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DA FINDS THAT CHARGES ARE NOT WARRANTED IN SHOOTING DEATH IN COLLEGEVILLE RESIDENCE

NORRISTOWN, Pa. (March 19, 2020) — Montgomery County District Attorney Kevin R. Steele today announced that criminal charges are not warranted in the shooting death that occurred on Feb. 16, 2020, in a private residence in Collegeville Borough.

Collegeville Police were called to a residence at 67 E. 3rd Avenue for a report of a shooting at 11:30 p.m., Feb. 16, 2020. Upon arrival, officers located a male, later identified as Robert F. Pollock, 55, of Schwenksville, Pa., deceased at the bottom of the stairs inside the residence.

Collegeville Borough Police and Montgomery County Detectives launched a joint homicide investigation. The investigation found that the decedent had forced his way into the residence by breaking the front door. At the time Pollock illegally entered this residence, he was in possession of a Smith and Wesson .357 caliber revolver, which was recovered at the scene. Once inside the residence, he moved to the base of the stairway, where he was confronted by a male occupant of the residence. The intruder immediately pointed his firearm directly at the male occupant and in the direction of another female occupant, placing both individuals in immediate danger of death or serious bodily injury. Fearing for his life and the lives of others in the residence, the male occupant discharged his firearm. The intruder suffered multiple gunshots and fell to the ground. Toxicology results on Pollock showed he had consumed alcohol and drugs.

“Following a thorough review of all available evidence, I have concluded that the male occupant who shot the decedent acted reasonably and with proper justification under the law in his use of deadly force,” said Steele. “In plain language, this is a justified shooting under the Castle Doctrine since all necessary elements were met: someone broke into the residence, which is a felony; the intruder was brandishing a firearm that was pointed at the occupant leading him to believe that his and other lives were in danger; and the shooter did not provoke the encounter that led up to the slaying.

“Those are the three necessary elements of a justifiable shooting, and they were all met in this case. Therefore, no criminal charges are warranted regarding this death. We will

not be releasing the name of the shooter. As in any matter where someone is not charged with a crime, we do not reveal his or her name to the public.”

The statutes in the Pennsylvania Crimes Code that govern the use of deadly force in self-protection are as follows:

“Deadly Force” is defined as “force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury. Pa.C.S.A. § 501. The use of deadly force is justifiable if the actor believes that such force is necessary to protect himself against death, serious bodily injury, kidnapping or sexual intercourse compelled by force or threat. 18 Pa.C.S.A. §505(b)(2). Deadly force is not justified if the actor knows that he can avoid the necessity of using such force with complete safety by retreating. 18 Pa.C.S.A. § 505(b)(2)(ii). However, the actor has no obligation to retreat before using deadly force if the actor is in his dwelling, so long as the actor was not the initial aggressor. 18 Pa.C.S.A. § 505(b)(2)(ii). In addition, the actor is presumed to have a reasonable belief that deadly force is immediately necessary to protect himself against death, serious bodily injury, kidnapping or sexual intercourse compelled by force or threat if both of the following conditions exist: (1) the person against whom the force is used is in the process of unlawfully and forcefully entering, or has unlawfully and forcefully entered and is present within, a dwelling, residence or occupied vehicle; or the person against whom the force is used is or is attempting to unlawfully and forcefully remove another against that other's will from the dwelling, residence or occupied vehicle; and (2) the actor knows or has reason to believe that the unlawful and forceful entry or act is occurring or has occurred. 18 Pa.C.S.A. § 505(b)(2.1).

Approved for release:
Kevin R. Steele