression is on the medial aspect of the forehead. On internal examination, there is patchy diffuse subarachnoid hemorrhage over the cerebral convexities and transection of the brainstem at the pontomedullary junction with surrounding, approximately 10ml of blood clot. A base of skull ring

DC16-696

Warren Corbitt

4

fracture involves the sella turcica, petrous ridges and the occipital bone; the fracture surrounds the foramen magnum. In addition, the basilar skull has multiple linear contiguous fractures of the middle cranial fossa. There are multiple comminuted fractures of the 5<sup>th</sup> and 6<sup>th</sup> cervical vertebra; there is associated softening of the spinal cord.

**BLUNT FORCE INJURIES OF THE TORSO:**

A 28 x 18" irregular area of orange-yellow brush type abrasion is on the lower quadrants of the abdomen. A 3 x 1-1/2" yellow-brown stretch-type abrasion is on the right lower quadrant of the abdomen. A 1" slightly oblique linear laceration is on the upper aspect of the left side of the back. A 3x 1" irregular red-orange abrasion is on the medial aspect of the left side of the back. On internal examination the lateral and posterior aspects of the left 1<sup>st</sup> through 10<sup>th</sup> ribs are fractured; the posterior aspects of the right 1<sup>st</sup> through 3<sup>rd</sup> and 5<sup>th</sup> through 12<sup>th</sup> ribs are fractured; the lungs are bilaterally atelectatic and hemorrhagic; the posterior surface of the upper and lower lobes of the left lung are lacerated, a 1/2 x 1/4" area of hemorrhage is on the epicardial surface of the apex of the heart, approximately 30 ml of liquid blood is in the right pleural cavity; approximately 40mL of liquid blood is in the left pleural cavity; 30 ml of liquid blood is in the peritoneal cavity; the mesentery has multiple areas of hemorrhage; the spleen has multiple posterior lacerations; the 8<sup>th</sup> thoracic vertebra is fractured with the proximal segment protruding anteriorly, the spinal cord is transected and epidural hemorrhage surrounds the transection; the left ilium has multiple comminuted fractures and there is a diastatic fracture of the symphysis pubis with 1/4" separation.

**BLUNT FORCE INJURIES OF THE EXTREMITIES:**

**Right upper extremity:**

There is marked deformity of the medial aspect of the arm; on internal examination there is a comminuted mid-shaft fracture of the humerus. There are multiple approximately 1/4 x 1/4" irregular red abrasions over the medial phalanges. A 3/4 x 1/2" irregular red-orange abrasion is over the thumb. A 2 x 1-1/2" irregular blue contusion, a 1" linear laceration and a 1/2 x 1/2" irregular red-orange abrasion are on the dorsal aspect of the hand.

**Left lower extremity:**

A 1" linear slightly gaping laceration is on the proximal aspect of the anterior thigh. There is marked deformity of the thigh; on internal examination there is a comminuted fracture of the femur. There is a traumatic below the knee amputation with the tibia and proximal aspect of the gastrocnemius muscle attached to the knee; an avulsion pocket extends from the distal aspect of the amputation to mid-thigh. The amputated lower aspect of the leg has multiple gaping lacerations on its medial aspect; the lacerations range in length from 1/2" to 1". A 2-1/2 x 1-3/4" irregular blue contusion is on the ventral aspect of the foot. A 3 x 2-1/2" blue-red-purple contusion is over the medial malleolus.

**The injuries listed above, having been described once, will not be repeated.**

**INTERNAL EXAMINATION:**

**BODY CAVITIES:**

See "injuries" section. The organs are in their normal situs. The pericardial, pleural and peritoneal cavities are without adhesions. The abdominal wall pannus is 1" thick.

**HEAD:**

See "injuries" section. A biparietal incision is made and the calvarium removed. The brain is 1520 gm. From the convexities, the cerebral hemispheres appear symmetrical without cerebral cortical edema. The base of the brain shows intact cranial nerves I-XII; the Circle of Willis, basilar and vertebral arteries show no atheromatous plaques. Coronal sections of the cerebral hemispheres show an unremarkable cortical ribbon, unremarkable underlying white matter, unremarkable deep central nuclei, unremarkable hippocampi and unremarkable ventricles. Serial sections of the brainstem show normal pigmentation of the substantia nigra and locus ceruleus. Sagittal and parasagittal sections of the cerebellum are unremarkable.

