

# *Detailed Crash Investigation Report*



**11-82-000629**

**01/19/2011 @ 1901 hours**

**S/B Mervell Dean Road N/O Beck Road  
Saint Mary's County, Maryland**

***Deceased:***

**Buhrman Kenneth Baird**

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# Investigation

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**A**

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**Date/Time of Collision:** 1/19/2011 @ 1901 hours  
**Local Case Number:** 11-82-000629  
**MAARS Report Number:** 09896664  
**Location of Collision:** S/B Mervell Dean Road N/O Beck Road  
Saint Mary's County, Maryland  
**Barrack Investigator(s):** Trooper First Class Pilkerton #4319  
**Reconstructionist(s):** Trooper First Class Bedell #4888

## ***INTRODUCTION***

On 1/19/2011, at approximately 1901 hours, troopers from the Maryland State Police Leonardtown Barrack were dispatched to respond to a collision in the area of Mervell Dean Road north of Beck Road in Saint Mary's County, Maryland. The collision involved an unmarked police vehicle being operated by an off-duty Maryland State Police trooper, which struck a pedestrian in the roadway. Upon arrival, they found a white 2010 Jeep Grand Cherokee parked at the intersection of Mervell Dean Road and Beck Road. The vehicle had damage to the front of it, extending up onto the hood. Underneath the Jeep was a lawnmower. The body of Buhrman Kenneth Baird was in the roadway north of the Jeep. Emergency Medical Services personnel were already present on the scene and advised that Baird was deceased. Trooper First Class Wesley Price Goldston of the Maryland State Police Automotive Safety Enforcement Division was being attended to by Emergency Medical Services personnel, and identified himself as the operator of the Jeep. Two independent witnesses remained at the scene and gave verbal and written statements to the troopers, which was similar to the statement given by Trooper First Class Goldston. They described Baird walking in the southbound lane of Mervell Dean Road toward traffic in dark colored clothing while pushing a lawnmower. when he then got struck by the white Jeep Grand Cherokee. Due to these factors, a request was made for the assistance of the Crash Team. I was then notified to respond at approximately 1915 hours. I responded to the scene from my residence, and upon my arrival at approximately 2100 hours, I observed the scene was contained by troopers from the barrack and fire department personnel. Mervell Dean Road had been closed for traffic north and south of the collision from the arrival of first responders until I departed the scene later in the morning.

# ***DECEASED***

**Full Name:** Burhman Kenneth Baird  
**Date of Birth:** 09/09/1923  
**Sex:** Male  
**Race:** White  
**Address:** 24350 Old Hollywood Road, Hollywood, Saint Mary's County, Maryland  
**Driver's License Number:** B630101465701  
**State:** Maryland  
**Class:** Identification Only  
**CDL:** No  
**Endorsements:** None  
**Expiration Date:** Not Applicable  
**License Status:** Suspended 10/02/2000 by the Medical Advisory Board  
Suspended 3/11/2004 for failing to attend driver improvement program  
**Restrictions:** None  
**Known Injuries:** The autopsy listed 32 injuries to the head, neck, torso and extremities. The injuries included but were not limited to fracture, dislocation and transection of vertebrae, the fracture of a dozen ribs, a lacerated diaphragm, contusions and lacerations to lobes of the brain, and transection of the esophagus, trachea and aorta (three locations of the aorta).  
**Vehicle/Unit:** Pedestrian  
**Seating Position:** 00 – Not applicable  
**Safety Equipment Available:** 00 – Not applicable  
**Type in Use:** 00 – Not applicable  
**Toxicology:** Negative test results for alcohol and a comprehensive drug test

Burhman Kenneth Baird died at the scene after being struck by a vehicle in motion. An autopsy was conducted on him by Ana Rubio at the Office of the Chief Medical Examiner in Baltimore, Maryland. The autopsy revealed the cause of death was multiple injuries and the manner of death was accidental. The toxicological results were negative for alcohol and a comprehensive drug test.

## *VEHICLE #1*

**Year:** 2010  
**Make:** Jeep  
**Model:** Grand Cherokee  
**Color:** White  
**VIN:** 1J4PR4GK8AC161449  
**Tag Number:** 54529M2  
**State:** Maryland  
**Expiration Date:** 04/2012  
**Inspected by ASED:** Yes  
**Name of ASED Inspector:** Sergeant Mabry  
**Damaged Area(s):** Hood, Grille, Front Bumper, Undercarriage  
**Owner:** State of Maryland, Maryland State Police  
**Address:** 7749 Washington Boulevard, Jessup, Howard County, Maryland  
**Telephone Number:** (410) 486-3101  
**Insurance Company:** Self Insured  
**Policy Number:** Not Applicable  
**Vehicle Removed By:** Tippetts Service Center, 25580 Three Notch Road, Hollywood, Saint Mary's County, Maryland (301) 373-8418  
**Vehicle Removed To:** Maryland State Police Leonardtown Barrack, 23200 Leonard Hall Drive, Leonardtown, Maryland (301) 475-8955



# ***DRIVER***

(Vehicle One)

**Full Name:** Wesley Price Goldston  
**Date of Birth:** 05/21/1977  
**Sex:** Male  
**Race:** White  
**Address:** 27115 Widow Lane, Mechanicsville, Saint Mary's County, Maryland  
**Home Phone:** (301) 373-2905  
**Cell Phone:** (443) 677-9724  
**Driver's License Number:** G432870693384  
**State:** Maryland  
**Class:** C  
**CDL:** No  
**Endorsements:** None  
**Expiration Date:** 05/21/2013  
**License Status:** Valid  
**Restrictions:** None  
**Known Injuries:** None  
**Transported By:** Not transported  
**Transported To:** Not transported  
**Safety Equipment Available:** 32 – Airbags and lap and shoulder seatbelt  
**Type in Use:** 13 – Lap and shoulder seatbelt  
**Impairment:** There was no impairment indicated at the scene, and there was no toxicological tests performed

## **Summary of Statement:**

Goldston spoke to Trooper First Class Pilkerton at the scene, and provided written and verbal statements. A copy of the written statement can be found in tab "D" of this report. In summary, Goldston wrote that he was off duty driving south on Mervell Dean Road north of Beck Road in unmarked Maryland State Police unit 434. He described the area as being dark with no street lights. He then wrote that he struck a pedestrian pushing a lawnmower in the roadway. Goldston slowed his vehicle and stopped it at Beck Road. He then exited his vehicle and checked the welfare of the pedestrian. Contemporaneously, Goldston contacted the operator of the vehicle that was following behind him, although no description of the interaction and the conversation was written in Goldston's statement. Goldston wrote that he had not seen the pedestrian until impact. He then determined that the pedestrian was deceased and notified the Maryland State Police Leonardtown Barrack of the incident by his cellular telephone. On the back of the written statement, Goldston wrote that he was driving 40-45 miles per hour at the time of the collision. He again wrote that he had not seen the pedestrian until impact, and that it was dark with no street lights on. He had not consumed any drugs, alcohol or medication and could not tell if the pedestrian had. Goldston felt the collision could have been avoided if the pedestrian was not in the roadway.

***PASSENGER***

***No passengers***



## ***WITNESS***

**Full Name:** Elizabeth Ann Quade  
**Address:** 27060 Cape Saint Mary's Drive, Mechanicsville, Maryland  
**Home Phone:** (301) 373-4388  
**Work Phone:** (301) 373-2116

### **Summary of Statement:**

Quade provided a written statement at the scene to troopers. A copy of the statement can be found in tab "D" of this report. In summary, Quade was traveling north on Mervell Dean Road, and another vehicle was traveling south in the same area. She then observed something metal in the lane of the oncoming vehicle. The vehicle struck the object, with it becoming lodged under the vehicle. Quade then turned her vehicle around and exited it, intending to see if the operator of the oncoming vehicle was ok and needed assistance. She then located the body on the roadway. She described the object after that as appearing like a shopping cart, and that it was in the center of the southbound lane. She did not know what it was until she had turned around and exited her vehicle. On the back of the written statement, she wrote that the oncoming vehicle was driving "normal speed" and that she was driving 45 miles per hour. The vehicle and object were 50 yards away from her when she first observed it. Quade felt the visibility was good, and dark with some street lights. She could not ascertain if any of the involved people had consumed any drugs, alcohol or medication, and had not taken any her self. She felt that the collision could not have been avoided.

