

WAYNE JONES CASE

Name: Wayne Jones (Victim)
628 Lincoln Street Dickson City, Pa. 18519
Phone: 570-489-2451

Speaking in behalf of Wayne, is his mother-in-law, Carol Pallis.
I reside at 628 Lincoln Street Dickson City.
Phone: 570-489-9490

I wish to thank all the members of this committee for the opportunity to speak to you today and urge all of you to pass House Bill 106.

Perhaps when you hear the story I,m about to tell you of how a false accusation of rape, against my son-in-law, Wayne almose sent him to jail for twenty years, cost him and his family over 30,000 in legal fees, ruined his reputation, put him in a mental hospital and took away his ability to earn a living, you will then understand why it is so important to pass this bill.

Wayne is married to my daughter, Carol, they have one child. Wayne had never had any prior convictions or arrests and worked at a steady job for over ten years delivering produce for a local produce co. He had the same delivery route without any prior incidents for ten years. On August 16, 1993, he was told to make a delivery to a customer in Newfoundland, Pa., who operated a small roadside produce stand, which was located near a busy mini-mall and on a heavily traveled highway. Wayne arrived there at 9:30 AM and unloaded his order and left around 10:00 AM. The woman who normally checks him in called off ill and her fourteen year old daughter was working the stand for her. As the story goes, this woman and her daughter were working the stand to pay the owner off debts that they owed him. Around 1:00 PM in the afternoon, while Wayne was at another delivery site, a State police officer approached him and asked if he had made a delivery today at this roadside stand and asked Wayne if he had rapred the young lady. Wayne told the officer, he did make the delivery but did not touch the lady. The throoper let Wayne return to his normal delivery and would call him ,if needed. At that point the State throoper had probable cause to arrest (Exhibit A) as he was a probable suspect, due to the young lady making a positive identification. Wayne then could have been tested and proven innocent, by letting Wayne return to work, the officer ruined his chances of preserving vital evidence and made it thus more difficult for Wayne to prove his innocence.

2

Wayne returned to his place of employment and told his employer what took place that afternoon. When he arrived home, a call from the Bloominggrove State police barracks stated he was to report there for questioning. I, just arrived home from work around 5:00 PM and called a well-known Scranton Attorney to represent my son-in-law. The attorney, who knew me by name, had asked if that rape occurred in Newfoundland that morning, I became excited and asked him how he knew of the alleged incident. He stated that he received a phone call from the girls parents to sue Wayne's employer for \$1,000,000 dollars and that the call came about 10 or 11 that morning. He told the girls parents that he couldnot sue anyone until Wayne was proven guilty. He denied our representation due to a conflict of interest and he told me I could not use his conversation in court because of client confidentiality. I obtained another attorney and had a hearing before a Magistrate which bail was set at \$25,000. Wayne was then handcuffed, placed in jail that evening for three days until I could arrange to place my home for bail. I then had to use my retirement money that was saved for Waynes defense. I am a widow who took care of a sick husband for eighteen years, provided for two children and always held down a full-time job and now must put retirement off as the legal system put a dent in my plans and my future assets.

Later, we found out that Wayne was arrested due to a Throoper from the Dunmore Police baaricks, who met the alleged victim at CMC Hospital and wrote in his report (Exhibit A, Page 2) that the examining physician, told him that the girl had ripping, tearing, swelling and duscoloration of the vaginal area. This report was a lie (Exhibit B) of the attending Physician testimony. The physician, on the witness stand, stated that this was not what his report atated. This Dunmore Throoper then took the rape test kit, placed it in the trunk of his car in ninety degree weather and left it there for a day. The proper protocol for the rape test is to be preserved on ice and sent to a lab for testing. This same officer, sent the alleged victim a shirt as a present because he said he felt sorry for what she went through, as stated in her deposition. Later, it was brought to our attention that the Dunmore officer perhaps knew the alleged victims family, as her parents lived across the road from his sister-in-law. Also, the officer had lived in the same area, at one time. Please take a look at (Exhibit C), a local newspaper where the same Dunmore Officer was involved in shooting the Desk-Sargent, as his loaded firearm fell out of his holster and hit the floor. A third Throoper then took the case over, and the alleged victim changed her story numerous time on how the rape occurred, however the officer ignored all pertinent information and let the incident ride. I ask you, Is this what we call a just legal system?

Wayne was then tested nine months later: The first test was sent to the Wyoming Lab. Their report stated that sperm heads were found, yet they failed to perform an acid Phosphate test. It was also brought to our attention (Exhibit D) that the Chemist at the Wyoming Lab was later arrested for falsifying reports. I am unaware if this practice took place in our case. 2. The CMC Hospital found no sperm heads. (Exhibit E). 3. Wyoming Valley police lab found no match to Wayne (Exhibit F). 4. Cellmark Lab found no match to Wayne. (Exhibit G). GREENBURG LAB EX H
NO MATCH

Yet my son-in-law was brought to trial and found innocent in March 1995.

Attached is a letter from a jury person, who served on Wayne's trial in Pike county before Judge Thompson, saying it was a shame Wayne was brought to trial and a waste of the taxpayers money. (Exhibit I).

Our attorney, who won the case was then going to sue these people and retain \$2,000 from us, however, never followed through with the case and we found out that he is judgement proof and lost our additional funds. We then hired a group of Philadelphia lawyers to sue the blunders of the law enforcement and the others involved in Federal Court, because this was a violation of Wayne's civil rights. The lawyers admitted, prior to the trial, that they failed to do their job and the Federal Judge left them out of the case. The last attorney, that we hired, failed to bring people in for questioning who were subpoenaed and did not get a judgement against the alleged victim, who is now twenty years old and working full-time. The alleged victim wrote the Federal Court Judge a letter stating she could not afford attorney fees and thought the Pennsylvania State police would represent her. It would have been easy for Wayne's attorney to get a default judgement against her, but he did not. The case is now closed, all defendants are left free and my son-in-law is labeled for the rest of his life and our family is left in debt.

Wayne, after this incident, scarred for life, was unable to return to delivering and opted for a job in the warehouse of the produce place where he worked prior to the incident. On December 3, 1996, Wayne had injured his back, while lifting 50 lbs of potatoes, had to have back surgery in Temple Hospital, Phil., had two knee surgeries in the past year and is still facing a S-I joint surgery. Wayne is now 44 years old and is ruined for life. Wayne sent a letter to the Victims Compensation Fund because he is the real victim and a letter to Gov. Ridge asking for his help to try to get compensated for his monetary losses. Enclosed in your packet, you will find the form letter, Wayne has sent and is asking for your help to intercede for him and his family to get compensated for his outstanding legal fees. EXHIBIT J
Our family has been tormented and harassed by numerous phone calls, damage to our properties, tires slashed on our cars, etc. in which is all on file with our local police. At present no one was ever brought forth.

4

I know it wasn't my neighbors because I was born and raised in the house that I presently reside in for 61 years and my family and I are respectable citizens of our local Church and community.

Enclosed in your packet (Exhibit K) you will see the girls parents were being sheriff saled on August 19, 1993. The step-father also has a criminal record (Exhibit L). The alleged victim was also a runaway see police report (Exhibit M). The young lady was also in counseling for not being able to tell the truth. (Exhibit N). PART 1 & 2

The case also has an ironic twist, because the girls step-father was also a witness in the past for a man who was the owner of the roadside stand where the girls mother worked, because he was arrested for indecent assault and a rape for his niece. This case was very similar to Wayne's case in that it was handled by the same State Trooper barracks, the same District Attorney and the same Judge. These facts were brought to the attention of the State Troopers who handled Wayne's case, however nothing was followed-up. My family and I noticed a definite pattern of events and these people were aware of how the system of rape had worked from their previous involvement.

Enclosed is an article of a State Police officer from the same barracks of Blooming Grove, who admitted he raped a lady, while on duty, yet he was not prosecuted. I believe some serious house cleaning needs to be done in some of our local barracks as internal investigation sweeps things under the rug. Exhibit P

God help the person who has no financial assistance to defend themselves from false accusations as the system sometimes fails the innocent. It was our deep belief and faith in God, that Wayne is a free person. In closing, I would just like to thank you for your time, attention and the opportunity that I was able to bring my story forth.

Thankyou

Mrs. Carol Pallis and
Mr. Wayne Jones and Family

Additional Exhibits Q and R: Shows the dysfunctional background of her mother and stepfather which the young girl was exposed too.

Exhibits S and T: Shows Wayne was found innocent and was granted the expungement.

Exhibit U: Is the story of how Wayne Jones fought the rape charges.

Exhibit V: Newspaper articles of the actual trial.

ARREST WARRANT AFFIDAVIT



Gudrun K. QUINN
DISTRICT JUSTICE
JUDICIAL DISTRICT NO. 60-3-03
Box 100 Fisher Lane
Milford, Pa 18337

COMPLAINT NUMBER	YEAR	TYPE	NUMBER
CR 77-93	93	16	77

Complaint Numbers of Other Participants

INCIDENT NUMBER	UCR NO.	OTN
R4-236023	021	E-538/15-

COMMONWEALTH OF
COUNTY OF PIKE

COMMONWEALTH OF PENNSYLVANIA
ENDANT: VS.

Wayne Alvin JONES W/N/M 02/04/56
626 Lincoln St
Dickson City, Pa 18519

Tpr. Matthew M. PATTERSON Troop R Blooming Grove

(Name of Affiant)

(Police Department or Address of Private Affiant)

(Telephone Number)

being duly sworn (or affirmed) before me, according to law, deposes and says that there is probable cause to believe that:

PROBABLE CAUSE BELIEF IS BASED ON THE FOLLOWING FACTS AND CIRCUMSTANCES: (see instruc. below)

Your affiant, Trooper Matthew M. PATTERSON is a member of the Penna. State Police stationed at the Blooming Grove Station and currently assigned to the criminal Investigation Unit, and was so employed on 08/16/93, on that date this officer recieved an complaint from PSP Honesdale in reference to a women being raped in the Pike County area. Your affiant proceeded to the scene on 08/16/93 and arrived at 1030hrs.

On 08/16/93 at 1033 your affiant interviewed the victim Megan BUCKLEY at the scene of this incident. The victim related that she was working at the farmers market (the scene) on 08/16/93 and around 0945 the suspect arrived at the market with a delivery of produce. The victim related that the suspect has delivered there before but that her mother was always there. The victim related that the suspect started to throw pieces of corn down her shirt and said Ill get them out. The victim related that she told the suspect no you wont. The victim related that the suspect then started to grab her and kiss her. Then the suspect started to grab her breast. The victim related that the suspect then unbuttoned her pants and started to use his finger in her vagina. The victim related that the suspect then pulled her pants down and pulled his pants down. Then the suspect started to have intercourse with her. The victim related that after a few minutes the suspect stopped intercourse and started to use his finger again. Then the suspect grabbed the victims breast again. The victim related that the suspect then stopped and told her that there was a customer outside. The victim related that she pulled her pants up and went out and waited on the customer. The victim related that the suspect was still there at that time and she was afraid to say anything to the customer. The victim related that after the customer left the suspect told her not to tell anyone and that he would be back. Then the suspect left the scene. The victim related that she has not had sex for at least one month.

