

An Unprosecuted Murder in Lebanon, Pennsylvania

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Non-fiction

A Review of the Case Concerning the Murder of Autumn Grohowski by A Drunk Driver in Lebanon County

By Joseph Wade

She was a pile of blonde hair, white flashy smiles, and bright eyes, wrapped in a small body that barely amounted to one hundred pounds. She had a warm heart that loved stray kittens and dogs, and a soul that did the smallest things which said "I love humanity." I knew her from the time she was a little girl who loved to tag along with her big brother and I to the age she turned nineteen—that tough age in a girl's life when she is still a girl but needs to figure out how to be a woman. We made a promise when we were kids that if she was not married by thirty-five we would get married and I would become an official part of the Grohowski family. Her name was Autumn, her father's name was Kris, and her brother's name was Kevin and they were, are, always will be family to me.

That family is shattered now and only fragments remain. There is no putting that family back together again and the few remnants remaining are my best friend Kevin, his sons, and the many memories living in our hearts like glass splinters reflecting joy and pain, and always pain at the least.

So many memories of the Grohowski's are part of my life, like the time I drove Autumn to work despite her desire to walk. We stopped at a convenient store to get drinks and Autumn came out with her big kiddie smile that only someone balancing on the edge of childhood and adulthood could possess. She bounced into the car and handed me a free sweepstake ticket she also grabbed for herself. I knew there was no chance of winning and never filled it out, but it was small gestures like these that made Autumn so loveable.

I will never forget the time Kris, took us to New York to see the ball drop for the year 2000. Kevin and I just got back from boot camp that year and were only eighteen and still seniors in high school. We were inseparable and did

almost everything together. We even shared family functions like an annual trip to the Grantville fair. The four of us would go to this fair every year after Kevin's son we affectionately referred to as "junior" was born. Kris and Autumn relished their roles as grandpa and aunt to him and they spoiled him with love and attention.

The Grohowski family did not have much and never got many breaks. Tragedy was woven into their lives and often seemed to hang over them like an overcast sky. Kris's upbringing was rough, and his first child died from SIDS. His wife left and became a negligible part of their family. Life was tough for them growing up in a single parent household with no family closer than an hour and a half drive away. Kris did the best he could, and unlike many fathers he was always there for his children. If taking care of his family was not enough, he also was there for his neighbors. One woman I can remember in particular was an elderly lady living next door to them. Kris would often go over and fix things in her house or bring her groceries. This said, the Grohowski's were not saints, but they were good people and struggling to live meaningful lives.

When I lived with Kevin it seemed things might be looking up for the Grohowski's. Autumn was holding down a job, had her own apartment, and was thinking seriously about going to school. She just emerged from a string of teenage troubles that often strike during that precarious time when freedom comes quickly without the warning label that says, "life has a short learning curve, proceed with caution." It was the time of her life that could be compared to a cub in the wild that just got their wobbly legs stable enough to go explore. No one saw the lion in the grass. That lion was death, and it was merciless. Autumn never had a chance, and this beautiful family I loved so much would be permanently devastated, the effects of which acted like a set of dominos.

The events that ravaged this family began with Autumn riding her bike home and Gregory Moyer deciding to drive after drinking according to the docket filed at the Lebanon County courthouse. Autumn was riding her bike in the oncoming traffic lane because she was getting ready to turn. It is easy to assume that she probably thought this was safe because the gates at the railroad crossing just ahead of her were swinging down and the bright red warning lights were flashing flagrantly accompanied by their screaming warning bells. On the other side of the gate was Gregory Moyer in his red Jeep Wrangler—built rugged and adored for its off-road capabilities.

In between the front seats of his vehicle were, "one open can of Michelob Ultra," and "one open can of Keystone Light" according to the Affidavit of Probable Cause filed by Detective Jonathan Hess. In Gregory Moyer was enough alcohol to make him refuse a breathalyzer and blood test despite the mandatory thirty days in jail that normally follow the refusal of these tests. There was also enough alcohol in his system to alter his decision making and recklessly run blatant warning signals and falling railroad gates with no thought processes of what might be on the other side of the road. Unfortunately for the many people it pained, Autumn was there getting ready to make her left turn. She never made that turn, and in fact she never made another voluntary movement after Gregory Moyer ran the railroad gates and

drove over Autumn with his Jeep.