On 4/1/2011, I spoke on the telephone to Quade. She advised me that prior to the collision, she was driving north on Mervell Dean Road near the "old elementary school" at 40 miles per hour. She recalled that as her exact speed, since she had looked down at her speedometer to make sure she was not exceeding the speed limit just seconds prior. Another vehicle, which she later described as a white colored sport utility vehicle, was approaching her from the other side of the roadway. The approaching vehicle seemed to be traveling the same speed as her, was properly in its lane and most likely had the low beam headlights on. Quade could not be certain if they were low or high beam headlights but recalled that there was no abnormal glare that she associated with vehicles approaching with high beam headlamps illuminated. Both headlamps were functioning. She felt that the roadway was dark and not very well lit at night. The weather was clear, with no rain or fog. Quade then observed what she thought was a shopping cart or possibly a bicycle in the center of the southbound lane directly in front of the oncoming vehicle. She could not tell if the object was stationary or moving. She remembered thinking that the driver had to strike it or else drive into her vehicle. She did not see the driver make any steering or braking input. Less than a second after she saw the object, the oncoming vehicle struck it. As that impact occurred, her vehicle was adjacent to the other vehicle. She then looked in her rearview mirror and saw sparks coming from underneath the vehicle. Quade quickly turned around to check the condition of the driver and offer assistance. The other vehicle stopped, and she stopped directly behind the body of Baird. A man, who was the sole occupant of the white sport utility vehicle, exited and began to assess the struck pedestrian. That was the first time Quade realized a pedestrian had been struck in the roadway with the object. The man, Wesley Goldston, did not have any odor of an alcoholic beverage and nothing to suggest any impairment or difficulty. Quade recalled that he was very calm and business like, contrary to her shock of seeing Baird in the roadway. The two determined

that Baird was deceased, and Goldston then called 911 to report everything. Goldston covered the body from the view of the public and placed lit flares around the area to warn other motorists. I then asked Quade if there was anything else that she thought would assist me in my investigation. She told me that once Baird was identified, she was "not shocked" that he had been struck. She and her co-workers often thought and discussed that he would get struck eventually, since he so frequently walked in the center of travel lanes. She recalled that there were several occasions where her coworkers had almost struck Baird, and would then yell through their windows to him to not walking in the roadway. Baird appeared to be incoherent to them. Quade told me they often prayed for his safety when they saw him because of how unsafe his actions were. She thought that his eyesight might have been deteriorating recently, and that was why he was walking on the roadway instead of the shoulder the last approximately six months.

## *WITNESS*

**Full Name:** Charles Smith Eddleman  
**Address:** 920 Parran Road, Saint Leonard, Maryland  
**Home Phone:** (410) 586-8856  
**Cell Phone:** (410) 533-7446

### **Summary of Statement:**

Eddleman provided a written statement to troopers at the scene. A copy can be found in tab "D" of this report. Eddleman wrote that a pedestrian was walking in the center of the travel lane on Beck Road pushing a lawnmower. Eddleman drove around him and sounded his vehicle's horn. Eddleman then parked at the Shyroek Masonic Lodge and watched the pedestrian walking in the center of a travel lane on Mervell Dean Road. An approaching white sport utility vehicle swerved to avoid contacting the pedestrian, as the pedestrian moved toward the shoulder. Another vehicle was driving toward the white sport utility vehicle in the adjacent lane, preventing movement into that lane. Eddleman wrote that it was dark with very limited street lighting, and that the pedestrian was wearing very dark clothing. On the back of the written statement, Eddleman wrote that he was parked and the involved vehicle was driving 40-45 miles per hour. He first observed it when it was 25 feet away from him. Eddleman wrote that the visibility was good but dark, with limited street lights illuminated. He had not consumed any alcohol and had taken medications for cholesterol (Trilipix) and acid reflux (Nexium). He wrote that there was no apparent intoxication from anyone involved in the collision, and that the collision could not have been avoided.

On 4/13/2011, I spoke on the telephone to Charles Eddleman, a witness to the collision. He told me that he was driving to a lodge meeting scheduled to begin 1900 hours the evening of the collision. As he drove along a road intersecting with Mervell Dean Road, he had his low beam headlamps illuminated. He came upon a pedestrian in the roadway pushing a lawnmower. Eddleman recalled having a second or less to react to the pedestrian because of the dark environment and dark clothing's lack of conspicuity. Eddleman was able to drive around the pedestrian and sound his horn at him. He felt that he had narrowly missed striking him, and that the maneuver may have only been possible because he was operating a small sports car designed for greater than normal handling. The pedestrian was in the center of the travel lane, and seemed to be unphased by almost being struck by a vehicle and the loud horn. Eddleman continued to his destination, which was directly across from the area of impact. As he exited his vehicle to put on a jacket, he again observed the pedestrian. The pedestrian was walking northbound in the center of the southbound lane, despite having an improved shoulder available to him. Eddleman then was about to yell out to the pedestrian to get him to move off the roadway to a safer location when he was struck by a vehicle. Eddleman wished to make a correction to his written statement. He initially wrote that the vehicle attempted to steer around the pedestrian, but now felt that there was not enough time to perceive and react to the pedestrian and also no place to steer toward with a vehicle approaching him from the opposite side of the roadway. He thought instead that the impact made it appear that the vehicle swerved. Eddleman could not recall if any of the vehicle's brake lamps were illuminated with the massive amount of sparks coming from under the vehicle. Eddleman said he was bothered by how long it took the vehicle to stop, but felt that it may have been because it took the operator a few seconds to realize what had happened. Eddleman ran into his meeting and asked for someone there to call 911. He then ran out and over to the operator of the

vehicle and the woman who was driving in the lane adjacent to the impact. He identified the male as being the one operating the vehicle that struck the pedestrian. When asked if he was ok, the man replied he was. The operator seemed very reasonable and functioning better than most people in that situation would have. He exhibited no indications of being ill, fatigued, impaired or intoxicated. The only other details Eddleman wished he had added to his statement were that the road was dry and that there was a full moon out.

## ***WITNESS***

**Full Name:** Janine M Oney-Schmih  
**Address:** 27106 Cape Saint Mary's Drive, Mechanicsville, Maryland  
**Home Phone:** (240) 249 - 6483  
**Cell Phone:** (843) 227 - 1303