On 08/16/93 at 1300 this officer interviewed the suspect. The suspect relate that he did go to the farmers market on route 507. The suspect related that he started to unload the truck and that the victim came outside and helped him unload the truck. The suspect related that after he loaded all the items inside of the market from the truck he got the check from the victim and left. This affiant asked the suspect if he throw any items at the victim and the suspect related that he did throw pieces of corn at the victim but not down her shirt. The suspect appeared to be very nervous during this interview

CONTINUED

PLEASE READ AND FOLLOW THESE INSTRUCTIONS CAREFULLY

1. If information was obtained from another person, e.g., an informant, a private citizen, or a fellow law officer, state



exhibit A

On 08/16/93 at 1500 this officer contacted Trooper FAZIO of PSP Dunmore. Trooper FAZIO was present at CMC Hospital in Scranton while the Rape test kit was conducted. Trooper FAZIO related that the attending physician related that there was penetration to the victims vaginal area, and that there was some tears of some tissue.

[Signature]
Affiant

08/16/93
Date

NOTE: Doctor at hospital did not find any penetration, this is Trooper Fazio report.

NOTE: on first page of (arrest warrant) ~~that~~ Girl states on In police report, it states they had intercourse. In Hospital report, girl states she's not sure he entered her.

Pg: 22 of her deposition, (I have upon request Girl states he entered slightly but then pulled away.

Exhibit B

1 sperm found?

2 A. No. There was no sperm found according
3 to this.

4 Q. Now, I'm holding before you your entire
5 records of this alleged attack, and again, your
6 finding from your examination is really one
7 sentence it says: "The patient had an abrasion
8 of her right labia major and some whitish
9 secretion from the vaginal area"; am I correct?

10 A. Yes. I dictated only the abnormalities
11 on the exam.

12 Q. Did your examination show that there
13 was any tearing?

14 A. There was none that I reported.

15 Q. Did your examination show that there
16 was any swelling?

17 A. No.

18 Q. Does your examination show that there
19 was any discoloration?

20 A. It -- I did not describe the abrasion
21 as being discolored.

22 Q. And other than the whitish secretion
23 that you referred to, you never said that there
24 was the presence of secretions, plural; am I
25 correct?

Discharge of Gun In Police Barracks Being Investigated

Officer Is Struck By Shell Fragment As Bullet Shatters

BY FRANK SCHOLZ
THE SUNDAY TIMES

State police internal investigators are looking into an incident at the barracks in Dunmore in which a trooper's private revolver discharged, apparently accidentally.

Capt. Francis Koscelnak, commander of Troop R, acknowledged the incident as well as the internal investigation, which he said is conducted whenever a trooper's weapon discharges while on duty.

"It's a regrettable situation," he said.

The incident occurred three weeks ago when Trooper Anthony J. Fazio, the troop's communications specialist, crawled under a desk to repair a broken piece of communications equipment. Koscelnak said Fazio's private weapon, a .45-caliber automatic revolver, fell out of its holster and discharged when it hit the floor.

The bullet "immediately disintegrated," according to the commander. Another trooper in the room with Fazio apparently was struck by a fragment of the bullet and was taken to a hospital as a precautionary measure.

The incident occurred in the communications room at the barracks. Three other persons were in the room with Fazio when the weapon discharged.

"It was not his service revolver," Koscelnak said. "It was his own personal gun, which he is qualified with. State police regulations say you can use a revolver providing you are qualified with it."

According to the commander, Fazio had the weapon in what he described as a "pressurized" holster strapped to his waist on

The bullet "immediately disintegrated," according to the commander. Another trooper in the room apparently was struck by a fragment of the bullet and was taken to a hospital.

the right side of his body. As he bent down to examine a piece of equipment sitting on a console, the weapon came loose from the holster and fell to the floor.

"The barrel of the weapon hit the floor and ignited a round," Koscelnak said. "The discharged round came out of the muzzle, went into the floor and fragmented."

The internal affairs division of the state police was immediately notified and an investigation was initiated. As part of the investigation, Fazio's firearm has been sent to a ballistics laboratory for testing.

"We're suspecting the mechanism was faulty," Koscelnak said, adding the weapon should never have discharged. "You're supposed to be able to drop the weapon from 12 feet without it discharging."

Internal investigators won't know until ballistics tests of the weapon are completed whether it actually is faulty.

trooper Fazio
that made false
statements about
doctor's report in
Wayne case

This story is about him. This state trooper seems to be irresponsible in handling a gun and not much better at preserving vital evidence in a case, as he left the rape test kit of alleged rape victims in back of his police car in 90° weather, when it should have been immediately sent to laboratory and preserved as is.

This would have preserved sperm and a D.N.A. Could have been performed,

He also sent the alleged rape victims a sweat shirt the day after the alleged rape because he felt sorry for her. This was told by Megan Buckley the alleged victim in her deposition.

cott, N.Y.
LUZERNE COUNTY
The preliminary hearing for a former state-police forensic scientist charged with tampering with evidence and other counts has been rescheduled to Oct. 2.
State police at Wyoming say they found serious discrepancies in the work of Frank M. Butcofski, 30, of Harveys Lake, who worked in the state-police laboratory at Wyoming.
Butcofski worked for the lab from Sept. 4, 1990, to Nov. 11, 1995.
The hearing will be before District Justice Fred Pierantoni in Pittston.

Exhibit D

this came out of our
Scranton Times
local newspaper October 1996.

that a State Trooper
forensic Scientist from
Wyoming was charged with
tampering with evidence
from Sept 1990 to Nov 1995
until he got caught.

Wayne Jones evidence
went to that Lab also.



Philip E

at L

DIRECTOR

Community Medical Center

LABORATORY REPORT

1800 Mulberry Street, Scranton, Pennsylvania 18510 717-969-8161

atient: BUCKLEY, MEGAN

Age: 14 Y

BIL#: 94412806

Sex: F

MR #: 1719541

Mail To: EMERGENCY ROOM DEPT
CMC

SCRANTON

PA 18510

Phone: 8128

Req#: H2280247

Ordered: 08/16/93 14:19

Printed: 08/17/93 11:14

Report Status***PARTIAL**

Page# 1

Ord Phy: DR. UNIDENTIFIED

TEST

RESULTS

*****MICROBIOLOGY*****

CULTURE, OTHER:

ACC#: M2281094

Collected: 08/16/93 @ 1416 REPORT PENDING

MICROSCOPIC EXAMINATION:

ACC#: M2281095

Collected: 08/16/93 @ 1418

SPECIMEN

RESULT

VAGINAL WASHINGS

MANY SQUAMOUS CELLS, MANY BACTERIA, FEW WBC'S

SEEN

NO SPERM SEEN

Comment: VAGINAL WASHINGS FOR SPERM MOTILITY

(**END OF REPORT**)

PENNSYLVANIA STATE POLICE
LABORATORY DIVISION
WYOMING REGIONAL LABORATORY
479 Wyoming Avenue
Wyoming, PA 18644-1898

Exhibit F

TELEPHONE (717) 826-2230

LAB REPORT: W93-1900-C
REPORT DATE: January 5, 1994
INCIDENT NO.: R4-236023

CASE: Y RAPE
VICTIM: Megan BUCKLEY
ACCUSED: Wayne JONES
SUSPECT:
PLACE: Greene Township, Pike County, Pennsylvania
DATE: August 16, 1993
FROM: Pennsylvania State Police, Troop R, Hawley, Pennsylvania
DATE: August 18, 1993

- ITEMS:
1. Debris collection.
 2. Genital swabbing.
 3. Dried secretions.
 4. Comb and pubic combings.
 5. Pubic hair - pulled.
 6. Head hair - pulled.
 7. Fingernail scrapings.
 8. Saliva sample.
 9. Smear samples, oral, anal, vaginal.
 10. Whole blood samples.
 11. Nasal mucous sample.
 12. Pair of blue jean shorts.
 13. Pair of pink underwear.
 14. Black T-shirt.
 15. Grey tank top.
 16. Black hair clip.
 17. White bra.
- RESULTS:
- ① Sperm heads and PGM type 1 were found in the seminal stain on item 13.

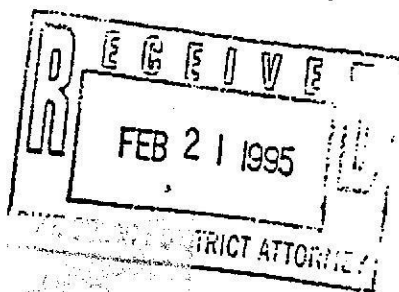
Duplicate
Bridges

Check hospital
Clothing report. They shot
a gray bodysuit on the
police lot test it
states grey tank top.

acid
Phosphate
Spermin
Bridges

Steven R. Guccini
Assistant District Attorney
District Attorney's Office
Pike County Administration Building
506 Broad Street
Milford, PA 18337

Telephone (301) 428-4980
800-USA-LABS
Fax (301) 428-4877



Re: Your Case No. 213-1994
Cellmark Case No. F9510

epubert

EXHIBITS:

Polymerase chain reaction (PCR) testing was performed on the following items which were received for analysis on January 5, 1995:

<u>ID #</u>	<u>DESCRIPTION</u>
Q1	Pink material cutting in envelope labelled "...Q1..."
K1	One blood swatch in envelope labelled "...K1..." (identified in report dated November 21, 1994 from the Pennsylvania State Police Laboratory Division as blood from Wayne Jones)
K2	One blood swatch in envelope labelled "...K2..." (identified in report dated November 21, 1994 from the Pennsylvania State Police Laboratory Division as blood from Megan Buckley)

RESULTS:

DNA was isolated from the items listed above. DNA from each of the items was amplified using the polymerase chain reaction (PCR) and typed for HLA DQ α , the LDL receptor (LDLR), glycophorin A (GYPA), hemoglobin G gammaglobin (HBGG), D7S8, and group specific component (GC) using the AmpliTypeTM HLA DQ α Forensic DNA Amplification and Typing Kit and the AmpliType[®] PM PCR Amplification and Typing Kit. The types detected for each sample are listed below.

A business of Zeneca Specialties
A business unit of Zeneca Inc.

Exhibit A

TYPES DETECTED

<u>Sample</u>	<u>DQα</u>	<u>LDLR</u>	<u>GYPa</u>	<u>HBGG</u>	<u>D7S8</u>	<u>GC</u>
material cutting (non-sperm cell fraction)	1.1,4	A	A	A B	A	A C
Megan Buckley	1.1,4	A	A	A B	A	A C
Wayne Jones	1.1,3	A B	A B	B	A	C

No polymerase chain reaction (PCR) products were obtained when an extract from the sperm fraction of the material cutting was amplified using the AmpliType® PM PCR Amplification and Typing Kit.

GENOTYPES

<u>Sample</u>	<u>DQα</u>	<u>LDLR</u>	<u>GYPa</u>	<u>HBGG</u>	<u>D7S8</u>	<u>GC</u>
Megan Buckley	1.1,4	AA	AA	AB	AA	AC
Wayne Jones	1.1,3	AB	AB	BB	AA	CC

CONCLUSION:

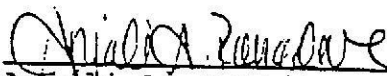
No conclusion can be made regarding the sperm fraction of the material cutting.

