

IN THE DISTRICT COURT OF CHEROKEE COUNTY, KANSAS
SITTING AT COLUMBUS

STATE OF KANSAS

v.

CK-2024-CR-000282

ROCCO HENRY BAZZANO JOSEPH

PROBABLE CAUSE SUPPORTING AFFIDAVIT WITH REDACTIONS

IN THE DISTRICT COURT OF CHEROKEE COUNTY, KANSAS
PROBABLE CAUSE SUPPORTING AFFIDAVIT

KHP Case # 2023008961

STATE OF KANSAS, COUNTY OF CHEROKEE

Trooper Nicholas Reddy, Kansas Highway Patrol, being first
duly sworn on oath, says:

1. The following offense(s) has been committed:

KSA 08-1602(a)(b4): Failure to stop at accident; resulting in death.

The following person or persons are alleged to have committed said offense(s):

NAME: Joseph, Rocco Henry Bazzano
Address: [REDACTED]
D.O.B.: [REDACTED]
Race: White
Sex: Male
Hair: Brown
Eyes: Brown
Height: [REDACTED]
Weight: [REDACTED]

2. This affidavit is based on the following facts:

The following incident occurred on 8/19/2023 within the bounds of Cherokee County, Kansas. The location of the incident is within the investigative jurisdiction of the Kansas Highway Patrol. The location of the incident is also within the prosecutorial jurisdiction of the District Court Cherokee County, Kansas. Trooper Nicholas Reddy affirms to be the affiant officer.

SYNOPSIS:

On August 20th, 2023, at approximately 0922 hours, I arrived at the scene of a vehicle vs. pedestrian, hit and run crash located on K-66 MP 2.9 in Galena, KS. Further investigation revealed that this incident had occurred on August 19th, 2023, at 2324 hours. Vehicle 1 was driving eastbound on K-66 when it struck a pedestrian walking eastbound on K-66. The pedestrian was found deceased in the south side ditch. Vehicle 1 failed to stop at the scene of the crash. Vehicle 1 and its driver were identified and located at a later date. This report details the investigation of this collision and the investigation, which followed.

OBSERVATIONS:

Upon arriving at the scene, I observed the following:

- *The scene of the collision was located on eastbound K-66 milepost 2.9.
- *The Area of Impact (AOI) was located on the eastbound K-66.
- *Pedestrian 1 was located within the south side ditch of K-66. Pedestrian 1 had already been determined to be deceased prior to my arrival.
- *Cherokee County Sheriff's Deputies, Galena Police Department, Galena Fire Department and Galena EMS were already on scene upon my arrival.

ROADWAY:

K-66 is a five-lane undivided highway with the center lane being a dedicated turn lane. These lanes travel east and west at the location of the collision. The center median is marked by a solid yellow line on the outside, with a broken yellow line on the inside. The center median itself also has turn arrows marked onto the surface, denoting that the median is for turning. The two eastbound lanes are marked by a broken white line down the middle. There is a solid white line on the south edge of the outside lane, denoting the beginning of the shoulder. The westbound lanes are marked by a broken white line down the middle. There is a solid white line on the north edge of the outside lane, denoting the beginning of the shoulder. The roadway at this location is made of asphalt which is straight and level at this location.

ROADWAY CONDITIONS:

At the time of the collision, K-66 was dry. There was no signs of debris or other obstructions that were not a result of the collision.

WEATHER CONDITIONS:

On August 19th, 2023, at the time of the incident, there were no adverse weather conditions. According to weather condition history, conditions for this day and time were 80 degrees Fahrenheit with fair skies and south winds at 7 mph.

LIGHTING CONDITIONS:

The collision sight was dark with no supplemental lighting in the area.

SIGHT DISTANCE:

When traveling westbound on K-66 at the collision location, the roadway is straight and level, with a line of sight of approximately 1.5 miles. When traveling eastbound on K-66 at the collision location, the roadway is straight and level, with a line of sight of approximately one mile.

VEHICLES:

Vehicle 1 was a light gray 2020 Ford Raptor bearing Missouri license plate 0FHD88. Vehicle 1 had impact damage to its front passenger side corner. This damage included damage to front bumper, hood, passenger side headlamp assembly, front passenger side fender, and front passenger side wheel well. Vehicle 1 was not originally located at the scene and was located at a later date and seized as evidence.

DRIVER:

Driver 1 was not present at the scene of the crash at the time of the investigation. Driver 1 was later to have been identified as Rocco Henry Bazzano Joseph (DOB [REDACTED]). Driver 1 did not suffer any injuries as a result of the crash.