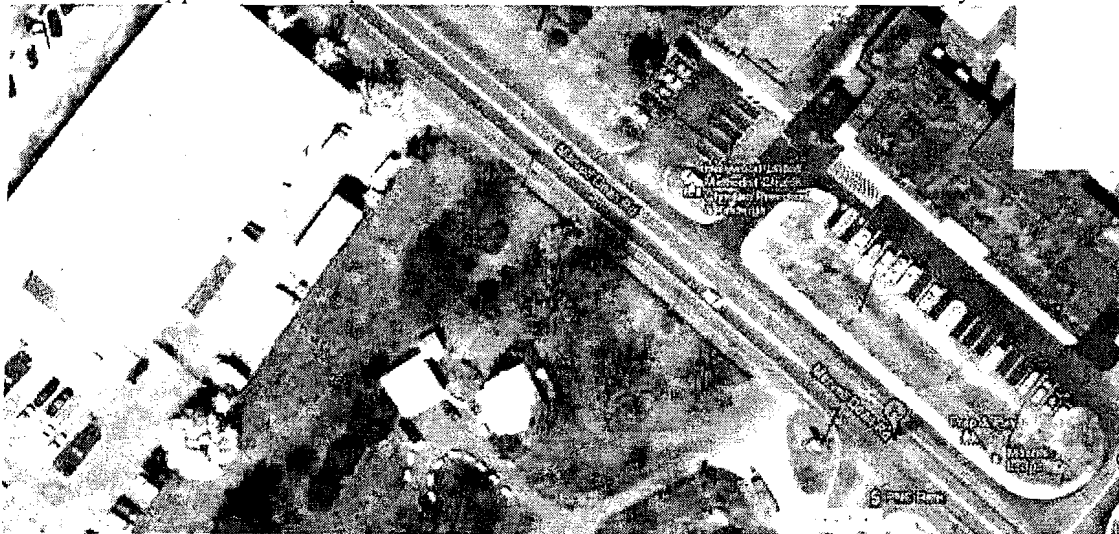
### **Summary of Statement:**

Oney-Schmih provided a written statement to troopers at her residence on 2/3/2011. A copy can be found in tab "D" of this report. Oney-Schmih wrote that she was driving south on Mervell Dean Road prior to 1900 hours. She turned in to a parking lot adjacent to Hollywood United Methodist Church, and then parked in the church's parking lot. She heard a loud noise and looked in her rearview mirror. Oney-Schmih then watched a truck with sparks coming out from underneath the vehicle come to a stop. She wrote that she was not in the parking lot long, and had just turned her ignition off when the event occurred. She also wrote that she had not seen anyone walking in the roadway prior to pulling in to the parking lot. On the back of the written statement, Oney-Schmih wrote that the vehicle was 20-30 feet away from her when she first observed it. It was dark with street lights and lights from buildings illuminated. She had not consumed any intoxicating or impairing substances, and could not tell if anyone involved had. She also felt that the collision could not have been avoided.

On 4/12/2011, I spoke on the telephone to Janine M Oney-Schmih, a witness to the collision. She informed me that just prior to 1900 hours on 1/19/2011, she had turned left into the Hollywood United Methodist Church from Mervell Dean Road. She then parked her vehicle, with the rear of the vehicle facing Mervell Dean Road. Before she turned her engine off, she heard a loud noise which she assumed was a tire "blowing out". She saw in her rearview mirror a vehicle driving with sparks coming from under it. She then turned her head to the side and watched the vehicle come to rest, still with sparks under it as it moved. A person exited the vehicle and looked around with a flashlight. The man then took a blanket out from his vehicle and covered a body in the roadway. Oney-Schmih did not speak with Goldston or anyone else there. She remained in the church parking lot. She recalled that it was "pretty dark" in the area and that she had not seen a pedestrian in the roadway at anytime, even when she was driving on Mervell Dean Road.

## *SCENE IDENTIFICATION*

This collision occurred on Mervell Dean Road approximately 296 feet north of the middle of the intersection with Beck Road, in Saint Mary's County, Maryland. Mervell Dean Road was a two lane undivided asphalt roadway, with one lane of travel northbound and one lane of travel southbound. The northbound and southbound lanes measured 11 feet wide. Improved shoulders were present adjacent to each of those lanes. The shoulder adjacent to the southbound side was over ten feet wide north of the collision, and then reduced to a few feet wide at the intersection with Beck Road. The shoulder adjacent to the northbound side was twelve feet wide. In the area of the collision, there was approximately a 1.5% superelevation present, with the roadway sloping down from the center toward both shoulders. There was an elevation of less than 1% sloping down toward the southbound direction. Solid white edge line pavement markings were present between the travel lanes and the shoulders. Centerline pavement markings were present as two-direction no-passing zone markings from the intersection with Beck Road continuing north past the area of impact. Southbound traffic driving toward the area of impact had 0.4 miles of visibility, and the roadway was straight and level enough to maintain that visibility. That was the direction of travel of the Jeep Grand Cherokee. The northbound direction of travel approaching the area of impact had a maximum of 0.1 miles of visibility. That was the direction of travel of the pedestrian. The speed limit was posted as 40 miles per hour. The weather at the time of investigation was cool and dry. The National Climate Data Center for Patuxent River Naval Airstation, Maryland (closest reporting station), recorded no precipitation for the date of the collision. Visibility was reported as 4.0 miles. Wind speeds averaged 3.1 miles per hour with the fastest sustained speeds at 8.0 miles per hour. The minimum temperature was 33.1° F, the average was 39.9° F and the maximum temperature was 52.0° F. The collision occurred at approximately 1901 hours and the lighting conditions were consistent with nighttime driving. No cloud cover was observed. There were artificial light sources present illuminating the roadway in the form of street lamps along a sidewalk adjacent to the southbound shoulder of Mervell Dean Road and lights from the business on southbound Mervell Dean Road. Approximately 100% of the moon's disc was visible and providing illumination, with the moon full on 1/19/2011 at 1622 hours. Sunset was at 1714 hours, civil twilight ended at 1743 hours, civil twilight began at 0652 hours and sunrise began at 0721 hours, according to the Astronomical Applications Department of the United States Naval Observatory.



# INVESTIGATION

## On-Scene

2 HRS LATER

Upon my arrival on 1/19/2011, at approximately 2100 hours, I observed the scene was contained by troopers from the barrack and fire department personnel. Mervell Dean Road was closed to all traffic north and south of the collision. Trooper First Class Menchey arrived at the same time, and we both parked on the northbound shoulder. I observed a white Jeep Grand Cherokee parked at the intersection of Mervell Dean Road and Beck Road with an object, later discovered to be a lawnmower, underneath it. A body covered in a sheet was north of the Jeep. I made contact with Sergeant Peck, a collision reconstruction specialist assigned to the Maryland State Police Leonardtown Barrack. He informed me that they had obtained written and verbal statements from witnesses as well as Trooper First Class Wesley Goldston, the operator of the involved vehicle. He informed me that Goldston was operating the Jeep Grand Cherokee while off duty, and that the Jeep was an emergency vehicle assigned to him by the Maryland State Police Automotive Safety Enforcement Division, referred to as car 434. Sergeant Peck advised me that Goldston struck the pedestrian while driving south on Mervell Dean Road, and that according to Goldston and witnesses, the pedestrian was in the southbound lane walking toward traffic. Sergeant Peck informed me that they all thought the collision was unavoidable, and that one witness had seen the pedestrian earlier walking in the roadway and sounded his horn at him, noting how dangerous the scenario was. The witnesses were no longer on scene. Trooper First Class Goldston was also no longer present, and Sergeant Peck advised me there was no indication of any drug or alcohol impairment, intoxication or ingestion. I was informed that the pedestrian had been identified as Buhrman Kenneth Baird, and that it was common to see Baird pushing his lawnmower along the roadways with a red plastic "milk crate" mounted to the top of it. Baird could be seen any day of the year and any time of the day like that. After speaking with Sergeant Peck and Lieutenant Thompson, the Barrack Commander for the Leonardtown Barrack, I began to document the scene while Corporal Menchey spoke on the telephone to Greg Shipley, the Public Information Officer for the Maryland State Police.



Vehicle 1 – 2010 Jeep Grand Cherokee

Vehicle one, a 2010 Jeep Grand Cherokee sport utility vehicle, was at a position of final rest in the intersection of Mervell Dean Road and Beck Road, in the southbound lane. The hood was partially ajar.