Megan Buckley cannot be excluded as the source of the DNA obtained from the non-sperm cell fraction of the material cutting.

Wayne Jones is not the donor of the DNA obtained from the non-sperm cell fraction of the material cutting. However, since the only types obtained from the non-sperm cell fraction of the material cutting are consistent with the types obtained from Megan Buckley, no further conclusion can be made.



Charlotte J. Word, Ph.D.
Molecular Geneticist



Anjali A. Ranadive
Staff Molecular Biologist

ephrat H

PENNSYLVANIA STATE POLICE
LABORATORY DIVISION
GREENSBURG REGIONAL LABORATORY
P.O. Box "P"
Greensburg, PA. 15601-0436

TELEPHONE (412) 832-3299

LAB REPORT: G94-3319-G
REF. NO. W93-1900-C
W94-1068-C
W94-1473-C
REPORT DATE: November 21, 1994
INCIDENT NO.: R4-236023

CASE: RAPE
VICTIM: Megan BUCKLEY
ACCUSED: Wayne JONES
SUSPECT:

PLACE: Greene Township, Pike County, Pennsylvania
DATE: August 16, 1993

FROM: Pennsylvania State Police, Troop "R", Hawley, Pennsylvania
DATE: July 13, 1994

ITEMS: K1 Blood patches from Wayne JONES.
K2 Blood patches from Megan BUCKLEY.
Q1 Stained sections from Victim's underwear.

Specimens containing semen/spermatozoa are extracted in three (3) fractions. Fraction F is enriched for DNA from sources such as white blood cells or epithelial cells (as found in vaginal fluid). Fraction M is enriched for DNA from spermatozoa. The third fraction consists of a direct extract of the material containing the stain. This fraction is Fraction X and may contain DNA from either or both sources of Fraction F and M.

RESULTS:

Deoxyribonucleic Acid (DNA) profiles for genetic loci D1S7, D2S44, D4S139, D5S110, D10S28, and D17S79 were developed from HAE III digested high molecular weight DNA extracted from Specimens K1, K2, and Q1.

Fraction F of specimen Q1 matched specimen K2 at genetic loci D4S139, D10S28 and D17S79. Genetic loci D1S7, D2S44, and D5S110 were inconclusive due to insufficient/degraded high molecular weight DNA.

Exhibit H

LAB REPORT: G94-3319-G
REF. NO. W93-1900-C
W94-1068-C
W94-1473
REPORT DATE: November 21, 1994
INCIDENT NO.: R4-236023

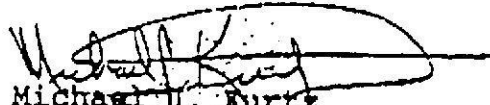
Fraction X of specimen Q1 matched specimen K2 at genetic loci D2S44, D5S110, D10S28, and D17S79. Genetic loci D1S7 and D4S139 were inconclusive due to insufficient/degraded high molecular weight DNA.

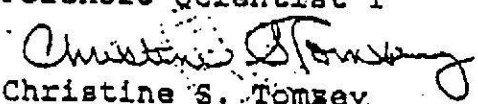
Fraction M of specimen Q1 did not yield any results at genetic loci D1S7, D2S44, D4S139, D5S110, and D10S28. At genetic Loci D17S79 Fraction M matched specimen K2.

No genetic profile besides that of specimen K2 was generated from specimen Q1 and therefore did not match specimen K1.

DISPOSITION: THE EVIDENCE MUST BE PICKED UP WITHIN THIRTY (30) DAYS FROM THE WYOMING LABORATORY.

THE REMAINING PROCESSED DNA FROM SPECIMENS EXAMINED BY DNA ANALYSIS IS INCLUDED IN THE PACKAGED EVIDENCE AND CAN BE FOUND IN A PACKAGE MARKED "PROCESSED DNA SAMPLES SHOULD BE REFRIGERATED OR FROZEN". IT IS RECOMMENDED THAT THE EVIDENCE BE STORED IN A REFRIGERATOR OR MANUAL FREEZER AND ISOLATED FROM EVIDENCE THAT HAS NOT BEEN EXAMINED.


Michael D. Kurtz
Forensic Scientist I


Christine S. Tomzey
Crime Laboratory Manager/DNA

lbq

COPIES: C.O., PSP, Troop "R"
Attn: Tpr. John CLADER
Forensic Scientist, G. SURMA
Greensburg Regional Laboratory

*Letter from Jury
member after Trial*

Honorable Judge Thompson
Court of Common Pleas
Pike County Courthouse
412 Broad Street
Milford, PA 18337

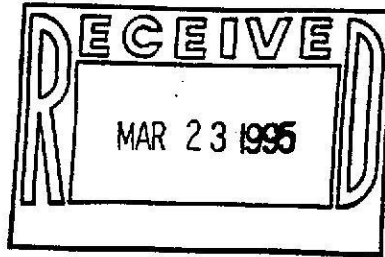


Exhibit I

March 21, 1995

Dear Judge Thompson,

My name is Allan Jacobs and I recently served on the People Vs Wayne Jones case. I wanted to write my comments while filling out the questionnaire, but I have learned through experience that when I am upset about something to take a couple of days to think it through before taking action.

First, I would like to compliment you and the personnel in the courtroom. I have known of your reputation in the community and I got the opportunity to see why people think so highly of you. Your management of the courtroom and no nonsense approach was impressive. The personnel in the courtroom, to a person, were polite and courteous and treated all the jurors with respect.

This was my first opportunity to serve as a Juror on a case of any kind. In many ways it was a rewarding experience and I was happy to perform my civic duty. In other ways it was very disturbing. I have a difficult time dealing with the fact that this case was brought to trial. Was there something about this case we were not told? Here was a man that was accused by a young lady who unfortunately has emotional problems and is being treated for the inability to tell the truth.

The shabby handling of evidence, the lack of precise details in communication between law enforcement officials, the lack of cooperation by the prosecutor in finding the truth of the matter, is really the heart of my concern. To be reluctant to spend "\$1600 of the people's money" is to me, insulting. I would want the County to spend whatever it takes to get to the truth. For all practical purposes this man's life was on the line. In my mind, Mr. Jones was presumed guilty and had to prove himself innocent. Fortunately for him he found a very competent lawyer. Where was common sense applied in this case?

I sensed half way through the trial that the prosecutor lost his enthusiasm. It was almost as if he were saying to himself, "I do not believe he is guilty". Considering the facts presented to the jury, twelve people easily found the defendant not guilty. I would like to think that an experienced prosecutor could determine that before bringing the case to court. I cannot help thinking there must have been more to this entire incident.

I believe that there is too much crime. I believe that in too many cases law enforcement officials are obstructed from doing their jobs. I want to put rapist in jail where they belong. I also would like to think that we truly give someone who is accused of crime the benefit of the doubt. It could have been you or I who walked into that farm stand that day. I am a Vice President in business and you are a Judge, would the system treat us differently? I truly do not know, but it makes me wonder.

Please accept this as one person's perception as to what transpired in the courtroom. It is based only on what I saw and heard and I am sure it's not the total picture. I only hope that it may help improve the process. I would appreciate it if you could forward a copy of this letter to the participating attorneys.

Thank you for the opportunity to express my strong feelings. I can now start putting this case behind me. The experience was something I will never forget.

Sincerely,

Allan J. Jacobs

Allan J. Jacobs
HC1 Box 2454
Colony Cove South
Tafton, PA 18464

*letter from Jury
member after trial
of Wayne Jones*



Case # was 2/3-1993 Pike County Exhibit J

PENNSYLVANIA COMMISSION ON
CRIME AND DELINQUENCY
BUREAU OF VICTIMS' SERVICES
VICTIMS COMPENSATION DIVISION *17108-1167*
HARRISBURG, PENNSYLVANIA

1 - (800) 233-2339 IN PA
(717) 783-5153
(717) 787-4306 FAX

PLEASE READ THE FOLLOWING INFORMATION AND INSTRUCTIONS BEFORE COMPLETING THIS FORM.

COMPENSATION MAY BE AWARDED FOR:

1. Out-of-pocket medical related expenses of \$100 or more.
2. Loss of earnings or support for 2 or more continuous weeks.
3. Stolen benefit cash (retirement/pension, Social Security, disability or court ordered child/spousal support ONLY).
4. Funeral and burial expenses for a victim.

COMPENSATION LIMITS:

1. NO compensation for pain and suffering.
2. NO compensation for stolen or damaged property.
3. NO compensation for motor vehicle accidents UNLESS crash involved the use of drugs or alcohol or vehicle was intentionally used to inflict injury.
4. Total compensation may not exceed \$35,000.
5. Maximum compensation for loss of support is \$20,000.
6. Maximum compensation for loss of earnings is \$15,000.

TO QUALIFY FOR COMPENSATION THE FOLLOWING MUST APPLY:

1. Crime occurred in Pennsylvania-OR-Crime against Pennsylvania resident occurred in a state which does not have a qualifying program.
2. Crime was reported to proper authorities within 72 hrs. of the incident.
3. Application is filed within one (1) year of the date of crime or death of victim. (May be extended to two (2) years for good cause and in certain child abuse cases may be extended to five (5) years)
4. Minimum loss requirements are met.
 - If under age 60 - A minimum of \$100 total qualifying out-of-pocket expenses OR a loss of two (2) or more continuous weeks of earnings, support or benefit cash.
 - If age 60 or over - No minimum out-of-pocket loss required.

EXPLANATION OF TERMS:

"Out-of-Pocket Loss" means any bills you have paid or are obligated to pay. This means bills that have not been paid and will not be paid by any other sources. Crime Victim's Compensation Fund is the Payor of Last Resort.

"Benefit Statements" are documents from insurances such as medical, life, disability, Social Security, etc. that show benefits paid or rejected.

"Victim" is the person who was injured, robbed or killed during the commission of a crime.

"Claimant" is the person filing the claim. The claimant may be the victim, or someone other than the victim; such as, a parent, guardian or the family member of a homicide victim who is responsible for the victim's expenses.

GENERAL INSTRUCTIONS:

1. Print clearly or type the claim form/application.
2. Fill in all spaces which apply to your claim.
3. Sign the Acknowledgement, Reimbursement Agreement and Authorization on the last page. (3 signatures)
4. Attach copies of bills incurred to date, receipts and matching insurance statements. Bills you receive after your claim is filed can be added to your claim later.
5. Mail the original claim form to the Bureau of Victims' Services, Victims Compensation Division. In order for your claim to be properly filed, the claim must be timely filed at the office of the Bureau of Victims' Services, Victims Compensation Division, Harrisburg, PA. Delivery of the claim to any other office does not constitute filing with the Bureau.
6. If claim is not filed within one year of the date of incident, attach a written explanation as to why.

IMPORTANT NOTE: You DO NOT have to wait until the trial is over or all the bills are received to file.