PEDESTRIAN:

Pedestrian 1, identified as Gary Wayne LaTurner, was found deceased in the south side ditch of K-66 MP 2.9. Upon discovery, LaTurner showed obvious signs of death, with Rigor Mortis already having taken effect at the time of our arrival. LaTurner had died prior to our arrival at an unknown exact time after being struck by Vehicle 1.

EMERGENCY PERSONNEL/ASSIGNMENTS ON SCENE

KANSAS HIGHWAY PATROL

Master Trooper Nicholas Reddy	Lead Investigator/Diagram
Lieutenant Mike O'Hara	Photographs/Assisted w/Vehicle 1 Identification

CHEROKEE COUNTY SHERIFF'S OFFICE

Sheriff David Groves (#1)	Assisted w/Organizing Traffic Control
Deputy Lucas Ross (#17)	Traffic Control
Deputy Diggs Overman (#16)	Traffic Control

GALENA POLICE DEPARTMENT

Chief Billy Charles	Death Notification
Sergeant Corky Hicks	Traffic Control
Officer Machenzie Robinson	Traffic Control

GALENA FIRE DEPARTMENT

Gary Kitch	Firefighter
Justin Ferguson	Firefighter

Matt Ratliff Firefighter
Troy Shalenburger Firefighter
JD Parnell Firefighter

GALENA EMS

Elizabeth Curtis Paramedic - Triaged D1 Code Black
James Curtis EMT

CORONER:

Kenny Maxton

ON SCENE ACTIONS:

Upon arrival at the scene, I spoke with other law enforcement personnel on scene. Sergeant Hicks informed me that the pedestrian, identified as Gary Wayne LaTurner, had been hit many hours prior to our response to the scene. Sgt. Hicks reported that LaTurner's body was already stiff with rigor mortis. LaTurner did not have any identification on his person but was recognized by Sgt. Hicks due to multiple prior contacts with him. I was also able to recognize LaTurner based off of a prior contact.

Upon receiving this information, I requested through my dispatch to have KDOT en route to shut down K-66. Cherokee County Sheriff's Office contacted County Coroner Kenny Maxton to be en route to the scene. Lt. O'Hara arrived at the scene shortly after my arrival.

Galena Fire Department assisted in the closing of K-66 and rerouting local traffic around the scene. KDOT was contacted, but never ended up assisting with traffic control due to the delay in response time.

While on scene, I was notified that the Galena Police Department had taken a witness statement from the original reporting party that had discovered LaTurner in the ditch. Reference "Witness Statements" for further information regarding this statement.

Lt. O'Hara was assigned to photograph the collision scene. These photographs were later provided to me and are attached to this report. While pictures were taken, I completed a diagram of the scene, with Dep. Ross assisting.

Cherokee County Coroner Kenny Maxton arrived on scene at approximately 1020 hours and pronounced LaTurner dead upon arrival. LaTurner was placed in a black body bag which was sealed with an unnumbered seal at the time, due to a numbered seal not being available. LaTurner was removed from the scene by Derfelt's Funeral Home and transported to Frontier

Forensics in Kansas City, KS for autopsy. Once at Derfelt's Funeral Home, the body bag was double sealed by placing another seal on it, this one bearing #6684642.

I then processed and collected all physical evidence located at the scene. Items found were later submitted to our Troop Headquarters Evidence for storage.

PHYSICAL EVIDENCE:

The Area of Impact (AOI) was located on the outside eastbound lane of K-66, near the fog line. The AOI was later discovered through discovery of video of the crash as it took place. This video showed LaTurner walking on the outside lane of eastbound travel, near the fog line at the time of impact. There were no skid marks, or signs of any avoidance maneuver from Vehicle 1, indicating there was no attempt by Driver 1 to avoid the collision. For further information regarding the discovery and investigation of the AOI, refer to "Reconstruction" and "Video Surveillance".

As a result of Vehicle 1 impacting LaTurner, there were two broken off pieces of Vehicle 1's headlamp assembly area that were left behind at the scene. These two pieces, one being a black piece of molded plastic with rubber trim that was a part of the front bumper assembly. The other part was a light gray 2017-2018 Ford F-150 Raptor front right passenger grille trim molding. This piece of grille trim molding had been vinyl wrapped in a light gray vinyl. The original color of the part, as could be seen due to scrapes on this part and vinyl that was peeling, was the factory "ruby red" color. When running the part number for this grille trim molding, it returned showing that the vehicle that this part belonged to would have been manufactured at the factory as "ruby red".

