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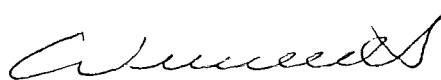
THE EIGHTH DAUPHIN COUNTY
INVESTIGATING GRAND JURY

: IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
:
: NO. CP-22-MD-1266-2013
:
: **NOTICE NUMBER: 08-2013-15**

ORDER OF COURT

AND NOW, this 4th day of June, 2015, it is ORDERED that the Eighth
Dauphin County Grand Jury Presentment # 1 shall be **unsealed**.

BY THE COURT



WILLIAM T. TULLY
SUPERVISING JUDGE

DAUPHIN COUNTY
PENNA

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THE EIGHTH DAUPHIN COUNTY
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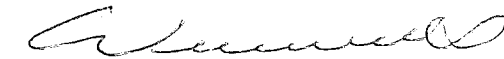
: **NOTICE NUMBER: 08-2013-15**

ORDER OF COURT

AND NOW, this 2nd day of June, 2015;

IT IS HEREBY ORDERED that Presentment Number 1 is accepted. This Presentment shall be sealed and no person shall disclose a return of the Presentment except when necessary for issuance and execution of process, or as otherwise directed or permitted by order of the supervising judge. The Court finds that as a matter of law the facts stated in the Presentment establishes *prima facie* cases of the charges recommended. Disclosure is authorized for issuance and execution of process.

BY THE COURT



WILLIAM T. TULLY
SUPERVISING JUDGE

J.

Distribution:

-Seán M. McCormack, Chief Deputy District Attorney (C-4 copies)

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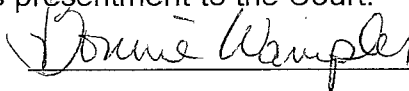
**THE EIGHTH DAUPHIN COUNTY
INVESTIGATING GRAND JURY**

IN RE: : IN THE COURT OF COMMON PLEAS OF
: DAUPHIN COUNTY, PENNSYLVANIA
:
: NO. CP-22-MD-1266-2013
THE EIGHTH DAUPHIN COUNTY :
INVESTIGATING GRAND JURY : **NOTICE NUMBER: 08-2013-15**

TO THE HONORABLE WILLIAM T. TULLY, SUPERVISING JUDGE:

PRESENTMENT NO. 1

We, the EIGHTH Dauphin County Investigating Grand Jury, duly charged to inquire into offenses against the criminal laws of the Commonwealth, have obtained knowledge of such matters from witnesses sworn by the Court and testifying before us. We find reasonable grounds to believe that a violation of the criminal laws has occurred. So finding with not fewer than twelve concurring, we do hereby make this presentment to the Court.



Foreperson –
Eighth Dauphin County
Investigating Grand Jury

DATED: 5/28, 2015

INTRODUCTION

We, the members of the Eighth Dauphin County Investigating Grand Jury, having received evidence pertaining to a possible violation of the Pennsylvania Crimes Code, occurring in the City of Harrisburg, Dauphin County, Pennsylvania, pursuant to Notice of Submission of Investigation 08-2013-15, do hereby make the following findings of fact and recommendation of charges.

Findings of Fact

I. A.R.T. (DOB: 8/11/2003)

During its investigation, the grand jury heard testimony concerning the medical condition of Jarrod Tutko, Jr.'s, female sibling, A.R.T. (DOB: 8/11/2003). The medical neglect of A.R.T. in 2004 by Kimberly Tutko and Jarrod Tutko, Sr., resulted in a substantiated report of medical neglect, and also resulted in Jarrod Tutko, Jr., initially being placed into foster care by New Jersey authorities upon his birth.

On August 1, 2014, Kimberly Tutkos called 911 to report the death of her son, Jarrod. Law enforcement and Dauphin County CYS caseworkers responding to the Tutko home quickly became concerned about the wellbeing of the other children in the home. A decision was made to take custody of the surviving Tutko children. There was a particular concern about A.R.T. She was confined to a hospital bed due to

her medical condition. She was in a vegetative state and required 24 hour care. It was noted at the scene that her heart rate was slow and her body temperature was below normal. She was ultimately taken to Penn State Hershey Medical Center.

Dr. Lori Frasier, the head of Hershey Medical Center's Child Protection Team, testified to the following concerning A.R.T.'s condition:

Question: And can you give the grand jury an idea of the state -- the medical state and the physical condition that Arianna was in when she arrived at Hershey Medical Center?

Dr. Frasier: *In August?*

Question: Yes, in August of last year.

Dr. Frasier: *Right after Jarrod was found -- Arianna, first of all, is a completely dependent child. She's ten years old and she suffered -- she was at the time, she suffered from a severe brain injury that she ended up being very dependent on for all of her care. So she's fed through a tube in her stomach. She has to be turned and bathed and wears diapers. She really doesn't do very much for herself.*

She was found in the home, the Tutko home, and she was taken to Pinnacle first where she was found to be in very bad condition, so she was transported very quickly to Hershey for higher level of care.

She was -- her heart rate was very low. Her respiratory rate was very low. Her blood pressure was very low. It looked like she was going into shock that would have killed her.

She was resuscitated and admitted to Hershey. She was found to be incredibly dirty, so in ways that I don't think -- I've been a pediatrician for, like, 30 years. I've never seen anything quite like it before. She had wax from her ears that were coming out onto her face. Her eyes were matted closed with secretions and dirt. She couldn't open them. She had thick, filthy scales in the creases and all over her body. She had thick scales in her hair. She was absolutely looked like she had not been bathed in a long, long time or any kind of routine care. Her diaper area was clean, so somebody was changing her diaper, but the rest of her was really bad.

She had been at Hershey previously and we had some weights on her. She lost about 15 pounds since the year before. Remember, she doesn't eat orally or anything like that. She requires somebody to feed her formula through a hole that goes directly into her stomach.

So she was -- her weight was significantly down. She's very twisted, so as part of her disability, her spine has become

progressively twisted, which presses on one of her lungs. So she -- when I went to see her the first time, the nurses had cleaned her up significantly. And it took about six baths for her to get to the point where you could tolerate the odor around her. So I believe, in my opinion, she was very close to death and she was extremely poorly cared for.

RECOMMENDATION OF CHARGES

Based upon the evidence we have obtained and considered, which establishes a prima facie case, we, the members of the Eighth Dauphin County Investigating Grand Jury, recommend that the District Attorney or his designee, institute criminal proceedings against **Jarrold Tutko, Sr.** We recommend charging him with violating 18 Pa.C.S.A. § 2702 (a)(9) (relating to Aggravated Assault), and § 4304 (relating to Endangering the Welfare of a Child) in relation to the crimes he committed against A.R.T. We further recommend that the District Attorney or his designee, institute criminal proceedings against **Kimberly Tutko.** We recommend charging her with violating 18 Pa.C.S.A. § 2702 (a)(9) (relating to Aggravated Assault), and § 4304 (relating to Endangering the Welfare of a Child) in relation to the crimes she committed against A.R.T.