FAILURE TO COOPERATE WITH THE BUREAU OR FAILURE TO KEEP THE BUREAU INFORMED OF A CHANGE OF ADDRESS WILL RESULT IN AN AUTOMATIC DENIAL.

CLAIM FORM

FOR OFFICIAL USE ONLY	
CLAIM NO.	
ACCEPTED	

PLEASE READ INFORMATION AND INSTRUCTIONS CAREFULLY. Answer all questions and sign three (3) statements on last page.
Failure to do so and failure to attach requested documents will be grounds for rejection or return of the claim.

DATE PREPARED 12 / 29 / 99	CHECK AS MANY AS APPLY: <input type="checkbox"/> INJURY CLAIM <input type="checkbox"/> DEATH <input type="checkbox"/> STOLEN BENEFIT CASH <input type="checkbox"/> DUI false arrest
-------------------------------	--

APPLICANTS MUST COMPLETE ALL SECTIONS ON THIS PAGE

SECTION 1. VICTIM INFORMATION		VICTIM'S NAME Wayne Alvin Jones			
<input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE	DATE OF BIRTH 2 / 4 / 56	AGE AT TIME OF INCIDENT 37	MARITAL STATUS married	SOCIAL SECURITY NO. 207-46-0515	
COMPLETE CURRENT STREET ADDRESS 626 lincoln street Dickson City Pa. 18519			COUNTY Lackawanna		
CITY Dickson City	STATE Pa.	ZIP CODE 18519	DAYTIME TELEPHONE NO. 679 489-2451		
EMPLOYER AT TIME OF INCIDENT Rosenstein Produce		COMPLETE STREET ADDRESS 950 north keyser ave.			
CITY Scranton	STATE Pa.	ZIP CODE 18504	DAYTIME TELEPHONE NO. 679 346-5771		

SECTION 2. CLAIMANT INFORMATION		(If victim is the claimant, write "same".) SAME			
(If someone other than the victim is filing, complete the entire section.)					
<input type="checkbox"/> PARENT OF A MINOR CHILD. <input type="checkbox"/> IF GUARDIAN OF VICTIM - ATTACH GUARDIANSHIP PAPERS. <input type="checkbox"/> PERSON RESPONSIBLE FOR FUNERAL EXPENSES					
YOUR NAME			COMPLETE STREET ADDRESS		
CITY	COUNTY	STATE	ZIP CODE		
DATE OF BIRTH	AGE	DAYTIME TELEPHONE NO. ()	RELATIONSHIP TO VICTIM	SOCIAL SECURITY NO.	
NAME OF EMPLOYER			EMPLOYER TELEPHONE NO.		

SECTION 3. CRIME INFORMATION		DATE OF CRIME August 16, 1993		DID IT HAPPEN AT WORK? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
EXACT LOCATION OF CRIME: (GIVE STREET NAME AND NO.) Roadside produce stand in Greentown		CITY Route 507	COUNTY Pike	STATE PA	
DATE REPORTED TO POLICE Aug. / 16 / 1993 (If not reported within 72 hours, attach explanation why.)			POLICE INCIDENT NO. R4-236023		
NAME OF POLICE DEPARTMENT Blooming Grove Police Dept.		NAME OF DISTRICT JUSTICE (ONLY IF FILED) Harold A. Thomson, Jr., P.J.			
STREET ADDRESS interstate 84		STREET ADDRESS Pike County Court House			
CITY Hawley	STATE Pa.	ZIP CODE 18428	CITY Milford	STATE Pa.	ZIP CODE 18337
NAME OF PERSON(S) WHO COMMITTED CRIME (IF KNOWN) Megan Buckley		<input type="checkbox"/> ADULT <input checked="" type="checkbox"/> JUVENILE	HAS ARREST BEEN MADE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		DOCKET (COURT) NO. 213/93 CR
WAS RESTITUTION ORDERED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		If Yes, <input type="checkbox"/> Property <input type="checkbox"/> Medical		Amt. Ordered \$ _____ Amt. Paid \$ _____ Amt. Ordered \$ _____ Amt. Paid \$ _____	

BRIEFLY DESCRIBE INCIDENT IN YOUR OWN WORDS:

A. WHAT HAPPENED? I was falsley accussed of raping, aggravated indecent assault, unlawful restraint, corruption of minors and indecent exposure on 8-16-93 while I was delivering produce for Rosensteins at the roadside stand in Greentown, Pa.

B. WHAT WERE THE INJURIES? Medical, psychiatric and legal expenses.

SECTION 4a. MEDICAL TREATMENT		(Complete if filing for medical expenses and/or loss of earnings.)	
Name, Address and Dates of service for your first medical treatment (Doctor or Hospital, whichever was first.)			
DOCTOR/HOSPITAL Dr. Jackson/MidValley Hospital		ADDRESS 1400 Main Street	
CITY Peckville	STATE Pa.	ZIP CODE 18452	DATES TREATED FROM 8 / 19 / 93 THRU 8 / 19 / 93
SECTION 4b. MEDICAL EXPENSES		(Complete entire section if filing for medical expenses.)	
If victim is covered by an HMO, insurance plan or Medical Assistance, he/she must utilize authorized participating providers.			
ATTACH ALL ITEMIZED BILLS RELATED TO CRIME. (Each bill must show name, address and telephone number of the provider and dates and type of service.)			
Medical Expenses (Include hospital, doctor, counseling, ambulance, dentist, medications, medical supplies & others)*			
NAME OF PROVIDER	AMOUNT CHARGED	AMOUNT PAID BY INSURANCE	AMOUNT PAID BY VICTIM/CLMT. BALANCE
Dr. Cunningham Ed. D. Bank Towers Scranton Pa 18503	1,535	390	1,535 85.00
First Valley Hospital of Wilkes-Barre			
ATTORNEY FEES	12,000	N/A	12,000
Depositions - Transcripts	2,103.38	N/A	2,103.38
Subpoenas - Record Copies	242	N/A	242.00
LOST WAGES	6,415		
Legal Papers Copies	294.39		294.39
*If additional space is needed, attach a separate sheet. Total Amount Requested \$ 36,733.62			
DID THE VICTIM HAVE ANY HEALTH INSURANCE OR BENEFIT PLAN AT THE TIME OF THE CRIME? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO AT PRESENT: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
ALL BILLS MUST BE SUBMITTED TO YOUR INSURANCE OR BENEFIT PLAN BEFORE SUBMITTING TO THE BUREAU.			
<input type="checkbox"/> EMPLOYERS/UNION GROUP <input type="checkbox"/> MEDICARE <input checked="" type="checkbox"/> BLUE CROSS/BLUE SHIELD <input type="checkbox"/> OTHER (SPECIFY)			
<input type="checkbox"/> INSURANCE PLAN <input type="checkbox"/> PRIVATE ACCIDENT HEALTH PLAN <input checked="" type="checkbox"/> MAJOR MEDICAL <input type="checkbox"/>			
<input type="checkbox"/> MEDICAL ASSISTANCE <input type="checkbox"/> WORKERS' COMPENSATION <input type="checkbox"/> AUTO INSURANCE <input type="checkbox"/>			
NAME OF INSURANCE COMPANY/BENEFIT PLAN Blue Cross/Blue Shield			
ADDRESS 70 North Main Street Wilkes-Barre Pa 18711			
CITY Wilkes-Barre	STATE Pa	ZIP CODE 18711	
POLICY NO. 207 460515	GROUP NO.		
ATTACH INSURANCE STATEMENTS OF ALL PAYMENTS AND REJECTIONS TO MATCH EACH BILL.			
SECTION 5. STOLEN BENEFIT CASH		(Complete if filing for loss of cash benefit.)	
TYPE OF BENEFIT STOLEN: (THIS BENEFIT MUST BE YOUR MAIN SOURCE OF INCOME.)		AMOUNT OF CASH STOLEN	
<input type="checkbox"/> SOCIAL SECURITY <input type="checkbox"/> SSI <input type="checkbox"/> RETIREMENT/PENSION <input type="checkbox"/> DISABILITY <input type="checkbox"/> COURT ORDERED CHILD SUPPORT <input type="checkbox"/> COURT ORDERED SPOUSAL SUPPORT		\$	
IS THIS BENEFIT YOUR MAIN SOURCE OF INCOME? <input type="checkbox"/> YES <input type="checkbox"/> NO		IF MARRIED:	
(ATTACH COPY OF YOUR BENEFIT STATEMENT(S) WHICH APPLIES TO MONTH OF CRIME.)		MAIN SOURCE OF SPOUSE'S INCOME	
AMOUNT YOU RECEIVE PER MONTH \$		MONTHLY INCOME \$	
		ATTACH COPY OF SPOUSE'S BENEFIT STATEMENT OR PAY STUB	
DO YOU HAVE HOMEOWNER'S OR RENTER'S INSURANCE?			
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (IF YES, ATTACH STATEMENT SHOWING COVERAGE OR REJECTION.)			

SECTION 6. FUNERAL EXPENSES		(Complete if filing for funeral expenses.)		
Attach copies of itemized bills. Each bill must show name, address, telephone number, date of service and name of payor/ person responsible for payment in order to be considered for compensation. Attach an original death certificate.				
NAME OF PROVIDER		AMT. CHARGED	AMT. PAID BY INS.	AMT. PAID BY CLMT.
WAS THERE A SOCIAL SECURITY DEATH BENEFIT? <input type="checkbox"/> YES <input type="checkbox"/> NO (IF YES, ATTACH STATEMENT)		WAS THERE A VETERAN'S BENEFIT? <input type="checkbox"/> YES <input type="checkbox"/> NO (IF YES, ATTACH STATEMENT)		TOTAL AMOUNT REQUESTED \$
WAS THERE LIFE INSURANCE ON THE VICTIM? <input type="checkbox"/> YES <input type="checkbox"/> NO (If yes, attach copy of life insurance benefit statement(s).)		NAME OF INSURANCE COMPANY		
		POLICY NO.		NAME OF BENEFICIARY

SECTION 7. EMPLOYMENT INFORMATION		(Complete if filing for loss of earnings.)	
WERE YOU EMPLOYED WHEN THE CRIME OCCURRED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		IF YOU ANSWERED NO TO EITHER OF THESE QUESTIONS, DO NOT COMPLETE THIS SECTION, YOU ARE NOT ELIGIBLE FOR LOST WAGES.	
DID YOU MISS WORK AND PAY AS A RESULT OF CRIME-RELATED INJURIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
VICTIM'S EMPLOYER/BUSINESS NAME Rosenstein Produce		CONTACT PERSON Jay Rosenstein	TELEPHONE (570) 346-5771
STREET ADDRESS 950 North Keyser Ave.	CITY Scranton	STATE Pa.	ZIP CODE 18504
DATES ABSENT FROM WORK DUE TO CRIME-RELATED INJURIES: FROM 8/17/93 THRU 8/17/93		NAME OF DOCTOR CERTIFYING DISABILITY PARKER ATTACHED WITH DATES	
ATTACH DOCTOR'S CERTIFICATE OF DATES OF DISABILITY.			
CITY		STATE	ZIP CODE
DID YOU RECEIVE ANY OF THE FOLLOWING BECAUSE OF INJURY: <input type="checkbox"/> SICK PAY <input type="checkbox"/> WORKERS' COMPENSATION <input type="checkbox"/> FOOD STAMPS <input type="checkbox"/> UNION OR FRATERNAL PLAN <input type="checkbox"/> VACATION PAY <input type="checkbox"/> PUBLIC ASSISTANCE <input type="checkbox"/> DISABILITY <input checked="" type="checkbox"/> IF NONE, CHECK HERE			
(If you checked any of the above, attach copies of all benefit statements showing dates, types and amounts of payment.)			
Provide copies of the following: 1. Last 4 pay stubs before the crime. 2. W-2s and complete, signed IRS and State tax returns, including all schedules, for year of and year before the crime. Indicate the number of weeks worked each year.			