Other smaller debris was also located along the eastbound shoulder, originating from the AOI. Some of this debris was later discovered to have been within the eastbound lane of K-66. This debris had been gradually thrown onto the eastbound shoulder though due to traffic after the crash running over this debris and redepositing it onto the shoulder.

DEATH NOTIFICATION:

Death notification was made while I was still on scene investigating. Death Notification was made by Galena Police Chief Charles to LaTurner's father at 1010 hours. After investigation of the scene was completed along with other follow up investigation, I responded to meet with LaTurner's family in Galena, where I spoke with family members. Other relevant information and contact information was then provided to LaTurner's daughters, Devon, and Jennifer, at this time.

WITNESS STATEMENTS:

Witness 1:

Karen Black

After arriving on scene, I was informed that the reporting party who originally called in the crash to Cherokee County Dispatch had left a written witness statement. This witness was no longer on scene, having been released by other law enforcement on scene prior to my arrival. The witness, identified as Karen Black, provided a statement which said:

"I was on my way to Wenger Mfg (when) in Galena when I noticed a backpack, a shoe + some misc stuff on the side of the road. It looked like a blanket laying in the ditch, so I turned around to Realize it was a body. This is so very heartbreaking & I pray the person is found who brought this man's life to an end."

DRIVER 1's 24-HOUR HISTORY

Driver 1, later identified as Rocco Hery Bazzano Joseph, provided an initial statement to Kansas Highway Patrol: Troop A Investigator Nick Irwin on August 21st, 2023. During this interview, Inv. Irwin reported the following:

Joseph stated earlier in the evening of August 19th, 2023, at approximately 1800 hours he went and worked out for about an hour before leaving to go to Chipotle with a friend to eat around 1915-1930 hours. Joseph stated he went back to his home, where he watched the end of the second quarter of the Kansas City Chief's pre-season game. Joseph stated he then went upstairs to play some video games. Joseph stated during playing games he received a phone call from a friend that wanted to hang out. Joseph stated he took a shower and left his residence at approximately 2115 hours and arrived at his friend's house at 2150 hours. Joseph identified his friend as Moni McLaughlin. Joseph stated he just hung out on the couch while McLaughlin studied until approximately 2310 hours. Joseph stated he texted his father at that time, telling him he was on his way home. Joseph stated between Riverton and Galena he hit something but did not know what it was. Joseph stated that he did not see anything when he collided with the pedestrian and that his vehicle did not slow down due to the impact. Joseph stated he called his father who asked if the truck was driving okay. When speaking to his father, Joseph stated that he possibly had hit a deer or other animal. Joseph's father told him to drive it home slowly. Joseph stated when he got to 7th and Schifferdecker Ave. Joseph stated that his father contacted him again and told him to meet at the Casey's General store. This convenience store was identified as the one located at 32nd St. & Shifferdecker Ave. in Joplin, MO.

For further information regarding Investigator Irwin's contact with Rocco, reference Investigator Irwin's Investigative Summary.

PEDESTRIAN 1 24-HOUR HISTORY

Due to the transient nature of LaTurner, not all history within the 24 hours prior to his death was discoverable.

On August 25th, 2023, I was notified through the Cherokee County Sheriff's Office that a woman identified as Katherine Stover (██████████ 1995) was the last person to have had contact with LaTurner just before the crash. On August 26th I was able to contact Stover at her residence in Galena, KS. When speaking to Stover, she told me that LaTurner had just left her residence at 1413 W 7th St., walking towards town at the time of the crash. When asking Stover about his visit, she told me that LaTurner was acting different that night and was not acting like his normal self. Stover said that LaTurner did not talk much at all during the approximate hour that he spent over at the house. Stover said that they had made dinner while LaTurner was there, but that he did not eat dinner with them like he normally did. Prior to leaving the residence, Stover said that they offered LaTurner a ride back to Joplin where he was staying at. She said that LaTurner denied wanting a ride to Joplin, saying that he would rather walk back.

CELL PHONE/VEHICLE DOWNLOAD:

During the initial meeting that Investigator Irwin had contact with Rocco Joseph and his attorney, Rocco's cell phone was obtained and taken into Investigator Irwin's custody. Rocco and his attorney had granted consent to perform a data download on this cell phone.

Within the scope of this download, the GPS data of both cell phone and vehicle were analyzed by Investigator Irwin. This GPS data showed Rocco at McLaughlin's mothers house in Baxter Springs during the time frame that had been provided to us in witness statements. GPS data from both the cell phone and vehicle download showed Rocco leaving McLaughlin's residence at approximately 2314 hours. At this point, both downloads show Rocco traveling towards the scene of the crash, in the direction of his residence in Joplin, MO. At the time of the crash, the cell phone GPS places Rocco within feet of the striking location of the collision. This GPS location also coincided with that of the video obtained from Sterling Manufacturing.