Gregory Moyer, an adult who knowingly drove drunk, hit Autumn so hard that his Jeep Wrangler actually "...hopped or came up into the air" according to the eye-witness testimony of Alex Matos filed by Detective Jonathan Hess in the Affidavit of Probable Cause. It would appear Gregory Moyer never even saw her, or decided to commit a hit and run because he did not stop for another 100 feet. According to the Affidavit of Probable Cause, Matos thought Gregory Moyer was trying to drive away so he knowingly put himself in harm's way by driving his vehicle into Gregory's lane of travel, forcing him to stop. Gregory then ran south and was reported as saying "I gotta get out of here," by Charles Blatt, another eye-witness. Blatt replied by telling him to remain at the scene.

Medics arrived on the scene as Autumn lay there in the cold asphalt street gasping for breath to the sound of a painfully loud train siren and its metal wheels screeching with blood pooling around her to the witness of strangers. These strangers were the last witnesses of her final actions in life as she fought for it desperately with tears and sobs and words that never materialized and never would again. Her petite body broken, and her skull crushed, Autumn died violently spewing blood from her face two days later inside the Hershey Intensive Care Unit in the arms of her father who cradled her gently. He cradled her the same way he did when she first entered the world as his tiny baby girl.

The justice system moved slowly and took over a year to sentence Gregory for his crimes. The charges filed were as follows, Accidents Involving Death or Personal Injury acquitted 5-06-2008, DUI: Gen Imp/Inc of Driving Safely – 1st Off-convicted 5-06-2008, Disregard Railroad Barricade-acquitted 5-06-2008, Careless Driving-convicted 5-06-2008, Careless Driving-Unintentional Death 5-06-2008, Restrictions on Alcoholic Beverages-convicted 5-06-2008, Disobey Railroad Signal, convicted-5-06-2008, Accidents Involving Death Or Personal Injury-acquitted 5-6-2008.

Despite all of the charges listed, Gregory Moyer only went to court on two of those charges. One was Accidents Involving Death or Personal Injury in regards to hit and run. This was not filed as a manslaughter charge or vehicular homicide charge. The second was Driving Under the Influence of Alcohol and carried a sentence of \$1,000-\$5,000 and 72 hours to 6 months in jail, while the previous charge carried a sentence of \$15,000 and 7 years in jail.

Gregory Moyer was sentenced to pay \$1,375 and released for time served after 2 months in jail with the remainder of his four-month sentence to be spent on house arrest. He was allowed to work, but ordered not to drive while under supervision. This was not a plea bargain; this was the strong protective hand of the justice system on Lebanon County. Gregory Moyer is now out driving around and continuing to live his life in liberty and the pursuit of happiness. Autumn Grohowski is dead. Her right to life was violated by this man and deemed paid for by two months in the Lebanon County prison.

Shortly after Gregory's conviction, Kris Grohowski took his own life with a

shotgun despite my pleading for him not to pull the trigger. The Kris I know died with his daughter. He lingered only to put what little heart he had left into writing the courts and news companies about what happened to Autumn and pursue justice for her in any way possible. The justice he sought never came, and when the system failed him he gave up on life. Now his son, a ten-year, two-tour combat veteran of the Pennsylvania Army National Guard is left with the heartache, pain, and loss of the horrible events triggered by Gregory Moyer's actions. Although he must find it hard to believe in the system he swore to defend, he does so anyway, with the honor of an American soldier.

This case leaves one obvious question lingering. Why wasn't Gregory charged with vehicular homicide or vehicular manslaughter? The railroad gates were coming down, the warning lights were flashing, and Autumn Grohowski was on her bicycle quite a distance away from the railroad tracks when she was run over by Gregory's Red Jeep Wrangler.

The estimates put Autumn about 100 feet away from the railroad tracks when she was struck. This means that upon crossing the tracks, Gregory Moyer would have more than 100 feet of travel to see and decide to avoid Autumn. Arnold stated that Autumn did not have a headlight on her vehicle. The police report recorded the time of collision at 2133, so it was dark. It is also known that Autumn was in the wrong lane of travel, riding into oncoming traffic.

An interview of District Attorney Arnold revealed his reasons for not prosecuting Gregory with vehicular homicide or vehicular manslaughter. He said that in order to charge Gregory with these he would need to prove his actions were reckless and that Autumn's death was his fault. He said the fact that Gregory was drunk was not enough reason to charge him with vehicular manslaughter or vehicular homicide. Arnold also said that if the accident reconstruction team could prove Gregory was speeding then he could charge him with more serious charges. Sadly they failed to do that. He said Gregory was not at fault in the accident because Autumn was in his lane. Arnold stated Autumn was the one at fault because she was in the wrong lane. Arnold also said that crossing while the lights were flashing and the gates were coming down was not enough reason to fault Gregory because, "everyone does it."