SECTION 8. LOSS OF SUPPORT		(Complete if filing for loss of support.)	
Provide copies of the following: 1. Victim's W2s and complete, signed IRS and State tax returns, including all schedules, for year of and year before the crime. Indicate the number of weeks worked each year. 2. An original death certificate. 3. Last 4 pay stubs of victim. 4. Social security benefit statements for claimant and/or dependents. 5. Pension survivor benefit statements. 6. Life insurance benefit statement(s). 7. Public assistance award statement. 8. Other benefit statements.			
Dependents' Names		Date of Birth	Relationship to Victim
VICTIM'S EMPLOYER/BUSINESS NAME		CONTACT PERSON	TELEPHONE NO. ()
STREET ADDRESS	CITY	STATE	ZIP CODE

VICTIM STATISTICAL INFORMATION The following information is used for statistical information only.
The submission of information for this section is strictly voluntary.

RACE	
<input checked="" type="checkbox"/> WHITE	<input type="checkbox"/> BLACK <input type="checkbox"/> HISPANIC <input type="checkbox"/> AMERICAN INDIAN/ALASKAN NATIVE <input type="checkbox"/> ASIAN/PACIFIC ISLANDER <input type="checkbox"/> OTHER
HANDICAPPED	
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO IF YES, NATURE OF HANDICAP: <u>Back injury and hip (work-related) due to the fact, I</u>
WHO REFERRED YOU TO THE COMPENSATION PROGRAM? <u>took a inside warehouse job because of the alleged incident</u>	
<input type="checkbox"/> HOSPITAL <input type="checkbox"/> PROSECUTOR <input type="checkbox"/> POSTER/BROCHURE <input type="checkbox"/> POLICE <input type="checkbox"/> VICTIM SERVICE	<input checked="" type="checkbox"/> OTHER (IDENTIFY) <u>Rep. Staback of Eynon, Pa.</u>

REPRESENTATION BY OTHERS	
ARE YOU REPRESENTED IN THIS MATTER BY A PRIVATE ATTORNEY:	
IN FILING A CLAIM? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
IN CIVIL LAWSUIT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
IN INSURANCE ACTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
ATTORNEY'S NAME	STREET ADDRESS
CITY	STATE ZIP CODE TELEPHONE ()
NAME OF VICTIM/WITNESS ASSISTANCE PROGRAM WHICH SHOULD RECEIVE COPIES OF CORRESPONDENCE CONCERNING THIS CLAIM	STREET ADDRESS
CITY	STATE ZIP CODE TELHPHONE ()

ACKNOWLEDGEMENT: I understand that the decision of the Bureau does not require my approval, although, I will have the right to object to all or any portion of it in writing within 30 days of the date of the decision, in which event those portions objected to will be withdrawn and reconsidered as a supplemental claim, along with any additional expenses or other losses I may incur. I further acknowledge that I am not automatically entitled to crime victim's compensation and that I must prove that I qualify for compensation and prove the exact amount of my losses. I understand that failure to cooperate with the Bureau and its agents or failure to notify the Bureau of a change of address will result in the denial of the claim. I further understand that any false statements made herein are punishable as a misdemeanor under section 14 of the Act.

CLAIMANT'S SIGNATURE X Wayne A Jones

REIMBURSEMENT AGREEMENT: I understand that the Crime Victim's Compensation Fund is intended to be a payor of last resort. Therefore, I agree to inform the Bureau of and pay to the Commonwealth any funds I may receive from any source as a result of the crime to the extent of any award. That is, if I receive money from the offender or any other person or source, such as a property owner or insurance company, to compensate me in any way for the injury I suffered, I know I must account for that money to the Bureau. I further agree to refund to the Bureau all sums of money paid by the Bureau pursuant to this claim, if the claim is at any time determined to be in error, false or fraudulent.

CLAIMANT'S SIGNATURE X Wayne A Jones

AUTHORIZATION: I hereby authorize any hospital, physician or other person who attended or examined (Name of Victim) Wayne A Jones; any funeral director or other person who rendered related services; any employer of the victim; any police or governmental agency, including State and Federal revenue services; any insurance company; or any organization having relevant knowledge, to furnish to the Bureau of Victims' Services, Victims Compensation Division any and all information in their possession with respect to the incident leading to the victim's personal injury or death and the claim made herewith for compensation. Copies of this authorization may be used in place of the original.

CLAIMANT'S SIGNATURE X Wayne A Jones

VICTIM'S SIGNATURE (IF AGE 14 OR OVER) X Wayne A Jones

Copy of Bank repossessing Megan
Buckley mother's stepfather home

PNC BANK, NATIONAL ASSOCIATION, successor

by merger to PNC BANK, NORTHEAST PA, formerly
known as NORTHEASTERN BANK OF PENNSYLVANIA
VS

JOSEPH NEBESKY and LESLIE NEBESKY

Judgment No. 158-1993

Execution No. 230-1993

IN THE COURT OF COMMON PLEAS
OF PIKE COUNTY, PENNSYLVANIA

Exhibit K Sheriff sale of Megan Buckley parents home

To the Prothonotary: Issue Writ of Execution in the above matter,

(1) Directed to the Sheriff of PIKE County, Penna.;

(2) Against JOSEPH NEBESKY and LESLIE NEBESKY

Defendant(s);

(3) and against

Garnishee(s)

(4) and index this Writ

(a) against JOSEPH NEBESKY and LESLIE NEBESKY

Defendant(s) and

(b) against

Garnishee(s),

as a lis pendens against the real property of the defendant (s) in
the name of the Garnishee (s) as follows: (specifically describe
property): All those two (2) parcels of land situate in the Township of Greene,
County of Pike and State of Pennsylvania, more particularly described
in Pike County Deed Book 1282, 278. See attached Exhibit "A".

(5) Debt

Interest

Costs

Attorney's Commission

Total

Interest from April 1990

Dated August 19, 1993

\$ 58,412.77

\$ 22,295.88

\$ 96.50

\$ 12,106.30

\$ 92,911.45

ENTERED FOR RECORD
PIKE COUNTY, PA

NOV 2 1 04 PM '93

OFFICE OF RECORDER
AND PROTHONOTARY

Attorney for Plaintiff
C.H. Welles IV, Esq.

notice date

they accused Wayne of
rape on aug 16-1993



Edward T. Reed
Private Investigator

REED DETECTIVE AGENCY

527 LINDEN STREET
SCRANTON, PA 18503

Exhibit L

717-346-0212
717-346-1300
FAX 717-969-0571

May 3, 1994

CRIMINAL RECORDS CHECK: JOSEPH NEBESKY

2257 CR 79

THEFT BY DECEPTION
FAILURE TO MAKE DISPOSITION OF FUNDS RECEIVED

(Accepted money for materials and work and did not complete.) After charged, made restitution and charges were nol-prossed.

306 CR 81

THEFT BY UNLAWFUL TAKING

(Same as above.) Made restitution and charges were nol-prossed.

602 CR 81

THEFT BY UNLAWFUL TAKING

(Same as above.) Restitution made and charges nol-prossed.

394 CR 82

THEFT BY DECEPTION
DECEPTIVE BUSINESS PRACTICES

(Same as above.) Charges dropped.

Exhibit M		Megan Buckley run-in - 9-way report	
POLICE REPORT		5-8-93 SCRANTON POLICE DEPARTMENT page 1 PTV	
INCIDENT NO (OCA)		93021916	
OTN/INON TRAF CIT NO			
ACTION		5-8-93 1945	
1052 Albright Ave		351302	
NAME		Megan Buckley	
DOB		-21-78 WF 14	
RACE/ETH/SEX		Bishop Hannon High School	
EMPLOYER OR SCHOOL		NA	
COVERED BY		James Buckley (Father)	
PREMISES		Residence	
DATE DISCOVERED		5-8-93	
TIME DISCOVERED		2345	
DATE INV ARRIVED		5-8-93	
TIME INV ARRIVED		2356	
POINT OF ENTRY		NA	
LOCATION OF VICTIM/PROPERTY ON PREMISES		NA	
FORCE USED		NA	
HOW USED			
VEHICLE USED		NA	
YEAR (VYR)		COLOR (VCO)	
MAKE (VMA)		TYPE (VMD) (VST)	
REGISTRATION (STATE & NO) (LIS) (LIC)		IDENTIFYING CHARACTERISTICS (MIS)	
NAME (LAST FIRST MIDDLE) (NAM)		ADDRESS (LKA)	
ZIP CODE			
SSN (SOC)		BIRTHPLACE (CITY STATE) (POB)	
DOB (DOB)		AGE	
RACE (RAC)		ETHNICITY	
SEX (SEX)			
HEIGHT (HGT)		WEIGHT (WGT)	
HAIR (HAI)		EYES (EYE)	
NICKNAME/ALIAS (AKA)		MARRIAGE STATUS	
EMPLOYER OR SCHOOL NAME & ADDRESS		29 FINGERPRINTED	
DRIVER'S NUMBER (DLN) STATE (OLS) YEAR (OLY)		30 PHOTOGRAPHED	
MISCELLANEOUS NUMBER (MRU)			
NARRATIVE: (1) WHEN APPLICABLE, LIST ADDITIONAL VICTIM/ACCUSED/SUSPECT AS FIRST ITEM-INCLUDE DATA REQUIRED IN BLOCK 28, 29, & 30. ALSO OTN FOR EACH USED. (2) ENTER A CONCISE SUMMARY OF ALL PERTINENT DETAILS RELATED TO THE COMMISSION OF THE CRIME. (3) DESCRIBE STOLEN ARTICLES AND VALUE. ALSO SICAL EVIDENCE, WHERE FOUND & DISPOSITION. (4) INCLUDE STATEMENT OF VICTIMS, WITNESSES, AND SUSPECTS. ALSO THEIR LOCATION AT TIME OF CRIME. (5) FURNISH NAME OF CORONER AND EVIDENCE OF VICTIMS, WITNESSES, AND SUSPECTS. ALSO THEIR LOCATION AT TIME OF CRIME. (6) DESCRIBE ARREST. (7) REFER TO OTHER REPORTS BY NAME & NUMBER. USE CONTINUATION SHEET IF NEEDED.			
AL VICTIM/ACCUSED/SUSPECT			
officer responded to 1052 Albright Ave on the report of a sing juvenile being at that address. That address is the residence of la Ciarkowski. Upon arrival, this officer was met by James and y Buckley, father and step mother of Megan Buckley. They stated at their daughter was at that address. At that point, Megan out of a parked car and approached. She stated that did not wish to go home with her parents. After a discussion, she did agree to go back home and was reported thereby this officer. Upon arrival at 816			
INVESTIGATION NOTICE FURNISHED		33 CRIME VICTIM COMPENSATION FORM FURNISHED	
MSG NO		CID NO	
NIC NO		FILE NO	
DATE		REGIONAL & NCIC ENTRY	
REGIONAL ONLY			
36 INVS RECM		37 SIGNATURE	
CONTINUE		PTV-1 Yed SAA	
		38 SUPV INITIALS & BADGE NO	