The plastic grille was still in place, but had several cracks in it. The plastic bumper cover also had a vertical crack under the right side of the end of the grille. That crack appeared to have some blood around it. The hood was deformed along the entire surface with a large impression consistent with striking an upright pedestrian. When the hood was closed, the impression was observed to be approximately 1/3 of the width in from the passenger's side, and extended up toward the cowl of the vehicle. The hood had been shifted up and back, and the leading edge was bent into a "V" shape, with the peak at the center of the impression. The vehicle had no damage to the rear or the sides. A red metal walk behind rotary ("push") lawnmower was lodged under the passenger's side of the vehicle behind the front tire. Next to the lawnmower was a red plastic crate with "Rutter's Dairy" written on the bottom. Inside the damaged crate was orange plastic sheeting. The front passenger's side tire was flat, and the rest of the tires were still inflated. When looking under the hood, I observed that the battery cables had been removed from the battery, instead of being cut as they typically are by members of the fire department. Corporal Menchey informed me that it was intentional on the part of Goldston. As part of the Automotive Safety and Enforcement Division of the Maryland State Police, Goldston was aware of our ability to obtain information from vehicles involved in collisions using a Crash Data Retrieval kit. Goldston made sure that the fire department personnel left the wiring intact to help preserve data and facilitate the collection of it.

I then examined the inside of the vehicle. The shift lever was fully to the rear in a position marked "D" and the keys were still in the ignition. None of the available airbags had deployed. While sitting in the driver's seat, I observed no obstructions of the view directly in front of the driver out of the windshield. On the front passenger's side floorboard, there were several items that appeared to have slid off of the seat during hard braking. There were no obstructions to either the accelerator or brake pedal. I did not observe any damage to vehicle one caused by contact with any vehicles or fixed objects. Vehicle one did not appear to have any defects or alterations not related to the collision. The vehicle was photographed with a digital camera.

I then walked the scene to view any evidence on the roadway. I began at the north end of the scene, starting at the area of impact. In the southbound lane of Mervell Dean Road, adjacent to the white edge line pavement marking, was a circular mark gouged into the pavement, consistent with the size and shape of the lawnmower deck that was still lodged underneath the Jeep. That mark then became linear and continued south as scrape and gouge marks. The marks curved toward the center of the roadway and then back toward the southbound shoulder. There was a brown hat 38 feet from the area of impact on the edge line pavement marking for the southbound side. Adjacent to the scrape and gouge marks, and closer toward the center of the roadway, was a fluid trail approximately one foot wide. The scrape and gouge marks crossed over the edge line pavement marking as they extended south. One hundred fifty six feet from the area of impact flesh and bodily fluids were on the roadway in the center of the scrape and gouge marks, which continued 60 feet to the final rest location of the pedestrian. The scrape and gouge marks continued to the final rest location of the Jeep, for a total of 277 feet. The roadway evidence was then photographed with a digital camera.

Next I examined the body of Buhrman Kenneth Baird, the pedestrian struck and killed. Baird was 221 feet from the area of impact and 56 feet from the final rest location of the Jeep Grand Cherokee that struck him. After the white sheet placed on him by emergency medical technicians was removed, I found him to be lying on his back on the shoulder adjacent to southbound Mervell Dean Road. His right arm was extended out 90° from his body, with the wrist on the white edge line pavement marking. At the wrist, the bones were broken in a compound fracture and the hand was redirected back toward the body, only attached by a small amount of flesh. The hand had significant bruising to it, and possibly burns as well. There was



trauma throughout his head, with it concentrated to the left eye and surrounding eyebrow. His head was turned fully to the left. His left arm extended out 90° from his body, and then the forearm was bent 90° from that, down toward his feet. The right leg extended straight out from his body. The left leg began to extend out from the body, and then at the knee it bent back up toward his body. Baird was wearing a black boot on his right foot, a camouflage boot on his left foot and black pants with a black belt and buckle on his lower body. On his upper body, he wore a dark green t-shirt, covered in a white sweater, covered in a camouflage military shirt, covered in a medium blue winter coat. While Baird lay clothed on the asphalt, I began to observe his lack of conspicuity. The black pants were darker than the surrounding asphalt, but still only clearly discernable because of my extremely close distance and excessive and direct illumination. With his jacket opened up, the white shirt provided excellent contrast with the roadway; however, if the jacket was closed, the black and dark blue coloring of that matched more closely to the roadway than the pants. Baird's relatively light skin tone contrasted with the roadway, and only his head and hands were exposed. It did not appear that any of the clothing had any reflective or retroreflective abilities. When looking southbound on Mervell Dean Road, I did not observe anything which would have contrasted with the dark clothing Baird was wearing.

I then set up an electronic total station to document the collision scene. I operated the station while Corporal Menchey walked the scene using a prism pole to mark the evidence. While we documented the scene, Forensic Investigator Don Cather arrived on scene and conducted his on-scene investigation, under the Office of the Chief Medical Examiner case number 11-547. After speaking with him, he had no further information to add to my investigation. While we finished documenting the scene, Baird was loaded into a vehicle and transported to the Office of the Chief Medical Examiner for an autopsy.

While Corporal Menchey and I loaded equipment back into our vehicles, Tippetts Service Center arrived on the scene and loaded the Jeep Grand Cherokee onto their tow truck. They were able to separate the red metal walk behind rotary ("push") lawnmower from under the vehicle. It was then found to be a Murray brand lawnmower with a 22 inch blade. The lawnmower had significant damage to the wheels and engine. The engine cover was gloss black, and the metal body of the lawnmower was red. The handle and tires were black and the wheels were grey. The Jeep and lawnmower were then towed back to the Maryland State Police Leonardtown Barrack, where they were stored. We then departed the scene for the Leonardtown Barrack, and the roadway was reopened for travel.

### *Post Scene*

Corporal Menchey and I then arrived at the barrack. The Jeep Grand Cherokee was in the parking lot with the Murray lawnmower next to it. Sergeant Peck had followed the vehicle back to the barrack from the collision scene. We then examined the lawnmower. Corporal Menchey turned it on the right side so that we could view underneath it. The blade was wet along four inches at one end for half of the width of it. In the dark liquid were small pieces of flesh. The underside of the body of the lawnmower also had liquid and pieces of flesh that radiated out from the center toward the front left wheel. It appeared that the blade had struck a part of Baird's body and cut into it. Digital photographs were then taken of it.

We then walked in to the barrack and received copies of the paperwork that they had completed. Lieutenant Thompson was there and informed us that Baird did not have any known living family members. He had lived for the last few years in a trailer on someone else's land. Through some personal effects found there, they learned that Baird had served in the military and served in three conflicts/wars. There were writings assumed to be from Baird where he expressed a dislike for the government based on his perceived

treatment from them. None of the writings expressed any suicidal ideas. We then departed the barrack.

On 1/21/2011, I contacted the Maryland State Police Leonardtown Barrack and spoke to the duty officer, Sergeant Jones. I requested that he have a trooper canvas the area of the collision and ascertain if any of the surrounding buildings had any video surveillance which may have captured collision events. Trooper First Class Gresko called me a few hours later and informed me that he had responded to several businesses in response to my request. The Pittsburgh National Corporation (PNC) Bank at 24385 Mervell Dean Road, Hollywood, Maryland, was contacted first. The manager, Beth Ferguson, advised that they had video surveillance and that the camera was focused on the parking lot. She felt that the camera would not have recorded any events on the roadway. Trooper First Class Gresko then went to the Saint Mary's County Adult Day Service at 24400 Mervell Dean Road, Hollywood, Maryland. The activities coordinator, Christina Stark, advised that there was no video surveillance. Trooper First Class Gresko advised that there were no other businesses that would have had video surveillance.

On 1/24/2011, I arrived at the Maryland State Police Leonardtown Barrack, where the Jeep Grand Cherokee was still stored. I then connected a Crash Data Retrieval kit to the vehicle's diagnostic link connector. The software, version 3.5, made three successful passes. The airbag control module had no events recorded. As of the approval of this report, Chrysler vehicles were only known to record deployment events, for which there were none observed. The only information provided was the system configuration at retrieval, which only reported what sensors and restraint systems the vehicle was equipped with.

