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ACCIDENT

Erie officer cleared of careless driving charge in fatal Sept. crash

Tim Hahn
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Key Points

- An Erie police officer found not guilty of careless driving-unintentional death in September fatal accident.
- Shawn Stafford was found guilty of running a red light at West 11th and Sassafras streets in the crash.
- Investigating officer said he believes Stafford was confused by traffic lights at a neighboring intersection.

An Erie police accident investigator believes a city police sergeant was confused by the traffic lights on the next block when his cruiser ran a red light and caused a collision at a downtown intersection Sept. 12, ultimately costing the life of a fellow motorist.

Sgt. Thomas Dunmire Jr. said in referencing his accident report during the summary trial for 55-year-old Shawn Stafford April 7 that his conclusions included his belief that Stafford, driving south on Sassafras Street while responding to a call for backup, was confused by the traffic lights at West 12th Street. Stafford was approaching the intersection of West 11th Street at the time, and he traveled through a red light and collided with a Toyota Prius, according to Dunmire's testimony.

The driver of the Toyota, 41-year-old Matthew Zaborowski, would die of his injuries on Sept. 25, and a homeless man who was standing in the area at the time of the collision was hit by the Toyota and suffered a broken leg.

Dunmire, who is in charge of the Erie Bureau of Police's Accident Investigation Unit, in early February cited Stafford with summary counts of failure to stop at a red signal and careless driving-unintentional death in the crash.

Lawrence Park Township District Judge Lisa Ferrick found Stafford guilty of the red light violation, which carries a $25 fine and court costs, following the April 7 summary trial. But she found Stafford not guilty of the careless driving-unintentional death charge, which if found guilty, carries a $500 fine plus costs and a six-month suspension of driving privileges.

What happened in the accident?

According to police and Dunmire's testimony at the hearing, Stafford left the Erie police station at West Seventh and Peach streets on the morning to Sept. 12 to provide backup to police on another call, and he headed west on West Seventh Street before turning south onto Sassafras Street.

Dunmire said the investigation determined Stafford was traveling nearly 44 mph when his cruiser went through the red light at West 11th Street and collided with Zaborowski's car, which was traveling west on West 11th Street at nearly 32 mph. The area where the crash occurred has 25 mph speed limits.

Zaborowski, whom Dunmire said was not wearing a seat belt, was taken from the accident scene to UPMC Hamot, where he died on the late morning of Sept. 25.

Dunmire said the investigation revealed the police cruiser had its emergency lights activated, but its siren was used intermittently.

More: Erie police officer was cited in fatal crash. Victim's family is upset

Chief Deputy District Attorney Steven Liboski played segments of video from the police cruiser, from Stafford's body-worn camera and from the security camera at a business at the intersection. In the audio with those videos, the cruiser's siren is heard sounding at various points as Stafford headed west on West Seventh Street

and South on Sassafras Street. The last siren blast was heard in the audio about 5 seconds before audio captured sounds of the collision.

Dunmire, in going over his conclusions under questioning by Liboski, noted the cruiser's steady emergency lights and intermittent siren; said speed was not a factor based on Stafford's response to an emergency call; and said he believes Stafford was confused by the traffic signals at West 12th Street. There are more and larger traffic lights at that intersection compared to the lights at West 11th Street, Dunmire said under questioning by Stafford's lawyer, Chad Vilushis.

Dunmire also agreed under questioning by Vilushis that, at the other lighted intersections Stafford passed before reaching West 11th Street that morning, he controlled those intersections appropriately by waiting for crossing vehicles to yield before proceeding.

Vilushis presented testimony from a woman who said she was traveling behind Stafford's police cruiser that morning, and she believed Stafford had the green light when he went into the West 11th Street intersection.

Vilushis argued in seeking the dismissal of the careless driving-unintentional death charge following testimony that, based on some case law, the mere fact that an accident occurred does not prove beyond a reasonable doubt that someone was driving recklessly.

Liboski, in his argument, said Stafford's failure to use an audible signal and his failure to slow down at the West 11th Street intersection were the primary factors in the crash, noting Dunmire's testimony that Stafford had taken precautionary measures at other intersections before the crash occurred.

Erie police have not commented on whether Stafford had faced any disciplinary action through the bureau as a result of the accident, citing personnel matters.

Contact Tim Hahn at thahn@usatodayco.com.