POLICE DEPARTMENT		OTHER/WORK TRAF CIT NO	
SCRANTON POLICE DEPARTMENT		2. INCIDENT NO.	
REPORT CONTINUED: <input checked="" type="checkbox"/> INITIAL CRIME <input type="checkbox"/> SUPPLEMENT <input type="checkbox"/> VEHICLE <input type="checkbox"/> OTHER		93021916	
<p>N. Rebecca Ave, Megan and her parents there became involved in a loud verbal argument and Megan stated that she did not wish to stay there and that she wanted to stay with her natural mother, Leslie Nebesky, who resides with her husband, Joseph Nebesky at Box 4580, Moscow, Pa 18444. Due to the high tensions at the home, this officer felt that separating Megan from James and Mary may be advisable. This officer discussed that possibility with James. James stated to Megan that if she chose to stay with her mother he would permit it, but both he and Mary told her that if she went with her mother that she was no longer a part of their family and would not be welcome in their home longer. Megan did choose to go with her mother and telephoned to come and pick her up. She then packed her belongings and waited for her mother and stepfather to arrive. Megan stated that she wished to leave. At the request of James Buckley, this officer checked Megan (as much as possible for a female) for any signs of physical abuse. None were found by this officer. James Buckley stated that Megan has a history of mental and emotional problems. This officer did stand by until Leslie arrived and took Megan.</p>			
SIGNATURE Patricia Schmidt		BADGE NO. 508	
DATE OF REPORT		7. SUPV. INITIALS & BADGE NO.	

CONTINUED:

☐ INITIAL CRIME

☒ SUPPLEMENT

☐ VEHICLE

☐ OTHER

Child Custody

IN REFERENCE TO REPORT FILED BY Ptm. T. Schmidt ON SATURDAY 5-8-93 1345 HRS. ON 7-27-93 1430 HRS. THIS OFFICER SPoke TO MARY BUCKLEY 816 N. REBECCA AVE. PHONE 3437640, SHE IS THE STEP-MOTHER OF MEGAN BUCKLEY AGE 14 WHICH THIS REPORT IS IN REFERENCE TO. MRS BUCKLEY SAID SHE DISAGREED WITH SEVERAL STATEMENTS IN Ptm. Schmidt REPORT. SHE SAID ON THE NIGHT THE INCIDENT TOOK PLACE MEGAN WAS TRANSPORTED FROM HER MOTHERS HOME, LINDA TIERKOWSKI 1052 ALBRIGHT AVE. BY Ptm. Schmidt TO HER FATHERS HOME AT 816 N. REBECCA AVE & WHEN THEY ARRIVED MEGAN BEGAN YELLING & SCREAMING THAT SHE WANTED TO STAY WITH HER REAL MOTHER SHE SAID MEGAN WAS THE ONLY ONE CARRYING ON, NEITHER HER OR HER HUSBAND WERE ARGUING WITH HER. SHE ALSO DISAGREED WITH THE STATEMENT IN THE REPORT THAT MR. BUCKLEY SAID TO MEGAN IF YOU LEAVE YOU ARE NO LONGER PART OF THIS FAMILY SHE SAID THAT STATEMENT WAS NEVER MADE. MR. BUCKLEY HAS COURT CUSTODY OF MEGAN, BUT IS TURNING OVER CUSTODY TO HER MOTHER BECAUSE OF MEGAN'S MENTAL & EMOTIONAL STATE.

ATTORNEY MICHAEL GOFFER IS TRANSFERRING THE CUSTODY

Mrs. Buckley also said her mother THERESA MAC DONALD 407 W. GIBSON ST. WAS AT THE HOME & WITNESSED WHAT TOOK PLACE THAT NIGHT. (PHONE 3474911)

1	5. SIGNATURE Ptm. William Whyte PRINT/TYPE NAME OF REPORTING OFFICER William Whyte	BADGE NO. 180	6. DATE OF REPORT 7-28-93	7. SUPV. INITIALS & BADGE NO. LT MHS
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*inability of ->
tell the truth*

*Exhibit
N*

*Part
1*

1 THE WITNESS: Yes, I am.

BY MR. KURTZ:

Q. Is part of that reason that you are
being counseled because of your ability to tell
the truth?

A. Yes.

Q. Okay. Now, the incident that you
alleged took place on August the 16th. You told
us first that Mr. Jones helped you to fill out a
check?

A. Yes.

Q. Okay. I don't recall much dialogue
that you referred to between yourself and
Mr. Jones. Is it fair to say that Mr. Jones was
friendly when he arrived at the produce stand and
unloaded the produce?

A. Yes.

Q. So there was some conversation between
the two of you while he was unloading the truck,
and you were helping and taking the produce to
the back; is that right?

A. There was no conversation.

Q. No conversation at all?

A. No, there was not.

Q. You both did this in total silence; is

11
REED DETECTIVE AGENCY

527 LINDEN STREET

SCRANTON, PENNSYLVANIA 18503

Part # 2
N

Interviewed BETH CIERKOWSKI, R.D. #3, Lake Ariel, Pennsylvania,
Phone: 698-9482 on June 20, 1994. Beth was located after an extensive search and three trips to her old address on Albright Avenue, Scranton.

Present during the interview with Beth were her father, Wayne Cierkowski and stepmother.

We reviewed Beth's prior statement with her and she signed the statement and initialed it at the beginning and end of each page. Again, she reiterated that she does not believe the rape occurred because Megan exaggerates things and does things to get attention.

Beth also stated that she was recently subpoenaed by the District Attorney's Office for the trial which is to begin on June 11, 1994. Her father said he would rather not have her testify because of her current emotional state (the recent death of her mother) and would rather a deposition be taken if it can be arranged. I told him I would pass this on to the Attorney.

In further conversation with Beth, she stated that day she was at the hospital a policeman (she believes him to be Fazio) spoke with her briefly. Also on the same day at the hospital she said that Megan told her the test results they did were negative.

When asked if Megan mentioned Heberling or anyone else in terms of sexual conduct, she replied, "NO".

the state Police never deposed Beth Cierkowski (Megan Buckley's friend) yet she was willing to do so.

(CONTINUED)

Trooper Is Charged With Rape

The officer told police he thought the woman wanted to have sex with him.

BY JESSICA D. MATTHEWS
THE SCRANTON TIMES

A Honesdale state trooper has been suspended without pay after being charged with sexually assaulting a Pike County woman last month.

State Police Trooper William J. Long, 33, of Honesdale, was allegedly wearing his uniform and service revolver when he sexually assaulted a 34-year-old Stroud woman in her dining room. He was also charged Friday with aggravated indecent assault, indecent assault and official oppression. He was released on \$15,000 bail.

According to an affidavit filed at District Magistrate Alan Cooper's office in Pike County, Trooper Long admitted going to the woman's home and having sex with her. He told police he thought the woman wanted to have sex by the way she talked to him on the telephone.

He also admitted wearing his uniform and gun belt while having sex. He said he did not remove his gun belt because he was concerned about his gun and would have felt vulnerable, according to the court documents.

According to the affidavit, Trooper Long admitted he gained entry to the Trails End development where the woman lives by using false pretenses and lied about his location when asked by a state trooper in Honesdale at the time of the incident.

The woman said she met with Trooper Long, who has been a state police officer five years, because she was having marital problems. She planned to meet him again at Woodloch Pines to get information about seeking a protection from abuse order against her husband, according to the affidavit.

The woman stated that Trooper Long is a friend of her husband and that she had met him on two occasions prior to the incident.

Their planned meeting at Woodloch Pines on Sept. 18 fell through because she couldn't find it and went back home.

Please see TROOPER, Page 8

robbed her and forced her to have intercourse against her will on her dining room floor, according to the court papers.

The woman said the presence of Trooper Long in his uniform with his weapon on intimidated her and made her feel obligated to do sexual acts with him, the affidavit states.

While Trooper Long was there, the woman said he received a radio call asking if he was supposed to meet someone at

Woodloch Pines. The woman said Trooper Long got angry and wanted to know who she had told about their planned meeting.

She said Trooper Long told her not to tell anyone that he was there because he could get in trouble and had a lot to lose.

During this conversation, the woman said her telephone rang and she went to answer it. Trooper Long left at that time and the woman told the caller that she had been raped.

At about 9:18 p.m., state police in Blooming Grove were notified of a sexual assault at Trails End. State Trooper Charles Gleichman responded and contacted the security guard at the development.

The guard told him that Trooper Long had just left the development at about 8:10 p.m. and had been there conducting an investigation, according to the affidavit.

State Police at Honesdale told Trooper Gleichman they had no information that Trooper Long was in Pike County. Trooper Long then responded by radio that he was refueling at the Mobil gas station on Route 191 in Honesdale, the court papers state.

State police at Blooming Grove went to the woman's house where she was crying hysterically, according to court papers.

The woman was taken to Wayne Memorial Hospital for an examination where a doctor found bruises on the woman's upper right arm and a handprint on her upper back between her shoulder blades, according to the affidavit.

A blood-alcohol test was also performed on the woman, who told investigators she was on anti-depressant medication at the time of the incident.

Trooper Long could not be reached for comment. State police in Dunmore, Blooming Grove and Honesdale refused to comment on the incident or affidavit.

A preliminary hearing will be scheduled for before District Magistrate Stephen McBride in Pike County. If convicted, he faces a maximum sentence of 27 years in prison and \$65,000 in

PROJECT

This trooper William Long came from Blooming Grove state police barracks, the same barracks where arrested Wayne Jones for a rape he did not commit.

nothing was done to this state trooper.

what is wrong with the legal system?

This barracks needs an investigation and house cleaning.

This trooper is from Blooming Grove barracks, the same barracks that prosecuted Wayne. We understand this trooper is not going to be prosecuted.

FROM PAGE 1
according to the affidavit.

She said Trooper Long showed up at her home at about 8:25 p.m. to see how she was doing. She said it was at that time that he forced her to have oral sex, dis-

Scranton Times newsletter ^{VIC 1000} ^{Old Forge}
Feb 11 - 2000

another Citizens finds
fault with State
police:

Local 'Bankruptcy' Runs Deep

Editor: Scranton is "bankrupt" in more ways than the monetary sense, and that ethical bankruptcy goes all the way to the attorney general's office. Attorney General Mike Fisher's play-down of the Kevin Colgan incident is testimony to that. Fisher only went after Frank Serafini because he wants the headline. After all, it's election time.