I then went to the Maryland State Police Motor Vehicle Division garage that was adjacent to the Leonardtown Barrack. I made contact with a mechanic in there and requested all documents there related to the involved Jeep Grand Cherokee. The mechanic provided me with the folder for the vehicle and I made copies of the documents inside. The first was a vehicle maintenance and repair request from 8/18/2010 completed by Goldston. The designation for the 2010 Jeep Grand Cherokee was "434". On that date the vehicle had 4,100 miles and Goldston was requesting the 5,000 mile service. The 5,000 mile service consisted of changing the engine oil and filter, and then inspecting, cleaning and lubricating several items, finishing with a road test to check for any problems. The service was completed 8/18/2010 by a mechanic identified as Dave Kuitowski. He declared on the repair order that he had changed the engine oil and filter, topped off the fluids, inspected the tires, adjusted the air pressure in the tires, inspected the brakes, inspected the lighting and serviced the battery. The next series of paperwork was for the 10,000 mile service, requested and completed on 10/12/2010. The same services were performed, with the addition of inspecting the air intake system. The vehicle's mileage was 9,500 then. The paperwork again listed Goldston as the requestor and Kuitowski as the mechanic.

I then received approved copies of the accident report and all of supplements completed by troopers at the Leonardtown Barrack. The first was from Trooper Wiesemann. It stated that he was dispatched to the collision scene on 1/19/2011 at 1901 hours. He then used his vehicle to block northbound and southbound traffic south of the collision scene. He then used a digital camera to take 14 digital photographs, which were later loaded into the Veripic system from the Leonardtown Barrack. Trooper Wiesemann then conducted traffic control at that location until being relieved at 2330 hours.

The next supplement was from Trooper First Class Pilkerton. He wrote that he responded to the collision scene on 1/19/2011 at 1901 hours, arriving at 1907 hours. He parked his vehicle north of the collision scene in the southbound lane of Mervell Dean Road. Squad 7 of the Hollywood Fire Department, Ambulance 799, and Ambulance 797 of the Hollywood Rescue Squad were already on the scene. The fire

trucks had the roadway shutdown. Trooper First Class Pilkerton then contacted the first responders, who advised him that the pedestrian had succumbed to injuries received during the collision. Chief William Ridgell of the Hollywood Rescue Squad Company #79 declared the death at 1702 hours. Trooper First Class Pilkerton approached the pedestrian and found him to be lying face up in the southbound shoulder of Mervell Dean Road north of Beck Road. He then described the white Jeep vehicle that struck the pedestrian. The Jeep was facing southbound in the southbound lane at the intersection of Mervell Dean Road and Beck Road with damage to the front of it. The operator of the vehicle was identified as Wesley Price Goldston, who was seated in the rear of Ambulance 799. Goldston was being assessed by emergency medical services personnel and advised that he was "okay". Goldston was then provided a Maryland State Police Form 76 Driver/Witness Statement. Two witnesses were located at the scene, Elizabeth Ann Quade and Charles Smith Eddleman. Trooper First Class Pilkerton provided them with a Maryland State Police Form 76 and collected contact information for both of them. The fire and emergency medical services personnel had several previous encounters with the pedestrian, and identified him as Buhrman Kenneth Baird. Trooper First Class Pilkerton then entered Baird's information into the Capital Wireless Integrated Network software installed on his patrol vehicle's computer. The software produced a photograph, which was similar in appearance to the deceased pedestrian. Trooper First Class Pilkerton then assisted with scene and traffic control. He then suspended "crime scene" tape across the roadway and placed lit flares across the roadway north of the collision scene. He then directed traffic until the arrival of the Crash Team members. Trooper First Class Pilkerton and Lieutenant Thompson then responded to Baird's last known address, 24350 Old Hollywood Road, Hollywood, Maryland. Thomas Frederick Gray resided there and was notified of Baird's death at 2144 hours. Gray rented a camping trailer in his front yard to Baird for the last six years and was not aware of any of Baird's living relatives.

On 2/09/2011, I received a copy of supplemental reports submitted by Trooper First Class Gresko, Trooper First Class Pilkerton and Sergeant Peck. The supplement from Trooper First Class Gresko contained all of the information he provided to me on the telephone on 1/21/2011. The supplement from Trooper First Class Pilkerton was regarding his interaction with Janine Martha Oney-Schmih, a witness to the collision. She provided a written statement, which can be found in tab "D" of this report. Oney-Schmih wrote that she was driving south on Mervell Dean Road prior to 1900 hours. She turned in to a parking lot adjacent to Hollywood United Methodist Church, and then parked in the church's parking lot. She heard a loud noise and looked in her rearview mirror. Oney-Schmih then watched a truck with sparks coming out from underneath the vehicle come to a stop. She wrote that she was not in the parking lot long, and had just turned her ignition off when the event occurred. She also wrote that she had not seen anyone walking in the roadway prior to pulling in to the parking lot. On the back of the written statement, Oney-Schmih wrote that the vehicle was 20-30 feet away from her when she first observed it. It was dark with street lights and lights from buildings illuminated. She had not consumed any intoxicating or impairing substances, and could not tell if anyone involved had. She also felt that the collision could not have been avoided.

The next supplement was from Sergeant Peck. He described responding to the collision scene and then following the Tippett's tow truck, driven by Mike Tippett and loaded with the involved Jeep Grand Cherokee, back to the Maryland State Police Leonardtown Barrack. On 1/25/2011, he contacted the Saint Mary's County State's Attorney's Office and obtained a subpoena for the video footage from the automated teller machine of the PNC Bank at 24385 Mervell Dean Road, Hollywood, Maryland. The subpoena was hand delivered to the bank's assistant branch manager, Elizabeth Ferguson, the same day. She informed Sergeant Peck that the footage would be sent directly to him from the corporate headquarters. On 2/03/2011 Sergeant Peck received a compact disc from the PNC Bank, which contained the video footage requested. Paul Reamy of PNC Bank prepared the disc and emailed Sergeant Peck and advised him that from 1850

hours through 1930 hours you could occasionally see lights in the roadway, but there was nothing he could determine to be from the collision. Sergeant Peck had the compact disc included in the paperwork I received. He had previously told me that the file on the compact disc was in a format not compatible with any of the software on the barrack's computers.

On 3/10/2011, I researched the National Highway Traffic Safety Administration website and found four recalls for the 2010 Jeep Grand Cherokee. The first was for passenger side airbags not properly deploying through the instrument panel tear seam, which could result in improper passenger protection during a collision. There were no passengers in the Jeep, and no airbag deployment commands sent. The next was for an improperly formed or missing brake booster input rod retaining clip. The defect could result in brake failure without warning and cause a collision. Goldston made no mention of problems slowing and stopping the vehicle, and there was no evidence of brake failure. The next recall was for an improperly manufactured rear track bar, which could reduce vehicle stability and increase the risk of a collision. This recall did not appear to have been present during the collision, as Goldston appeared to have full control of the vehicle and never communicated any handling problems. The final recall was for a wireless ignition module exhibiting a binding condition of the solenoid latch, which could lead to a condition where the key may be removed from the ignition switch prior to placing the shifter and transmission into park. The defect could result in unintended vehicle movement, increasing the risk of a collision.

Later that day I called Sergeant Peck and requested copies of the recorded telephone calls to the Maryland State Police Leonardtown Barrack for the collision. I also requested a copy of the radio transmissions and radio log from the barrack's computers. Sergeant Peck informed me he would pass my request on to the administrative personnel responsible for those.

On 3/14/2011, Sergeant Peck called me and informed me that while they attempted to create a copy of the recordings, they discovered that their telephone system had not been recording for several months, and so there was nothing to produce for me. He then informed me that Robyn Riddle from the Saint Mary's County State's Attorney's Office was the point of contact there for fatal collisions.