**NECK ORGANS AND CERVICAL SPINE:**

See "injuries" section. The strap muscles are unremarkable. The airway is unobstructed and has a pale tan mucosa with a slight amount of blood. There is no laryngeal edema. The hyoid bone, tracheal and laryngeal cartilages and paratracheal soft tissues are without injury. The tongue is unremarkable.

DC16-696

Warren Corbitt

5

**CARDIOVASCULAR SYSTEM:**

See "injuries" section. The heart is 450 gm. The coronary arteries follow their usual distribution with right dominance. The proximal and mid left anterior coronary artery has approximately 60% to 70% atherosclerotic stenosis. The myocardium is reddish-brown and unremarkable. The left ventricle wall is 1.3cm thick and the right ventricle wall is 0.2 cm thick. The cardiac chambers are normally related and configured. The endocardial surfaces and four cardiac valves are unremarkable. The aorta has slight yellow streaking atherosclerosis. The venae cavae and pulmonary arteries are patent.

**RESPIRATORY SYSTEM:**

See "injuries" section. The right lung is 440 gm and the left lung is 240 gm. The pleural surfaces are smooth and glistening with a slight amount of greenish-black pigment deposition. The pulmonary parenchyma is purple-red, spongy, congested and without consolidations. The intrapulmonary airways are patent and have a smooth tan lining; the blood vessels are unobstructed.

**HEPATOBIILIARY SYSTEM:**

The liver is 1490 gm and has an intact glistening capsule. The brown parenchyma appears unremarkable on cut-section. The gallbladder contains approximately 20 mL of yellowish-green mucoid bile; the mucosa is unremarkable; there are no calculi or sludge.

**GASTROINTESTINAL SYSTEM:**

The esophagus is unremarkable. The gastro-esophageal junction is free of ulcerations. The stomach contains approximately 50 mL of brown fluid; no pills are identified. The gastric and duodenal mucosas are free of ulcerations. The small and large bowels are unremarkable. The appendix is unremarkable. The pancreas is without hemorrhage or fat necrosis.

**HEMATOPOIETIC AND LYMPHATIC SYSTEM:**

See "injuries" section. The spleen is 110 gm and has a slightly wrinkled capsule. The splenic parenchyma is moderately firm and dark purple with indistinct white pulp. There is no apparent lymphadenopathy.

**GENTOURINARY SYSTEM:**

Each kidney is 150 gm. The capsules strip with ease from the underlying smooth tan surfaces. The cortices and medulla are normally related. The pelvises and ureters are unobstructed, and drain into a normally configured urinary bladder containing 40 mL of yellow urine. The prostate gland appears unremarkable.

**ENDOCRINE SYSTEM:**

The pituitary, thyroid and adrenal glands are a normal color, size and consistency.

**MUSCULOSKELETAL SYSTEM:**

The body is symmetric and normally developed. Hernias are not identified.

**EVIDENCE:**

The clothing and personal items are retained as evidence and released to the New York State police department (Investigator Shannon Alport).

**POSTMORTEM TOXICOLOGY:**

Samples of peripheral blood and urine are submitted for testing.  
Samples retained include heart blood, stomach contents, liver and vitreous humor.

**MICROSCOPIC EXAMINATION:**

A total of 1 cassette (heart, lung, liver and kidney) is submitted for H&E staining.

DC16-696

Warren Corbitt

6

**PHOTOGRAPHY:**

Photographs are taken.

**Microscopic Examination:**

**Heart:** Sections show slightly increased perivascular fibrosis and vascular congestion. The left anterior descending coronary artery shows a moderate degree of luminal stenosis due to atheromatous plaque with myo-intimal hyperplasia, cholesterol deposition, calcification and mild chronic inflammation.

**Lungs:** Sections show marked vascular congestion and intra-alveolar hemorrhage, foci of intra-parenchymal pigment deposition, a slight amount of intra-alveolar pink proteinaceous debris, scattered rare foamy macrophages, and several foci of chronic inflammation.

**Liver:** A section shows slight macrosteatosis and focal chronic inflammation of a portal tract.

**Kidney:** The section shows slight glomerulosclerosis and arteriolosclerosis. There are scattered mineralizations.



**Kia K. Newman, M.D.**  
**Dutchess County Deputy Medical**  
**Examiner**

**Date:****Final report: 11/4/2016**