GPS tracking continued to track Rocco's phone and his vehicle on its way from the crash scene to its stopping point at Casey's Convenience Store located at 2764 W 32nd St. in Joplin, MO. The GPS data provided of Rocco's arrival to Casey's also coincided with that of surveillance video obtained from Casey's Convenience store for this same time period. GPS data showed Rocco's stationary presence at Casey's Convenience store for approximately five minutes. After leaving Casey's, GPS data showed Rocco driving to his residence at ██████████. From this point, GPS data from Rocco's vehicle remained stationary, showing Vehicle 1 remaining at the Joseph residence.

When examining the Berla download conducted on Vehicle 1, speed data around the time of the crash is displayed within this report. When examining this data, the following is shown within a large sample of data that was provided:

*8/19/2023 11:22:00 hours: Speeds were recorded at 50.6 mph. When cross referencing this with the subsection "Traffic Signal Event", there is a time stamp on 8/19/2023 at 11:22:05 hours showing that Vehicle 1 passed a speed limit sign displaying a 65 mph speed zone. This would also coincide with Vehicle 1 crossing the Riverton Quick Stop at 23:21:48 hours, which is just prior to entering the 65mph zone on K-66 when exiting Riverton while traveling eastbound.

*Speed data throughout this single minute is recorded for every second, with speeds ranging from the initial 50.6mph and accelerating to 68.1mph

*23:23 hours: Speeds were recorded at 60.7 mph. There is no correlating "Traffic Signal Event" recording for this minute. The highest speed recorded during this minute was 61.9 mph.

*23:24 hours: Speeds were recorded at 55.1 mph. There is no closely correlating "Traffic Signal Event" recording for this minute.

*23:24:46: Speeds were recorded at 52.9 mph.

*23:24:47: Speeds were recorded at 50.4 mph. This is the same timestamp in which Vehicle 1 strikes LaTurner.

*23:24:48: Speeds were recorded at 47.1 mph.

*23:24:49: Speeds were recorded at 43.8 mph.

*23:24:50: Speeds were recorded at 38.9 mph.

*23:24:51 Speeds were recorded at 39 mph.

*23:24:52: Speeds were recorded at 30.5 mph. This coincides with the timestamp from the "Traffic Signal Events" of the same time that Vehicle 1 detected entering into a 50 mph speed zone.

*23:24:53: Speeds were recorded at 45.2 mph.

23:24:54: Speeds were recorded at 48 mph.

23:24:55: Speeds were recorded at 50.4 mph.

23:25:00: Speeds were recorded at 49.8 mph.

23:25:17: "Traffic Signal Events" show a speed limit sign recording of entering into a 35 mph zone. Speeds recorded at this same time were recorded at 43.4 mph.

For further information regarding Investigator Irwin's analysis of the cell phone and vehicle data downloaded, reference Investigator Irwin's Investigative Summary.

RETURN TO SCENE:

While the GPS data for Rocco's vehicle showed that it remained stationary at the Joseph residence, GPS data from Rocco's cell phone showed that it began to track away from the residence on Westberry Sq. When tracking this cell phone GPS data, Investigator Irwin was able to note that the data showed Rocco's cell phone GPS tracking back towards the scene of the crash. When cross referencing this data with that of the Sterling Manufacturing surveillance footage, this data correlates with that discussed in the "Video Surveillance" section discussing the appearance of the Dodge Ram that appears to be that of Rocco's father, John H. Joseph,

bearing many resemblances to what John Joseph drove to the Joplin Casey's at 32nd St & Schifferdecker Ave.

Due to this data obtained and analyzed by Investigator Irwin, phone records for John Joseph were obtained through a search warrant issued by Investigator Irwin. Once obtained, these records were analyzed by Investigator Irwin. This data showed John's phone within feet of Rocco's phone when returning to the scene of the initial crash, showing that John also returned to the crash scene with Rocco.

For further information regarding Investigator Irwin's analysis of the data relating to John's phone records and that of returning to the scene, reference Investigator Irwin's Investigative Summary.

VIDEO SURVEILLANCE:

Riverton Quick Stop:

Video was obtained from the Riverton Quick Stop located at the intersection of K-66 & SE 70th St. prior to the time of the crash. When watching this video, the following occurs:

*23:21:48: Vehicle 1 appears into the video frame, traveling eastbound on K-66 from the area of the K-66 & U-69A roundabout.