I then called Riddle and requested subpoenas for the paramedic's reports, the telephone calls to the 911 center, the information from the Motor Vehicle Administration about Baird's Medical Advisory Board hearing, and for the cellular telephones Goldston was in possession of. She agreed to complete them and would forward the information to me as she received it.

On 3/24/2011, I contacted the PNC Bank fraud investigation unit and spoke to Tim Stutt. I advised him that the compact disc he provided to Sergeant Peck had an LWX file extension, which none of our computers could play. He then informed me that there was an unknown error. Stutt told me that the compact disc should have contained the video and also software to access it. He informed me that he would prepare another copy that could be accessed and then send it to me.

I then called James Nichols, an attorney from the Byron Warkin law firm that was representing Wesley Goldston. I asked Nichols for a date and time that both he and Goldston would be available to discuss the collision. Nichols then called Goldston and discussed it with him. Nichols then called me back and told me that Goldston would prefer to not speak to me, and instead wait for the administrative questioning to answer inquiries. Nichols stated that if I had specific questions, they would review them and determine if they would provide answers.

I contacted the Maryland State Police Motor Vehicle Division and requested an employee traffic accident report for Wesley Goldston. They then emailed the report to me. Goldston had been involved in a non-preventable collision 8/17/2000 in Maryland State Police vehicle T-27 while working at the Leonardtown Barrack, and a non-preventable collision 10/18/2006 in Maryland State Police vehicle 411 while assigned to the Automotive Safety Enforcement Division.

On 3/25/2011, I emailed James Nichols, Esq., several questions directed toward Wesley Goldston.

On 3/30/2011, I reviewed the laws applicable to pedestrians from the Maryland Transportation Article, Title 21, Subtitle 5 pedestrians' rights and rules. The following was found:

**§ 21-501. Pedestrians subject to traffic regulations.**

At an intersection, a pedestrian is subject to all traffic control signals, as provided in §§ 21-202 and 21-203 of this title. However, at any other place, a pedestrian has the rights and is subject to the restrictions stated in this title.

[An. Code 1957, art. 661/2, § 11-501; 1977, ch. 14, § 2; 2002, ch. 546.]

**§ 21-504. Drivers to exercise due care.**

(a) *In general.*- Notwithstanding any other provision of this title, the driver of a vehicle shall exercise due care to avoid colliding with any pedestrian.

(b) *Duty to warn pedestrians.*- Notwithstanding any other provision of this title, the driver of a vehicle shall, if necessary, warn any pedestrian by sounding the horn of the vehicle.

(c) *Duty to exercise precaution on observing child or certain other individuals.*- Notwithstanding any other provision of this title, the driver of a vehicle shall exercise proper precaution on observing any child or any obviously confused or incapacitated individual.

[An. Code 1957, art. 661/2, § 11-504; 1977, ch. 14, § 2; 1986, ch. 472, § 1.]

**§ 21-506. Pedestrians on roadways.**

(a) *Where sidewalks provided.*- Where a sidewalk is provided, a pedestrian may not walk along and on an adjacent roadway.

(b) *Where sidewalks not provided.*- Where a sidewalk is not provided, a pedestrian who walks along and on a highway may walk only on the left shoulder, if practicable, or on the left side of the roadway, as near as practicable to the edge of the roadway, facing any traffic that might approach from the opposite direction.

[An. Code 1957, art. 661/2, § 11-506; 1977, ch. 14, § 2.]

Arthur Brown v. Shellia Rogers et al. was cited in the Maryland Vehicle Law Annotated distributed by the Maryland Motor Vehicle Division for § 21-504. After reviewing that opinion, and several others, I found that all of the references to sounding a horn to warn pedestrians referenced intersections. From the statements made by Goldston the night of the collision, he did not observe the pedestrian until immediately

prior to the impact, and so he had no time to sound his vehicle's horn. For § 21-506, in the case at hand, sidewalks were not provided and improved shoulders were. According to the laws in place during the collision, the pedestrian, Baird, was required to be walking on the left shoulder facing toward traffic approaching him. At the moment of impact, the lawnmower went under the Jeep and was immediately moved down into the roadway, creating the curved scrape and gouge marks described above, pictured below and documented in the diagram. There were no marks perpendicular to the direction of travel for the roadway, only parallel, indicating that the lawnmower was in the southbound lane of Mervell Dean Road at impact. The lawnmower became lodged under the Jeep behind the front wheel, and the damage on the front and hood of the vehicle which identified the impact with the pedestrian was equally offset from the right side of the Jeep. That indicated that Baird was still standing behind the lawnmower pushing it when he was struck, and that both were in the roadway instead of the shoulder. While Baird was facing toward oncoming traffic, he was in the roadway and not the shoulder as required by law.

*Damage offset on Jeep*



*Circular marks*



I then used research by Jeff Muttart for a 9006 series headlight, such as the headlights the involved Jeep Grand Cherokee had. After sampling 11 vehicles of random types and years using 9006 headlights, he found that on average, the headlights provided illumination of 3.2 Lux at a maximum distance of 106.4 feet, which he deemed to be the minimum needed to discern the pedestrian. That measurement was for the area in front of the vehicle, and was approximately 113.5 feet at the right edge of the vehicle and 94.3 feet at the left edge of the vehicle.

I then retrieved information left for me at the Glen Burnie Barrack by Corporal Logsdon of the Leonardtown Barrack. There were two envelopes there. The first was from Sergeant Peck. It contained a supplement written by Trooper First Class Pilkerton to the accident report, which clarified an error. Trooper First Class Pilkerton initially stated that Baird was declared deceased at 1702 hours, but the correct time was 1902 hours. Included also was a print out of the radio log, and also a cassette tape of the radio transmissions. The radio log began at 1455 hours on 1/19/2011, and ended at 2352 hours on 1/19/2011. On 1/19/2011 at 1901 hours, the emergency communications center dispatched a call at 24400 Mervell Dean Road in Hollywood, Maryland, for a "10-50 PI", which was a motor vehicle collision with personal injuries. Trooper Wiesemann announced he was responding at 1901 hours, and then arrived at 1909 hours. At 1945 hours, Trooper First Class Pilkerton gave the name and date of birth for Baird to the police communications officer over the radio. Sergeant Peck arrived on scene at 2013 hours. First Sergeant Morris arrived on the

scene at 2020 hours. Corporal Menchey and I arrived on the scene at 2107 hours. There were several more entries for other calls for service as well as troopers relieving other troopers at the scene.

The next envelope was from Robyn Riddle of the Saint Mary's County State's Attorney's Office. It contained a compact disc labeled "911 Call Fred Spicer", print outs from the computer aided dispatch at the emergency communication center for Saint Mary's County and the Maryland Motor Vehicle Administration's response to a subpoena. The printed information showed that on 1/19/2011 at 1858 hours, Fred Spicer called 911 to report a pedestrian being struck at 24400 Mervell Dean Road and Beck Road in Hollywood, Maryland. At 1903 hours, the incident was changed from an injury collision to a fatal collision by Chief 79. At 1904 hours, it was reported that Mervell Dean Road was shut down. The only information recorded for the involved vehicle was the registration, 54529M2 through Maryland. Baird and Goldston had their names and dates of birth listed.

I next reviewed the 911 recording. The call was placed by a male, who stated a pedestrian was struck. He later identified himself as Fred Spicer calling from 410-707-5612. He then provided the road but did not know the address. When asked he provided the name and description of businesses in the area. He then told the operator that the pedestrian was injured. Spicer could then see lights from an emergency vehicle and told the operator that there was a police officer arriving. Spicer provided his telephone number and then stated that the pedestrian was "out" and not awake before ending his phone call.

