



LANCASTER CITY POLICE DEPARTMENT

NEWS RELEASE

City of Lancaster
Bureau of Police, 39 West Chestnut Street, Lancaster, Pa. 17603
www.lancasterpolice.com

Author: Capt. Pete Anders

Contact Number: (717) 735-3361

Date: June 21, 2010

Homicide Arrest 139 Whittier Lane

ORIGINAL Released information: 20 June 2010

Approximately 0158 Hrs., Sunday, 20 June 2010 Patrol Officers Berry, Caple, Cole, Gehron, King, Mazzante and Sgt. Haas responded to a residence in the 100 block of Whittier Lane for a report of a subject who was shot inside this house and was deceased. Upon arrival, Officers located a male in his 40's who was deceased. Officers also spoke to two other adult occupants of the home, and held the residence as a potential crime scene. The other two occupants of the home were brought to the Police Station to talk to detectives.

At time of this release, the deceased has not been positively identified by the Coroner or investigators. Investigators believe the deceased is a third resident of the home.

Members of the Criminal Investigations Division are investigating the incident. The investigation is continuing, anyone with information can call Lancaster Police at 735-3300 or Lancaster County Crime Stoppers at 1-800-322-1913.

UPDATE To RELEASE: 21 June 2010 – Released by Capt. Anders

SUSPECT: BENNER, Luther Eugene M/65 (Photo at station)
139 Whittier Ln.
Lancaster, PA

ZWALLY: Robert Craig Zwally M/46
139 Whittier Ln.
Lancaster, PA

After a continuous 30 hour investigation, Lancaster Police charged Luther Eugene BENNER this morning with Criminal Homicide stemming from the early morning June 20th shooting of Robert Zwally inside of 139 Whittier Lane Lancaster. BENNER was charged by Det. Bill Breault with homicide, was arraigned by Magisterial District Justice Janice Jimenez and committed to Lancaster County Prison as a commitment with no bail. Detectives were assisted by First Assistant District Attorney Chris Larsen.

Police relate that the combination of alcohol consumption, an argument and a firearm led to the murder.



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BENNER and ZWALLY lived in the same residence, and ZWALLY had a girlfriend who also stayed with ZWALLY at the residence.

The following information is being released related to the homicide investigation.

911 Dispatchers received a call from BENNER during which BENNER advised dispatchers that BENNER "had shot his friend on purpose" and "I think he's dead". Furthermore, BENNER also stated, "He had a gun with bullets in it. He shot one at me, I shot one back at him".

Officer Mark Gehron responded and observed BENNER standing partially in a room that was a half-bathroom where Zwally was later found. After attempts by dispatchers to contact BENNER over the telephone were unsuccessful, Officer Gehron made verbal contact with BENNER, had BENNER exit the home where he was detained. Officer Josiah King observed what appeared to be blood stains on BENNER's body. Sergeant Jeffrey Haas observed apparent blood splatter on BENNER's face.

Officer Berry asked BENNER if he had identification and BENNER responded, "Yeah, and I shot him". BENNER then stated, "He (Zwally) came at me with a gun and shot at me first, so I shot him". BENNER repeated this statement at least three times while standing to the rear of the residence. Officers found BENNER to be intoxicated and brought him to Lancaster General Hospital prior to bringing him to the Lancaster Police Station. BENNER repeated the statement that he shot ZWALLY multiple times while later being transported by ambulance to Lancaster General Hospital (LGH) and while being observed and at the hospital.

Officers Josiah King, Thomas Cole, Mark Gehron and Greg Berry entered the residence and observed a semi-automatic handgun lying on a seat cushion of a chair. Officers observed this weapon to have the hammer cocked back to the firing position and that a round appeared to be cycled in the chamber.

Officers then located ZWALLY in the half-bathroom that BENNER had first been observed partially standing in. ZWALLY had suffered an obvious gunshot wound to his upper body and was deceased. Officer Berry observed blood splatter on the wall as well as one spent shell casing on the floor.

Officers then located a woman in a second floor bedroom who identified herself as ZWALLY'S girlfriend. ZWALLY'S girlfriend advised officers that she had overheard BENNER and Zwally verbally arguing and heard a gunshot. ZWALLY'S girlfriend was brought to the Police Station and interviewed by investigators.

Deputy Coroner Susan Hynicker arrived at the residence and declared Zwally deceased at 0241 Hrs., 20 June 2010.

Detectives later obtained a search warrant for the residence. During the search, detectives located a bullet hole in the ceiling and a spent round from the ceiling area. Detectives recovered and seized the above firearm and spent



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shell casing along with other evidence. During processing investigators observed that there appeared to be signs of a struggle at the bottom of the stairs leading to the second floor and investigators located fresh blood in that area.

BENNER was interviewed by Detectives Breault and Matt Blake at 9:00 last night, and BENNER admitted to shooting ZWALLY after initially indicating that ZWALLY had committed suicide. BENNER confirmed making the 911 call in which he reported \"I shot him on purpose\" and \"He shot at me and I shot back\" and \"I shot my friend , he's dead\" and \"I just shot a friend of mine\". BENNER admitted to not being initially truthful to detectives, and related that he had approached Zwally who had been in the bathroom alone with the door closed, that there was then a struggle over a firearm resulting in Zwally sustaining a gunshot wound to the head. BENNER admitted to having been angry after shooting ZWALLY and firing the handgun into the ceiling. BENNER stated that there was only one firearm involved and that the Zwally had not fired a shot at him or threatened him.

Police request any residents who can provide further information about BENNER call Det. Breault at 735-3361. Callers do not have to provide their name to give information. BENNER, as with any person charged with a crime by the Lancaster Police, is presumed innocent of that crime until convicted in Court.

END RELEASE

(end of release)