*23:21:47: Vehicle 1, in the outside lane of travel, continues eastbound through the intersection of K-66 & SE 70th St. through a green traffic signal.

*23:21:49: Vehicle 1 exits the video frame. When nearing the end of the frame, Vehicle 1 is distinguishable by its ID lamps present the front grille trim along with the tail lamp assemblies, whose lenses wrap partially around the side of the bed. The color of Vehicle 1 can also be distinguished as a light gray/silver in color at this point.

Sterling Manufacturing Co.:

Video surveillance was obtained from Sterling Manufacturing Co. located at 1220 W 7th St., Galena, KS. This video was taken for the entire time period from the time of the crash to the time of the arrival of emergency responders on scene. When examining the video, the following events occurred:

-August 19th, 2023:

*23:24:13: LaTurner first appears into frame of the video. LaTurner is walking eastbound on the far north side of K-66.

*23:24:29: LaTurner crosses K-66, walking south and is now walking eastbound on K-66 on the south side of K-66.

*23:24:39: LaTurner continues walking eastbound, disappearing behind a sign.

*23:24:42: LaTurner re-appears from behind the sign, still walking eastbound on K-66.

***23:24:43:** Headlamp projection from Vehicle 1 begins to appear, indicated by reflection off the Sterling sign in the video.

***23:24:45:** Projection from Vehicle 1's headlamps begin to illuminate LaTurner, LaTurner can be seen still walking eastbound on K-66, now with a walking stick visible.

***23:24:46:** Vehicle 1 first appears into the video frame. Vehicle 1 is again identifiable by its front ID lamps and tail lamp assemblies. Within this same time stamp, Vehicle 1's rear end also becomes visible. Vehicle 1's brake lamps can be seen already activated at this time.

***23:24:46:** LaTurner's person reaches max luminosity from Vehicle 1's headlamps. Due to the luminosity, LaTurner can now be shown as walking near the eastbound shoulder's fog line, but just inside the outside lane of travel of K-66.

***23:24:47:** Vehicle 1 strikes LaTurner. The clear ejection path of LaTurner to his final place of landing is indistinguishable.

***23:24:47-49:** Vehicle 1's passenger side headlamp assembly can be seen dismounting from its properly mounted position. The headlamp then swings back and forth until finally facing downwards.

***23:24:52:** Vehicle 1 exits the frame of the camera, still visibly having brake lamps activated.

-August 20th, 2023:

***00:06:44:** Another pickup truck enters into frame, traveling westbound on K-66. this truck matches that of a Dodge pickup truck that was verified to have been driven by John H. Joseph II (Driver 1's father). This vehicle is readily identifiable due to its ID lamps present in the cowl hood, fog and ID lamps that are on the bottom outside corners of the front bumper, and a headache rack behind the cab of the vehicle that also had ID lamps mounted on top of it. Also, visible as it passes by are the wrap around style tail lamps that expose more of the tail lamp and any lights that are projected therefrom on the side.

***00:06:50:** Pickup truck exits frame view of the camera.

***00:11:24:** Reflection of headlamps on Sterling sign indicates a vehicle traveling eastbound on K-66, out of frame of the video.

***00:11:25:** Reflection of the headlamps suddenly gets significantly brighter, indicating possible activation of high beam headlamps and possible accessory lights.

***00:11:54:** Joseph's vehicle appears back into frame of the video, traveling eastbound on K-66.

***00:11:56:** the pickup truck begins to activate its brake lamps as it travels eastbound.

***00:11:56:** This truck begins to pass in front of Sterling Manufacturing's driveway. The scene of the initial crash is fully illuminated at this point, with debris being made visible upon the eastbound shoulder.

***00:12:08:** Truck begins to exit the frame of vehicle and activates its left turn signal.

***00:12:12:** Truck completes a U-turn on K-66 and begins to travel westbound on K-66 again.

***00:12:23:** Truck begins to pass the area of the initial crash again.

***00:12:28:** Truck exits frame of the video again, still westbound on K-66.

*00:12:32: Although out of camera view, this truck is again visibly making a U-turn on K-66, turning around back eastbound on K-66. This is indicated by the rotational movement of the truck's headlamps across the roadway and other surfaces as the truck turns around, along with re-illumination of the Sterling sign again that did not previously indicate any eastbound traffic on K-66.

*00:12:36: The truck reappears into the video frame again, this time traveling back eastbound on K-66 towards the scene.