The subpoena was for information the Maryland Motor Vehicle Administration had for Buhrman Baird, specifically for a driving record and copies of all reports, findings of fact and decisions of the Medical Advisory Board from any hearings. The driving record for Baird showed a suspended driving privilege and no Maryland license. On 5/24/1993, Baird was scheduled for driver re-examination. His privilege was suspended 6/21/1993 by the Medical Advisory Board. On 8/10/1994, Baird passed his re-examination, and his driving privilege suspension was withdrawn. On 10/02/2000, Baird's driving privilege was suspended by the Medical Advisory Board again. Baird received a conviction for not utilizing a seatbelt on 4/27/2001. On 9/23/2003, Baird was charged with driving without a license and displaying/permitting to be displayed registration plates issued to another vehicle/person. He was convicted of those charges on 11/17/2003 and received five points. After a point system conference, Baird was assigned to partake in the driver improvement program on 1/31/2004. On 3/11/2004, he failed to attend the program and his privilege was suspended, which was still current at the time of the collision. There was no information about the Medical Advisory Board hearings as requested.

On 3/31/2011, I contacted the Maryland Motor Vehicle Administration to discuss their lack of compliance with the subpoena issued to them. I was told that they had not received the subpoena, and so I faxed another copy to them. I then received a call from a woman in the Driver Wellness and Safety Division. After answering some questions for her, and satisfying her inquiries as to if the subpoena was a real document, she informed me that they did not release any information from the Medical Advisory Board normally, and that she had contacted the Maryland Attorney General's Office to seek assistance with determining if she would comply. I then asked if she would prefer a search warrant or court order to a subpoena, and she informed me that she was not familiar with either of those documents and to not send them. She then informed me that she would contact me again once she had more information from the Maryland Attorney General's Office.

Later that day, I received a copy of the completed post mortem examination for Buhrman Kenneth Baird from the Office of the Chief Medical Examiner in Baltimore, Maryland. Their case number was 11-

00547. The report stated that Baird was pronounced deceased on 1/19/2011 at 1900 hours and that the police notified their office of the death at 2205 hours. Mattingley-Gardiner Funeral Home transported the body from the scene. An autopsy was completed 1/20/2011 at 0900 hours by Doctors Kristin Johnson and Ana Rubio. The cause of death was multiple injuries and the manner of death was accidental. For the section captioned as "Pathologic Diagnosis: I. Multiple Injuries:" there was a full page of 32 injuries to the head, neck, torso and extremities. The injuries included but were not limited to fracture, dislocation and transection of vertebrae, the fracture of a dozen ribs, a lacerated diaphragm, contusions and lacerations to lobes of the brain, and transection of the esophagus, trachea and aorta (three location of the aorta). The toxicological examination was laboratory number 11-0244, and had negative results for alcohol and all drugs screened for. In the "External Examination" caption, I noticed the line, "The left eye was remotely absent." followed by a description of the left and right conjunctivae, and then a more detailed description of the right eye only. I then called the Office of the Chief Medical Examiner. Doctor Rubio was not available, and so I spoke with Doctor Alexander. After reviewing the report, he explained to me that the left eye had been removed prior to the collision event, and that the description of the left conjunctivae was of the inside of the eyelid and eye socket. I attempted to find a published work that dealt with the lack of depth perception and effected perception of a person with one eye, but did not find anything. There was a common consensus that it was affected, but none of the authors attempted to quantify or adjust it compared to stereovision. With the left eye missing, there was an obvious difference in the peripheral vision, as could be experienced by someone closing their left eye. Approximately 45% of the vision to Baird's left was eliminated, which would not have affected Baird's ability to see the oncoming vehicle that was ahead and to the right unless he had his head turned to the right. It also should not have affected his ability to see the solid white edge line pavement marking and to then place himself on the shoulder.

On 4/1/2011, I spoke on the telephone to Elizabeth Ann Quade, a witness to the collision. She advised me that prior to the collision, she was driving north on Mervell Dean Road near the "old elementary school" at 40 miles per hour. She recalled that as her exact speed, since she had looked down at her speedometer to make sure she was not exceeding the speed limit just seconds prior. Another vehicle, which she later described as a white colored sport utility vehicle, was approaching her from the other side of the roadway. The approaching vehicle seemed to be traveling the same speed as her, was properly in its lane and most likely had the low beam headlights on. Quade could not be certain if they were low or high beam headlights but recalled that there was no abnormal glare that she associated with vehicles approaching with high beam headlamps illuminated. Both headlamps were functioning. She felt that the roadway was dark and not very well lit at night. The weather was clear, with no rain or fog. Quade then observed what she thought was a shopping cart or possibly a bicycle, in the center of the southbound lane directly in front of the oncoming vehicle. She could not tell if the object was stationary or moving. She remembered thinking that the driver had to strike it or else drive into her vehicle. She did not see the driver make any steering or braking input. Less than a second after she saw the object, the oncoming vehicle struck it. As that impact occurred, her vehicle was adjacent to the other vehicle. She then looked in her rearview mirror and saw sparks coming from underneath the vehicle. Quade quickly turned around to check the condition of the driver and offer assistance. The other vehicle stopped, and she stopped directly behind the body of Baird. A man, who was the sole occupant of the white sport utility vehicle, exited and began to assess the struck pedestrian. That was the first time Quade realized he had been struck in the roadway with the object. The man, Wesley Goldston, did not have any odor of an alcoholic beverage and nothing to suggest any impairment or difficulty. Quade recalled that he was very calm and business like, contrary to her shock of seeing Baird in the roadway. The two determined that Baird was deceased, and Goldston then called 911 to report everything. Goldston covered the body from the view of the public and placed lit flares around the area to warn other motorists. I then asked Quade if there was anything else that she thought would assist me



in my investigation. She told me that once Baird was identified, she was “not shocked” that he had been struck. She and her co-workers often thought and discussed that he would get struck eventually, since he so frequently walked in the center of travel lanes. She recalled that there were several occasions where her coworkers had almost struck Baird, and would then yell through their windows to him to not walking in the roadway. Baird appeared to be incoherent to them. Quade told me they often prayed for his safety when they saw him because of how unsafe his actions were. She thought that his eyesight might have been deteriorating recently, and that was why he was walking on the roadway instead of the shoulder the last approximately six months. She informed me that when he was walking in the roadway, including during this collision, it was in the absolute center of a single lane, not the center of the roadway between the lanes.

On 4/11/2011, I spoke on the telephone to Fred Spicer, the person who placed the only telephone call to 911 for this incident. He informed me that he was at a lodge meeting near where the impact occurred. A man ran inside and shouted for someone to call 911. Spicer did and then ran out of the building. He then found a person in the roadway covered in a tarp. The operator of the vehicle that struck him was setting out lit flares in the area. Spicer then told the 911 operator the location. The driver told Spicer that the pedestrian was deceased. Spicer had no further conversations with the driver or any of the other witnesses. Spicer felt that the driver had everything under control and was doing an excellent job. He did not appear to have been impaired, intoxicated, fatigued or ill.

On 4/11/2011, I spoke to JoAnn Schlachter, the division manager of the driver wellness and safety division of the Maryland Motor Vehicle Administration, in reference to my subpoena. She informed me that she had spoken to the Attorney General’s office and that they determined the information could be provided upon receipt of a court order. They informed Robyn Riddle of the Saint Mary’s County State’s Attorney’s office of this and she agreed to provide one.