It's the old game—what you are not who you are. The state police are a prime example. Why isn't Trooper Long in jail? Why isn't Sgt. Stiles? (Honesdale, Barracks) I know too many people who were picked up for DUI and they were locked up. Stiles was set free to assault a woman in subsequent days. The woman would never have been assaulted if Stiles was behind bars!

Stiles and Long will no doubt get off. The Internal Investigation Department has a long broom to sweep it all under the rug. I have personal experience of that long broom.

McDermott's letter is, hopefully, not the last you will receive. I hope the citizens of Scranton and Pennsylvania will rise up. Vote these misfits out of office—give the judicial system a chance to work!

MYLES JACQUES JR.
Pleasant Mount

Trooper
Long & Stiles

ABOUT LETTERS

Letters to *The Scranton Times* and *The Sunday Times* may be sent to P.O. Box 2311, Scranton, Pa. 18505-3311. Fax number: 670-348-9135. Letters must include a name for confirmation and publication, and a telephone number.

Exhibit P

Part 2

Trooper Long - rape
Trooper Stiles not Stiles
D.U.F

Honesdale & Bloomingrove barracks need
a Clean Sweep.

*Megan Buckley mother
Leslie Nebesky believed to
be in violation of alcohol problems*

*Exhibit
g*

Page 2 ->

JAMES BUCKLEY,	*	IN THE COURT OF COMMON PLEAS
Petitioner	*	OF LACKAWANNA COUNTY
vs.	*	CIVIL ACTION -- LAW
LESLIE BUCKLEY, now by	*	
marriage, LESLIE NEBESKY,	*	
Respondent	*	NO. 84 CIVIL 5337

ANSWER TO PETITION FOR CIVIL CONTEMPT

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.

5. The allegations of Paragraph 5 are specifically denied. To the contrary, the Respondent, Leslie Nebesky, has never consumed alcoholic beverages in her home during visitation. Leslie Nebesky has never been in direct violation of the Court Order, a copy of which is attached to the Petition For Civil

CM

FILED FOR RECORD
DEC 29 3 01 PM '88
WILLIAM P. RINALDI
CLERK OF
JUDICIAL RECORDS

4. On or about August 4, 1988, the Honorable James J. Walsh entered an order concerning custody and visitation of Megan Buckley, a copy of which is attached hereto and incorporated herein by reference.

5. Petitioner believes and therefore avers that the Respondent has been in violation of said Order of Court by consuming alcoholic beverages during Megan's visitation. This has occurred on weekend visitation during the month of November and December of 1988, in direct violation of the Court Order.

6. Respondent has therefore willfully failed to comply with the visitation order.

WHEREFORE, Petitioner requests that the Court enter an Order:

- 1) holding Leslie Buckley Nebesky in contempt of court;
- 2) directing that all unsupervised, overnight visitation at the home of Joseph and Leslie Nebesky cease until Leslie Nebesky certifies to the Court that she is obtaining alcoholism counseling;
- 3) directing that in the interim, visitation between Leslie Nebesky and Megan Buckley occur at the residence of Margery Bolln, Maple Lake, Michigan, on alternate Saturdays from 10:00 A.M. to 6:00 P.M., and that Joseph Nebesky does not accompany Leslie on these visits; and
- 4) granting any additional relief that the court deems appropriate.

Respectfully submitted,

HENKELMAN, KREDER, O'CONNELL & BROOKS

By Ann Lavelle Powell

Ann Lavelle Powell
ATTORNEY FOR PETITIONER
200 Bank Towers
Scranton, PA 18503
(717) 344-1111

Page 1

Exhibit
R

FILED FOR RECD

APR 2 3 25 PM '86

Girls abusive step father
turn Page →

LESLIE NEBESKY, : IN THE COURT OF COMMON PLEAS
Petitioner : OF LACKAWANNA COUNTY
vs. : CIVIL ACTION-LAW
JOSEPH EDWARD NEBESKY, : PROTECTION FROM ABUSE
Respondent : 86 CIV 2934

ORDER

AND NOW, this 2 day of July, 1986, upon
consideration of the within Petition For Relief and upon Petitioner
showing that there is an immediate danger of abuse to the Petitioner,
the following Temporary Protective Order is hereby entered:

- (1) The Respondent, Joseph Edward Nebesky, is directed and prohibited from (a) attempting to cause or intentionally or knowingly or recklessly causing bodily injury to the Petitioner; (b) he is directed and prohibited from placing by physical menace the Petitioner in fear of imminent bodily injury.
- (2) The Respondent, Joseph Edward Nebesky, is hereby evicted from the residence located at C and E Trailer Park, R.D. #5, Moscow, Lackawanna County, Pennsylvania 18444 and the Petitioner is given ~~exclusive possession~~ of said residence until the merits in this case.

4. The parties have been residing at C and E Trailer Park, R.D.#5, Moscow, Pennsylvania 18444, a trailer which is jointly owned by the Petitioner and Respondent.

5. The Respondent has intentionally, knowingly and recklessly caused and attempted to cause serious bodily injury to the Petitioner and has placed her in fear by physical menace of immediate, serious bodily injury, including the following incidents:

- (a) On or about June 22, 1986, the Respondent beat the Petitioner, resulting in the Petitioner receiving five (5) fractured bones in her face and being admitted to Moses Taylor Hospital for surgery;
- (b) In the past, the Respondent has been violent, including punching, slapping and kicking the Petitioner and holding a gun to her head.

6. Petitioner believes and avers that she is in immediate and present danger of serious abuse from Respondent and is in need of protection from such abuse.

WHEREFORE, Petitioners prays this Honorable Court enter an immediate Protective Order ordering the eviction of the Respondent from the premises located at C and E Trailer Park, R.D.#5, Moscow, Pennsylvania 18444 and enter an Order that restrains the Respondent from abusing the Petitioner and Order a hearing be held within ten (10) days from the date of the filing of this Petition to determine what relief this Court deems

IN THE COURT OF COMMON PLEAS OF LACKAWANNA COUNTY, PENNSYLVANIA
CIVIL DIVISION

extra
COMMONWEALTH OF PENNSYLVANIA

*not guilty verdict
of Wayne Jones*

VS.
WAYNE ALVIN JONES

File No. 213 - 1993 - Criminal

*Exhibit
S*
Property Owner;

CAROL PALLIS
628 Lincoln Street
Dickson City, PA 18519

FILED FOR RECORD
APR 11 10 11 AM '95
WILLIAM F. BORDO
CLERK OF COURTS
JUDICIAL BRANCH

PRAECIPE AND POWER OF ATTORNEY FOR SATISFACTION AND/OR TERMINATION
TO THE PROTHONOTARY/CLERK OF SAID COURT:

You are hereby authorized, empowered, and directed to enter, as indicated, the following on the records thereof:

- _____ The within suit, is Settled, Discontinued, Ended and costs paid.
_____ The within suit is Settled, Discontinued, Ended WITH Prejudice and costs paid.
_____ The within suit is Settled, Discontinued, Ended WITHOUT Prejudice and costs paid.
_____ Satisfaction of the Award in the within suit is acknowledged.
☒ Satisfaction of Judgment, with interests and costs, in the within matter is acknowledged.
☒ Other: DEFENDANT FOUND NOT GUILTY AFTER TRIAL

DATE: March 28, 1995

WITNESS (If signer is other than a registered Attorney):

[Signature]
Signature of authorizing party
CLERK OF COURTS
PIKE COUNTY, PENNSYLVANIA

Attorney or Notary

Type or print name of above signer

COST PAYMENT VERIFICATION

I UNDERSTAND THAT THE ABOVE ACTION CANNOT BE FILED AND DOCKETED UNTIL ALL COSTS HAVE BEEN PAID, INCLUDING SHERIFF'S COSTS; AND HEREBY VERIFY THAT ALL COSTS HAVE BEEN PAID. I UNDERSTAND THAT FALSE STATEMENTS HEREIN ARE MADE SUBJECT TO THE PENALTIES OF 18 Pa.C.S. SEC. 4904 RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES.

Signature

B.F.F.

Court of Common Pleas of Pike County
Commonwealth of Pennsylvania

COMMONWEALTH OF PENNSYLVANIA

NO. 213 - 1993 - Criminal

Count I - RAPE

Count II - AGGRAVATED INDECENT
ASSAULT

Count III - INDECENT ASSAULT

Count IV - UNLAWFUL RESTRAINT

Count V - CORRUPTION OF MINORS

Count VI - INDECENT EXPOSURE

versus

WAYNE ALVIN JONES

VERDICT

And now, to wit: March 14th, 1995, we the

Jurors empaneled in the above entitled case, find Wayne ALVIN Jones

Count I - Not guilty
Count II - Not guilty
Count III - Not guilty
Count IV - Not guilty
Count V - Not guilty
Count VI - Not guilty

OFFICE OF RECORDER
AND PROthonotary
MAR 14 3 33 PM '95
ENTERED IN RECORD
PIKE CO. PA

JONES

1993 - Criminal

Party Owner;

CAROL PALLIS
628 Lincoln Street
Dickson City, PA 18519

FILED FOR RECORD
APR 4 1 06 PM '95
WILLIAM F. THOMAS
CLERK OF COURTS
JUDICIAL R. 6003

PRAECIPE AND POWER OF ATTORNEY FOR SATISFACTION AND/OR TERMINATION
TO THE PROTHONOTARY/CLERK OF SAID COURT:

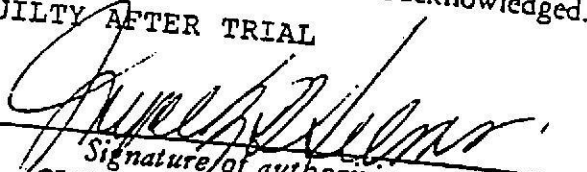
You are hereby authorized, empowered, and directed to enter, as indicated, the following on the records
hereof:

- _____ The within suit, is Settled, Discontinued, Ended and costs paid.
- _____ The within suit is Settled, Discontinued, Ended WITH Prejudice and costs paid.
- _____ The within suit is Settled, Discontinued, Ended WITHOUT Prejudice and costs paid.
- _____ Satisfaction of the Award in the within suit is acknowledged.
- XX _____ Satisfaction of Judgment, with interests and costs, in the within matter is acknowledged.
- XX _____ Other: DEFENDANT FOUND NOT GUILTY AFTER TRIAL

DATE: March 28, 1995

NESS (If signer is other than a registered Attorney):

Attorney or Notary


Signature of authorizing party
CLERK OF COURTS
PIKE COUNTY, PENNSYLVANIA

Type or print name of above signer

COST PAYMENT VERIFICATION

UNDERSTAND THAT THE ABOVE ACTION CANNOT BE FILED AND DOCKETED UNTIL
COSTS HAVE BEEN PAID, INCLUDING SHERIFF'S COSTS; AND HEREBY VERIFY THAT
COSTS HAVE BEEN PAID. I UNDERSTAND THAT FALSE STATEMENTS HEREIN ARE
SUBJECT TO THE PENALTIES OF 18 Pa.C.S. SEC. 4904 RELATING TO UNSWORN
STATEMENTS TO AUTHORITIES.

Signature

B.F.