*00:12:39: The truck begins to cross in front of Sterling Manufacturing's driveway again. When doing so, it activates its brake lamps and begins to slow. The debris field present on the eastbound shoulder begins to become fully illuminated at this time.

*00:12:41: The truck begins to slowly approach the scene, which is fully illuminated from the truck's headlamps. This truck is now driving on the eastbound shoulder with brake lamps still activated.

*00:12:43: The truck lets off of the brakes and begins to drive on the eastbound shoulder very slowly. At this time, the scene is fully illuminated. The backpack and debris are clearly visible from the view of the camera. LaTurner's body is also visible down in the ditch at this point and is illuminated from light coming from the truck's headlamps.

*00:12:44: The truck suddenly merges back onto the eastbound lanes of K-66, continuing to drive eastbound.

*00:12:59: The truck exits frame of the video.

Celltron Inc.

A surveillance video from the crash was also obtained from Celltron Inc. located at 1110 W 7th St., Galena, KS. This video is dated as August 19th, 2023, at 2336 hours. Although it does list this time, Celltron acknowledged that the time displayed was off by approximately ten minutes. Taking this into account would then cause this video to correlate with the correct time stamp of 2324 hours as seen on Sterling Manufacturing's video. This video from Celltron showed the following:

*Vehicle 1 is already visible in the frame of the video when starting the video. Vehicle 1 is seen traveling eastbound on K-66.

*When driving eastbound on K-66, the camera loses visual of Vehicle 1 due to a sign that is in the ditch on K-66 in front of Celltron. Due to this, an actual image of the impact between Vehicle 1 and LaTurner is not visible.

*When re-appearing into the frame after passing the sign, damage is visible to the passenger side headlamp assembly, consistent with that of Vehicle 1 striking LaTurner.

*Vehicle 1 continues eastbound on K-66 with the passenger headlamp visibly hanging out of its properly mounted position and swinging back and forth, just as in the Sterling Manufacturing Video.

Galena Police Department Surveillance Camera:

Two files of video surveillance video were obtained from a surveillance camera located on K-66 between Chicago St. & Bellevue St. This camera was on the south side of the road and facing north. Galena Police Department advised that the time on this camera was approximately four minutes ahead of the actual time. When reviewing these videos, the following events occurred:

-August 19th, 2023:

*23:31:35: Vehicle 1 appears into the video frame. Vehicle 1 clearly has damage to the passenger side headlamp assembly from striking LaTurner. The headlamp can be seen hanging downwards as Vehicle 1 goes by.

*23:32:37: Vehicle 1 exits the video frame.

-August 20th, 2023:

*00:19:58: Joseph's truck enters the frame of the video.

-This vehicle matches that of the known vehicle that was driven by John Joseph II upon his arrival at the E 32nd St. & Schifferdecker Ave. Caseys at when meeting with Rocco after the crash. The following features are matching features from the video within the surveillance footage and that of the Casey's footage:

-Headlamp shape and positioning along with headlamp projection from the top of the front grille between the headlamps.

-Fog lamps and amber colored ID lamps that are mounted on the bottom outside corners of the front bumper assembly.

-ID marker assemblies present near the bottom corners of the front windshield

-Color

-Sunroof on top of the cab

-Headache rack assembly with ID lamps mounted behind the cab

-Tail lamp shape and positioning

*00:19:59: The truck exits the frame of the video, traveling eastbound in the outside lane of travel.

Galena High School:

When performing area follow up canvassing of the area for any video on August 21st, 2023, I was able to obtain video from a camera on the Galena High School property. This video came from a 360 degree camera present on the property. When reviewing this video, the following occurs:

*23:26:16: Vehicle 1 appears on the left side of the screen and can be seen driving eastbound on K-66 traveling towards Joplin, MO. It is evident that this vehicle in the video is Vehicle 1 due to the passenger side headlamp assembly visibly hanging downward as it goes by.

Caseys: Schifferdecker Ave. & 32nd St., Joplin:

Video surveillance was obtained from the Casey's Convenience Store located at the intersection of Schifferdecker Ave. & 32nd St. in Joplin, MO. When reviewing this video, the following events took place:

*11:36:23: Vehicle 1 appears into frame, traveling southbound on Schifferdecker Ave. Vehicle 1 is identifiable through its ID marker lights in the front grille along with the hanging passenger side headlamp assembly.

*11:36:56: Vehicle 1 appears in frame again, pulling into the Casey's General Store parking lot. Vehicle 1 then pulls into a gas pump in the lot.

*11:37:20: A Dodge pickup pulls into the Casey's parking lot. This truck also pulls into a gas pump that is one stall over and south of where Vehicle 1 pulled into.