On 4/11/2011, I contacted the Maryland State Police Automotive Safety Enforcement Division and requested a copy of the approved post collision investigation report for their Jeep Grand Cherokee. They then faxed a copy to me. Their case number was 11-23-000049. The date of examination was 1/26/2011. The report listed the vehicle’s mileage as 14,808. The hood and bumpers were listed as “Damaged in the incident (Unable to determine if passed minimum safety standards)”. Both front tires also had the same damaged status, with the left at 33 pounds per square inch and the right at 0 pounds per square inch. The rear tires were both listed as “Component rejected; below minimum safety standards prior to incident”. Both had 29 pounds per square inch of inflation. All of the other components checked were “Component passed minimum safety standards” or “Not applicable”. In the comments section, Sergeant Mabry wrote that the vehicle had minor front end damage, and that the steering and braking components were checked and all met the minimum established safety standards. Sergeant Mabry also commented that the vehicle was new and only a couple of months old. Sergeant Mabry’s conclusion was that the vehicle examined failed to meet all minimum equipment safety standards as per the Code of Maryland Regulations title 14, subtitle 11, chapters 1-6. In the remarks section, he wrote that he and vehicle safety inspector Lasky responded to the Maryland State Police Leonardtown Barrack on 1/26/2011 to inspect the Jeep Grand Cherokee that had been involved in a collision on 1/19/2011 at my request. He wrote that after driving and inspecting the vehicle, he observed no issues or pre-existing damage to the steering components. He also felt the same way about the braking, acceleration and suspension components. The next section was regarding the tires. The tires had markings indicating they were manufactured August of 2010. A decal placed by the manufacturer of the vehicle stated that the recommended tire inflation was 33 pounds per square inch. Since the rear tires were at 29 pounds per square inch, they were 4 pounds per square inch different and not meeting the minimum established safety standards. There were no other defects noted for

the tires.

On 4/12/2011, I spoke on the telephone to Janine M Oney-Schmih, a witness to the collision. She informed me that just prior to 1900 hours on 1/19/2011, she had turned left into the Hollywood United Methodist Church from Mervell Dean Road. She then parked her vehicle, with the rear of the vehicle facing Mervell Dean Road. Before she turned her engine off, she heard a loud noise which she assumed was a tire "blowing out". She saw in her rearview mirror a vehicle driving with sparks coming from under it. She then turned her head to the side and watched the vehicle come to rest, still with sparks under it as it moved. A person exited the vehicle and looked around with a flashlight. The man then took a blanket out from his vehicle and covered a body in the roadway. Oney-Schmih did not speak with Goldston or anyone else there. She remained in the church parking lot. She recalled that it was "pretty dark" in the area and that she had not seen a pedestrian in the roadway at anytime, even when she was driving on Mervell Dean Road.

I then received an email from James Nichols of the Warnken LLC law firm who represents Goldston. He informed me that Goldston elected to remain silent until he was obligated to speak at the Maryland State Police Internal Affairs Unit investigation.

On 4/13/2011, I spoke on the telephone to Charles Eddleman, a witness to the collision. He told me that he was driving to a lodge meeting scheduled to begin 1900 hours the evening of the collision. As he drove along a road intersecting with Mervell Dean Road, he had his low beam headlamps illuminated. He came upon a pedestrian in the roadway pushing a lawnmower. Eddleman recalled have a second or less to react to the pedestrian because of the dark environment and dark clothing's lack of conspicuity. Eddleman was able to drive around the pedestrian and sound his horn at him. He felt that he had narrowly missed striking him, and that the maneuver may have only been possible because he was operating a small sports car designed for greater than normal handling. The pedestrian was in the center of the travel lane, and seemed to be unphased by almost being struck by a vehicle and the loud horn. Eddleman continued to his destination, which was directly across from the area of impact. As he exited his vehicle to put on a jacket, he again observed the pedestrian. The pedestrian was walking northbound in the center of the southbound lane, despite having an improved shoulder available to him. Eddleman then was about to yell out to the pedestrian to get him to move off the roadway to a safer location when he was struck by a vehicle. Eddleman wish to make a correction to his written statement. He initially wrote that the vehicle attempted to steer around the pedestrian, but now felt that there was not enough time to perceive and react to the pedestrian and also no place to steer toward, with a vehicle approaching him from the opposite side of the roadway. He thought instead that the impact made it appear that the vehicle swerved. Eddleman could not recall if any of the vehicle's brake lamps were illuminated with the massive amount of sparks coming from under the vehicle. Eddleman said he was bothered by how long it took the vehicle to stop, but felt that it may have been because it took the operator a few seconds to realize what had happened. Eddleman ran into his meeting and asked for someone there to call 911. He then ran out and over to the operator of the vehicle and the woman who was driving in the lane adjacent to the impact. He identified the male as being the one operating the vehicle that struck the pedestrian. When asked if he was ok, the man replied he was. The operator seemed very reasonable and functioning better than most people in that situation would have. He exhibited no indications of being ill, fatigued, impaired or intoxicated. The only other details Eddleman wished he had added to his statement were that the road was dry and that there was a full moon out.

As of 4/15/2011, I have not received the requested EMAIS reports, a response to my request for information from the Medical Advisory Board of the Maryland Motor Vehicle Administration, a response to my inquires of the actions taken for the Jeep's recalls and the requested information for Goldston's cellular

telephones. A supplement will be submitted upon receipt of that information.

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## ***SPEED, TIME and DISTANCE ANALYSIS***

Using the average calculated speed from several pedestrian collision reconstruction formulas, I found the speed of the Jeep to be 52 mph. I was not able to account or adjust for variables unique to this collision, such as Baird becoming entangled in the lawnmower. Based on the 277 foot stopping distance after impact, and a braking friction of 0.2 g, the Jeep would have been driven at 40 miles per hour when it began braking. As previously mentioned, the low beam headlamps illuminated approximately 100 feet in front of Goldston toward Baird. There was no evidence of Baird perceiving a vehicle moving at him with both headlamps illuminated and responding in anyway. The businesses and light sources were adjacent to the northbound side of Mervell Dean Road, which was on the opposite side of the roadway as both Baird and Goldston. It was unknown how much distraction and "visual noise" they created for both, and thus how much it might have taken attention off of the roadway in front of them.

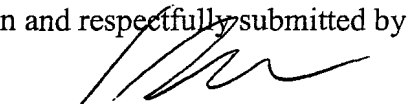
# CONCLUSION

The following conclusions are based upon the totality of this investigation, including the physical evidence analyzed, the statements of drivers and witnesses and reports submitted by other investigators. My conclusions are based upon my training and experience in the field of collision reconstruction and are to a reasonable degree of scientific certainty.

On 1/19/2011, prior to 1901 hours, Wesley Price Goldston was operating a 2010 Jeep Grand Cherokee southbound on Mervell Dean Road approaching Beck Road in Saint Mary's County, Maryland. Goldston was sworn member of the Maryland State Police operating his assigned patrol vehicle off-duty. Goldston had no observable impairment, and his vehicle had no known defects prior to the collision. The speed of the vehicle was calculated as 52 miles per hour, and Goldston reported his speed to have been 40-45 miles per hour, with the speed limit there 40 miles per hour. The area of roadway was dark with businesses and illumination adjacent to the northbound side. Buhrman Kenneth Baird was walking in the southbound lane toward oncoming traffic. Baird was pushing a red metal walk behind rotary ("push") lawnmower with a red plastic milk crate mounted to the top of it. Baird had on black pants and a black and dark blue coat on, which failed to contrast with the surrounding area. Baird had no alcohol or drugs detected during an autopsy. Baird only had his right eye, with his vision in that possibly below average. As Goldston and Baird approached each other, neither made any evasive action. Goldston then struck Baird with the front of his Jeep. The lawnmower became lodged under the Jeep, and stayed there. Goldston did not realize he had struck anything until the impact. He then applied the vehicle's brakes. Baird then fell onto the pavement, where he slid to final rest and was run over by the Jeep and lawnmower, 225 past the point of impact. The Jeep came to rest 52 feet past that, 277 feet from the area of impact. Baird was deceased at the scene as a result of the injuries he received.

It is the opinion of this investigator that Buhrman Kenneth Baird is at fault for the collision that caused his death.

This collision reconstruction report was  
Written and respectfully submitted by



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