It is noted that the entire case was harder to prosecute because Gregory refused alcohol testing. This was intelligent on his part because Patrolman Sims noticed his eyes were glassy and bloodshot and his breath smelled like alcohol. There were also two open beer cans between his seats according to his police report.

Many news groups are appalled by the "justice" dealt out by the Lebanon County District Attorney's office. It seems no one agrees with the DA's decision not to prosecute under vehicular homicide or manslaughter with the exception of the DA's office and Gregory's friends and family. I disagree with the District Attorney's office as well and feel that none of his reasons for not prosecuting this case more vigorously are valid.

The first point I would like to make is that Gregory's actions were

reckless—one of the key things the District Attorney needed to prove in order to prosecute a vehicular homicide or manslaughter case in this particular instant.

Gregory's first reckless action was getting behind the wheel of a vehicle while drunk with two open beer cans in between the seats. His disregard for the safety of others continued when he turned the key to his rugged off road vehicle and drove it to the railroad crossing on 4th street. His recklessly flagrant disregard for the people around him continued when he no doubt gunned his vehicle across the railroad tracks after ignoring the flashing red lights that undoubtedly lit up the night sky. He also ignored the loud bells that have sounded the same and meant the same things his entire life, which is "stop, a train is coming." In fact, these signs were going on so long that witnesses say the gates were actually closing as he drove under them. Everything about these actions were reckless, selfish, and endangering to the people around him. Somehow, the District Attorney's office decided differently.

The District Attorney's office thought it was Autumn's fault that she got hit by a drunk driver narrowly missing the closing railroad gates as he barreled down the street and slammed into her about one-hundred feet away. They said it was her fault because she was traveling in the wrong lane without a headlight on her bike. The problem with that is Gregory was not supposed to be in that lane at all. There was not supposed to be any traffic in that lane. Autumn was only in Gregory's lane of travel because he broke the law by running the gate and proceeding to drive into a lane that was temporarily closed to travel. It seems to me that everyone who ever crosses the street in front of closing railroad gates at a safe distance is now fair game for any motorist who decides to dismiss those gates at their leisure.

Arnold stated that if the accident reconstruction team could prove Gregory was speeding, they could have charged him with vehicular manslaughter or homicide. It amazes me that speeding would factor more heavily in the types of charges pressed than disobeying a traffic sign which literally screams its order to stop. It amazes me further that ignoring the most obvious warning signs on the road would not even be factored into the equation that would ultimately decide the fate of Autumn Grohowski's killer.

One more point the District Attorney made was that Autumn did not have a headlight on her bike. A headlight would have made her more visible, but would it have made the difference? There are street lights on 4th Street so it is not dark there. I believe a sober person would have seen Autumn on her bicycle. It is common knowledge that alcohol impairs vision. I remember an alcohol impairment training I went through while serving in the Navy, and they told us that alcohol reduces vision by up to thirty percent and causes tunnel vision. Everyone knows that alcohol reduces the driver's ability to comprehend even the simplest of traffic signs. It also slows down reaction times often resulting in accidents, as in this case.

During my interview Arnold stated "people run gates all the time." Sadly people drive drunk all the time too. It is true that people get behind the wheel of their cars and break the law everyday. Does that absolve them of the consequences of their actions?

It is appalling that Gregory Moyer was not charged with vehicular manslaughter or vehicular homicide. His drinking obviously impaired his judgment and vision. He should not have been behind the wheel that night. The fact that Autumn Grohowski was traveling in the wrong lane without a light on her bicycle would have been of no consequence had Gregory not chosen to ignore the railroad signals and sped up to run the gate—both of which are against the law. If Gregory had not been drunk he would have been able to see a girl on her bike in the lighted street 150 feet away. Had Gregory not driven drunk he may very well have never decided to run the railroad crossing as the gates swung down upon him.

Gregory Moyer made some terrible decisions that night, but he is not responsible for the failure of the Lebanon County Courthouse. The District Attorney's office is responsible for failing the Grohowski family. In failing them they also failed to protect the public they swore to serve upon taking office. In failing to even charge Gregory with vehicular homicide or manslaughter they sent out a message to all the drunks in Lebanon County. That message is that Lebanon could care less about drunk drivers or what carnage they cause so drive, walk, ride, or play at your own risk.

This leaves one very big question. Is DA Arnold the kind of District Attorney we want protecting and representing Lebanon?