*11:37:22: Rocco exits the pickup truck and walks over to the damaged area. Rocco stands near the front passenger side corner, looking at the damaged passenger headlamp assembly. Rocco also looks at the other pickup as it goes by him and pulls up to park.

*11:37:41: The driver of the other pickup, John Joseph, exits the pickup and walks over to Rocco.

*11:38:05: John grabs the hanging headlamp assembly and places it back in its mounted location. John also begins to inspect the damages. John continues to inspect damages to the corner of the truck. John and Rocco then stand in place, seeming to be speaking to one another, discussing the damages. This continues for multiple minutes.

11:41:53: Rocco begins to enter the driver's seat of Vehicle 1, starting the vehicle again. Joseph begins to walk towards the storefront for Casey's.

11:42:01: Rocco begins to pull out of the parking lot, driving Vehicle 1. Rocco exits the same way he came in, using the west side driveway on Schifferdecker Ave.

11:42:13: Joseph disappears from frame, entering the Casey's Store where he purchases items before returning to his truck.

11:42:52: Vehicle 1 is seen driving northbound on Schifferdecker Ave, when it makes a westbound turn onto W 32nd St.

11:47:02: Joseph re-enters the frame, returning to his truck parked at the gas pumps with items purchased from the store.

11:47:31: Joseph begins to leave Casey's, using the west side entrance onto Schifferdecker Ave.

11:48:07: Joseph's truck re-appears into frame, northbound on Schifferdecker Ave. The truck then turns westbound onto W 32nd St.

POST-CRASH RECONSTRUCTION:

On September 6th, 2023, at approximately 2253 to 2318 hours, a reconstruction of the crash was conducted with the assistance of Technical Trooper Powers (Critical Highway Accident Response Team Member) and Master Trooper Bailey. During this reconstruction, there was a two point objective. First, to determine and verify the lane positioning of LaTurner on K-66 at the time that he was struck. Second, to document approximate lighting conditions that would have been

present at the time of the second truck's (John Joseph's truck) arrival at the scene when it arrived on scene on the eastbound shoulder.

In order to reconstruct this, prior to beginning the simulations, I evaluated the video footage that was provided by Sterling Manufacturing Co. of the actual collision between Vehicle 1 and LaTurner. When evaluating this video, landmarks were visible that could be used in reference to the positioning of the video surveillance camera. By using these landmarks in conjunction with the positioning and angle of the surveillance camera, I was able to paint temporary marking dots on the roadway, in different lanes, where LaTurner would have approximately been standing in relation to these landmarks and camera. This created an arch like pattern of dots that started at the following positions:

- 1.) Where the grass line meets the shoulder
- 2.) Within the outside eastbound lane, just beside the fog line
- 3.) Within the inside eastbound lane, directly next to the center line markings
- 4.) Within the center turn median, just beside the south side line markings

When conducting this simulation, TECHTRP Powers was the "pedestrian". A 2020 Ford F-150 was able to be used for this simulation, closely matching that Vehicle 1 in size and dimension. I drove this Ford F-150 for each of the simulated passes in the outside eastbound lane of K-66. Each pass was conducted at 20 mph. For each of these passes for safety purposes, TECHTRP Powers was directed to stand just on the east side of each dot. For each pass, he faced to the east and stood in a mid-stride position, in order to simulate the positioning of LaTurner when he was struck. For this simulation, four total passes were completed, with TECH TRP Powers standing beside one of the dots on each pass, progressing in the order as listed above.

***Pass #1: Grassline/shoulder: Pedestrians legs are visibly breaking the continuous flow of the white fog line when approaching his position with the vehicle.**

***Pass #2: Eastbound lanes fog line: When approaching this position with the vehicle, the pedestrian's body does not break the continuous fog line. The direct contrast of the shoulder and the eastbound lane colorations can be seen, with the transition occurring near the pedestrians' feet. This matches that of the original video of LaTurner being struck.**

***Pass #3: Inside eastbound lane near center line: When passing by the pedestrian's location during this pass, the vehicle clearly obscures the entire pedestrian's silhouette.**

***Pass #4: Center turn median, south side markings: When passing by the pedestrian's location during this pass, the vehicle clearly obscures the entire pedestrian's silhouette.**

In conclusion, when completing these simulation passes, Pass #2 is a closely resembled match of that of the actual video of LaTurner being struck. Based on the actual video of the crash and that of the simulations conducted, LaTurner is determined to have been walking in the outside eastbound lane of K-66, near the fog line at the time of the collision.

