



## **State police probe 2005 fatal crash caused by corporal's stepson**

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ALLENTOWN, Pa. — Three years ago, the stepson of a state police corporal swerved across a highway center line in his truck and collided with a car, killing a mother of three.

State police did not try to determine if the driver was drunk and no charges were filed, though a hospital exam later showed him with a blood-alcohol level above the legal limit, according to a lawyer for the victim's children.

Now, state police confirm that they have reopened an investigation into the 2005 crash, and that an internal affairs probe may also be conducted.

Attorney Mark Tanner won a multimillion-dollar settlement earlier this month in a case against the driver and his company, and is pressing the state attorney general and state police commissioner to examine how the crash investigation was handled.

“Either the investigation that was conducted by state police was extraordinarily inept, or alternatively, this young man got some preferential treatment that I don't think other citizens of this commonwealth would receive,” Tanner told The Associated Press.

Dean O'Halloran, then 22, drove across the center line of a road in Wayne County in April 2005 and slammed into a car driven by Diane Glynn, a single mother of three. She was pronounced dead at the scene.

Wayne County District Attorney Michael Lehotsky told the AP he has seen no evidence of impropriety.

“The information that I received certainly does not back up the conclusion that anyone related to Mr. O'Halloran influenced what was done by the state police in any way,” he said.

But state police spokesman Jack Lewis told the AP that the investigation into the crash is open, and that Tanner's letter has been referred to the state police Internal Affairs Division “for a determination of whether an internal investigation is warranted.”

According to Tanner, O'Halloran called his stepfather, state police Cpl. Michael McTavish, from the scene.

A state police trooper then arrived to investigate the crash but did not conduct a field sobriety test, nor ask O'Halloran to take a breath test or a blood-alcohol test, Tanner said.

"Luckily, hospital personnel themselves requested blood-alcohol testing on Mr. O'Halloran," Tanner wrote in a Feb. 21 letter to Attorney General Tom Corbett, state police commissioner Col. Jeffrey Miller and Lehutsky.

The test revealed that O'Halloran's blood-alcohol level more than two hours after the accident was above 0.08, the legal limit for driving, Tanner said.

Lehutsky, the district attorney, said police had lacked probable cause to ask O'Halloran for a blood-alcohol test, and that there was simply not enough evidence in 2005 to charge a crime. But he said police would look into the information that Tanner provided.

Police say O'Halloran was also involved in a hit-and-run accident less than three hours before he crashed into Glynn.

Tanner, of Philadelphia, represented Glynn's children in a lawsuit against O'Halloran and his employer at the time, Erie Materials Inc. of Scranton. The case was settled in early February for \$11 million.

McTavish did not immediately respond to a request for comment. O'Halloran's attorney in the civil case did not return a phone call.

The trooper who investigated the crash, Patrick Foy, said in a deposition for the civil case that he believes O'Halloran fell asleep at the wheel. He said he did not order a blood-alcohol test because O'Halloran did not appear drunk, and that medical personnel on the scene also did not indicate any signs of intoxication.

"He was coherent, didn't have an odor of an alcoholic beverage about him, didn't appear to be injured in a major way," he said. "He appeared normal."

In his own deposition, O'Halloran said he could not remember the events leading up to the crash. He said he had only gotten about five hours of sleep the night before and was tired when he woke up.

When asked whether he had been drinking the night before, he invoked his constitutional right against self-incrimination and declined to answer.

McTavish, the state police corporal, accompanied his stepson to a meeting with Foy several months after the crash. Foy, who said he did not know McTavish before the interview, said McTavish indicated that he wanted O'Halloran "to come clean and face the music."

"I took it to mean that he wanted O'Halloran to cooperate, tell the truth, and should there be any prosecution, to just plead guilty," Foy said in his court deposition.

The police commissioner's executive officer called Tanner on Wednesday to let him know that an investigation into the crash remains open, said Lewis, the state police spokesman.

"He also told Tanner that Tanner's letter was being referred to the Internal Affairs Division ... for a determination of whether an internal investigation is warranted," Lewis said via e-mail.

McTavish supervises the state police Computer Crime Task Force, working out of departmental headquarters in Harrisburg. Foy, the crash investigator, retired in October of 2005 after nearly 25 years on the force.

Tanner said he does not know if McTavish called Foy or any other trooper on O'Halloran's behalf. But he said the evidence is clear that the state police investigation into the crash was inadequate.

"Somebody has to stand up for these children who lost their mom and make sure there is some degree of accountability," Tanner said.

According to state police, O'Halloran was involved in a hit-and-run crash with his personal vehicle on Interstate 81 in Lackawanna County less than three hours before he crashed into Glynn. Witnesses said O'Halloran had been driving erratically for at least 10 miles before sideswiping a car.

After that accident, O'Halloran got out, briefly looked at his Chevrolet Blazer and then sped away, police said. It wasn't immediately clear if O'Halloran was charged.

O'Halloran's truck was also spotted weaving back and forth just before the fatal crash, Tanner said.

A police report noting O'Halloran's involvement in both crashes said that the "investigation will remain open pending a determination of county of prosecution."

O'Halloran was charged with drunken driving when he was 18. His license was suspended and he was accepted into a first-time offenders program.