Also, while on scene during this simulation, I began to take photographs of the lighting conditions that would have been present at the time of John Joseph's truck arriving on scene and pulling onto the eastbound shoulder. When doing this, I ensured that there was no back lighting present from oncoming vehicles to my rear, with only the headlamps of the F-150 we were using being visible at the time of photographs take. When doing so, I took four photos, starting from the eastbound shoulder of K-66 near the driveway of Sterling Manufacturing Co. and gradually pulling up closer to the scene each time until the approximate area where the truck had momentarily paused before pulling away back onto eastbound K-66.

When taking these photographs, the eastbound shoulder and south side ditch were clearly illuminated by the headlamps of the truck. This would have proven to possibly been even more illuminated by Joseph's truck due to the usage of LED headlamp assemblies in this truck unlike the halogen headlamps present in the truck used for the simulation. When evaluating these photos, it is clear that the shoulder would have been more than sufficiently illuminated enough to see the shoe, backpack, and debris field that was present on the shoulder when they pulled up to the scene. The south side ditch where LaTurner's body was found was also more than sufficiently illuminated enough that those in Joseph's truck would have been able to see LaTurner's body as it laid in the ditch.

CORONER'S REPORT:

Coroner Kenny Maxton responded to the scene, arriving at approximately 1022 hours. Coroner Maxton declared the time of death for Gary LaTurner to be at 0900 hours. Coroner Maxton requested response from Derfelt Funeral Home, who arrived on scene and transported Gary LaTurner from the scene to Frontier Forensics for autopsy.

On September 28th, 2023, I received the autopsy results for Gary LaTurner. These results were dated 08/23/2023, showing that Dr. Christopher Geffre performed the autopsy of Gary LaTurner. These autopsy results showed a positive presence of Methamphetamine (1,000ng), Amphetamine (98ng), and caffeine. Dr. Geffre's statements reflect that LaTurner died of multiple blunt force injuries with the manner of death being an accident.

VEHICLE AUTOPSY:

VEHICLE 1

On August 24th, 2023, I arrived at the Troop A Headquarters in Olathe, KS, where Vehicle 1 was being held in their secured storage. Prior to arriving here, I had obtained the evidence from Tech. Trp. Wagner that I had previously logged, in order to match it to Vehicle 1. When examining Vehicle 1, there were visibly missing parts from the front passenger side headlamp assembly. These missing parts were readily apparent to be the parts that I had submitted as evidence when investigating the scene of the crash.

Prior to matching the parts to Vehicle 1, I took photographs of Vehicle 1 in the condition that it was submitted to us in initially. After taking photographs, I removed the parts that I seized on scene of the crash from their evidence bag and began to match them up to the vehicle. This was also photographed, showing where these parts that I seized matched up to Vehicle 1. The color of the gray part that I had seized also was a perfect color match to that of Vehicle 1. The "ruby red" paint that was visible underneath the scrape's portions of the grille trim molding also matched that of the exposed ruby red factory paint that was visible on Vehicle 1.

For results of vehicle downloads that were performed and the results thereof, reference Investigator Irwin's Investigative summary

CONCLUSION

The investigation into this collision determined that Vehicle 1 was driving eastbound on K-66 when it struck a pedestrian walking eastbound on K-66. The pedestrian was found deceased in the south side ditch. Vehicle 1 failed to stop at the scene of the crash. Vehicle 1 and its driver were identified and located at a later date. The pedestrian was found to be under the influence of an illegal drug at the time of the crash. Driver 1, the only occupant at the time of the crash, and his father later returned to the scene, where they failed to report the crash, leaving again.

DISPOSITION:

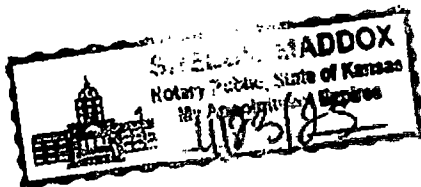
A Probable Cause Affidavit for Rocco Henry Bazzano Joseph has been filed through the Cherokee County Attorney's Office for KSA 08-1602(a)(b4): Failure to stop at accident; resulting in death.

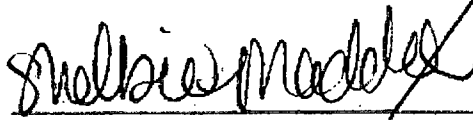
I sign this Affidavit knowing I am sworn to tell the truth, and declare to the best of my knowledge the facts as set out above are true and accurate.



Affiant

SUBSCRIBED AND SWORN to before me this 23 day of, February, 2024





Notary Public