Exhibit
T

IN THE COURT OF COMMON PLEAS OF PIKE COUNTY, PENNSYLVANIA
60TH JUDICIAL DISTRICT
CRIMINAL ACTION - LAW

COMMONWEALTH OF
PENNSYLVANIA

Plaintiff

vs.

WAYNE ALVIN JONES

Defendant

:
:
:
: NO.213-1993-Criminal
:
:
:

ENTERED IN RECORD
PIKE COUNTY, PA

DEC 30 12 29 PM '99

OFFICE OF
PROTHONOTARY
CLERK OF COURTS

ORDER FOR EXPUNGEMENT

AND NOW, this 30 day of December, 1999, after review of the Petition to Expunge, and having no objections filed by the Prosecutorial authorities to the Petition, the following information is noted pursuant to the requirements:

1. The Defendant's date of birth: February 4, 1956; Social Security Number: 207-46-0515.
2. OTN; E-538105-1
3. District Justice Number CR-77-1993; Magisterial District: 60-3-03.
4. Pike County Court of Common Pleas Number 213-1993-Criminal.
5. Charges and Sanctions: Pa. Crimes Code Section 3121; Pa. Crimes Code Section 3125; Pa. Crimes Code Section 3126; Pa. Crimes Code Section 2902; Pa. Crimes Code Section 6301.
6. Date of Arrest and Agency Name: August 16, 1993, Pennsylvania State Police Department, Blooming Grove Substation.
7. Disposition of Case: Not guilty verdict.

A LARRY SPARANO
PUBLICATION
A NEW VOICE FOR
THE PEOPLE

VOLUME#1 ISSUE# 23

THURSDAY, MARCH 2, 1995

FIFTY CENTS



MID VALLEY FAMILY FIGHTS RAPE CHARGE!



**HOT COPY Exclusive Begins On
Page 3**

In This Issue:

**New Auxiliary Bishop Humble
Man of God Page 7**

Active Seniors Make Jessup Hop! Page 23

Commando Longs For Brady Bunch ! Page 12

*Story of Wayne Jones what family
went through*

A Cry Of Rape Devastates a Mid Valley Family

By Larry Sparano

"There's nothing scarier than losing your freedom, there's nothing scarier than being thrown in jail for something you didn't do. One day I was a free man, the next, I'm being treated like a criminal."

These are the anguished words of Wayne Jones, whom friends describe as a gentle, humble, hardworking man, who's never been in trouble in his life—until now.

Jones, who lives with his wife of 13 years in Dickson City, is charged with the rape of a 13 year old girl. His trial, in Pike County, began this week.

The crime allegedly occurred on August 16, 1993, between 9:30 and 10:15 in the morning. The place of the reported rape was at Heberling's Pro-

duce Market farm stand in Newfoundland. The girl who claims Jones raped her worked at the stand, along with her mother.

Jones, an employee of J. Rosenstein Produce of Keyser Avenue, Scranton, was delivering cases of fruits and vegetables. The girl told police that Jones first tapped her with his hand on her buttocks, and then, as he was with her unloading cases in the back room of the fruit stand, he raped her.

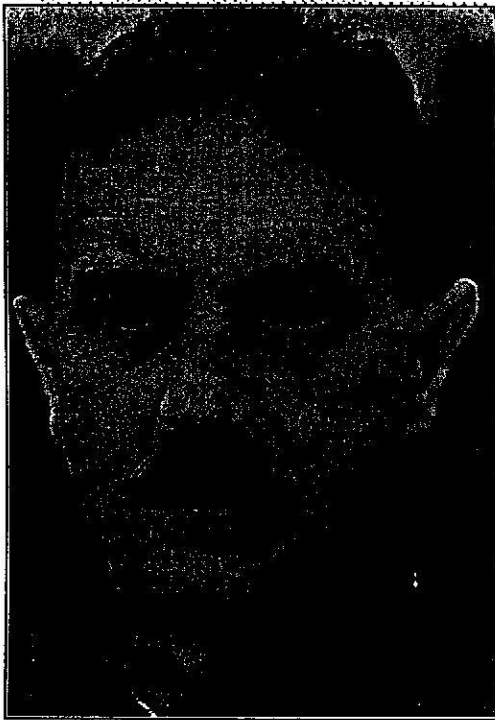
Jones swears he is totally innocent. His wife Carol, his mother-in-law, also named Carol, their friends and members of their church all say the same. Those who know him are convinced that Wayne—whom they describe as polite and respectful—just isn't the type who would do something like that. They say

they have never known Wayne to exhibit any kind of improper or even suggestive behavior around women.

But perhaps what is even more important than the words of those who attest to his strong moral character is the physical evidence in the case—or the lack of it.

DNA TESTS TO BE PART OF TRIAL

His lawyer, Atty. David Kurtz of Moscow, will say little about the case directly, but he insists that there is no physical evidence to prove that Jones committed the rape. In fact, Kurtz indicates that there is physical evidence quite to the contrary. That physical evidence is DNA testing of evidence samples taken from the



Wayne Jones is now on trial for an offense which could send him to prison for many years. Family and friends believe totally that he is incapable of rape. His lawyer says that the evidence clearly shows that Jones is not guilty.

alleged victim.

According to sources, the DNA samples do not match Jones. Adding to interest in the case is the fact that the DNA testing—paid for by the defense—was done by the same highly regarded lab (Seimark Labs. of Germanstown, Maryland) which tested DNA samples in the O.J. Simpson case. Two experts from the lab will testify for the defense this week. The case will mark the first time DNA testing has been used in this area. The judge and jury's handling of the DNA evidence could make the trial a sort of landmark case for this part of Pennsylvania.

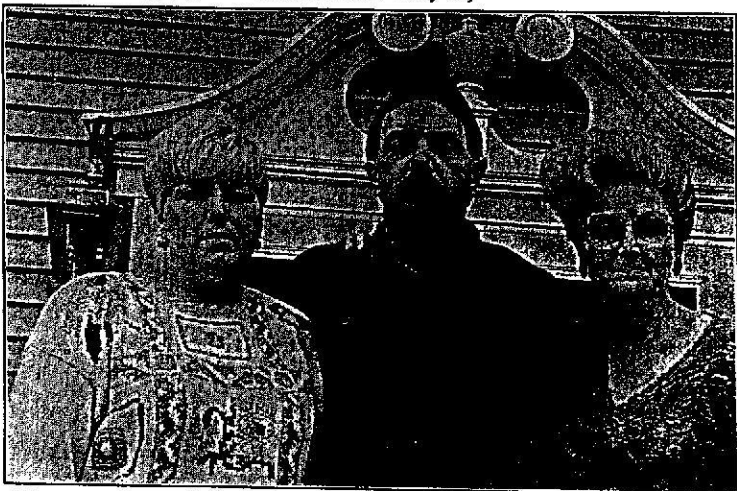
The experts are expected to testify that their testing shows no sperm, no skin cells, no pubic

hair, and not even any subatomic molecules that match the DNA of the defendant.

State Police did not test Jones for physical evidence upon his arrest, and apparently based their warrant largely on the statements of the victim.

"I didn't do anything wrong," says Jones. "As it turned out, the only wrong thing I did that day was deciding to go to work." Jones says his record is clean. He says he's never been arrested for anything before, and has had no criminal violations of any sort. "I never even had a parking ticket," he states. He adds that he didn't know the girl, and "didn't even know her name until I was arrested."

(con't on next page)



Wayne Jones stands between his two main pillars of support. Wife Carol, left, and mother-in-law Carol Pallis on right both say they never doubted Wayne's innocence. All three remain as a close family unit, despite what they say has been a long and tortuous ordeal.

"How Can We Go On And Live a Normal Life Now?"

KEY WITNESS

Also expected to testify for the defense is a female customer who says she was standing at the front of the produce stand at the time the rape was supposed to be occurring. The witness reportedly says he saw both Jones and the girl standing in front of the stand, and saw nothing out of the ordinary.

"I was scared to death when the police came to arrest me," says Jones. "The cop said in his report that I was nervous. Sure I was. How would anybody feel if the police came up to them and told them they were being arrested for something like this? They said they had solid evidence when they arrested me. They got a blood type that doesn't match mine. She claimed that I attacked her and threw her around the

building. But there weren't any scratch marks on her, no bruises or anything."

TOLL ON FAMILY

Jones says the arrest caused havoc with himself and his family—not because they doubted his innocence, but because of the injustice of it all. "I had a nervous breakdown," Jones says he was hospitalized for more than a week, and is still under counseling. He says his wife became so stressed that she landed in the hospital for three days.

"I have a good reputation in the community, but I know that no matter how the case turns out, there will always be some people who think I did it."

"All a woman has to do is open her blouse and run down the road and cry rape, and what are you

going to do? It's her word against yours."

Has this changed him? "Yes," he says. "I'm much more cautious. I don't go out and make deliveries anymore. I stay in the warehouse." He says his employer values his work and has kept him on, because he too believes in his innocence.

He adds that the experience has shown him that anyone can be falsely accused.

His wife Carol says: "At first they said they just wanted him for questioning, but it was more. They fingerprinted him, they read him his rights. Then we had the arrangement that night. They had him in handcuffs, and they took him off to jail that night. They transferred him to another prison the next day, and we didn't know where he was. First he was in Pike County Prison, then he was



Wayne Jones' mother-in-law, Carol Pallis, is a very determined woman. She stands on the porch of her home which she put up as bail for Wayne. Pallis has also helped her daughter and son-in-law pay the more than \$15,000 in legal fees which the case has cost them so far.



Wayne and Carol dated each other since she was just sixteen. The couple says during their years of marriage, they've worked very hard for everything they own. Mounting legal fees have cut deeply into their savings. Carol says the financial pressures are enormous.

transferred to the Monroe County Prison. He was there for three days before we got him out on bail.

"I landed in the emergency room of Mid Valley Hospital the next morning because I was totally out of it. I couldn't handle it. The doctor had to sedate me. I could not believe that it was happening. I mean, all we do is go to work. Everyone who knows him was shocked when they heard about it. Wayne, my mother and I had to go to group coun-

seling in order to deal with this. You have frustration you have anger, you're upset, you're crying. I came down stairs one morning and found Wayne on the floor in a fetal position, with a lunch pail in his hand, crying. He told me he couldn't take it anymore. He could not take the pressure. He felt everybody was looking at him; that there was so much embarrassment for his family, he said he just wanted to die.

"This is what this had (con't on next page)

HOT COPY

"When we went to church after Wayne got out of jail, people were just coming up to us and just holding him and crying with him..."

done to us. We're a close knit family. My father passed away some time ago, but we're close with my mother, and we do everything together. Then there was the money pressure. My mother had to put her home up for Wayne's bail, (set initially at \$50,000.) We have to pay for all these legal fees. How can we go on and live a normal life now? We've spent between 15 and 20 thousand dollars already, defending ourselves against something that my husband isn't guilty of."

"Jail was a horror," says Wayne. "One guy told me that when I got transferred to that Monroe County Prison, if I snored there, I wouldn't wake up in the morning. So, for three days, you don't sleep. I was scared to death."

When they transferred him, Jones says, "they put a belt on you, then they handcuff you through that, and it's so damn tight it makes ridges in your arm. It made deep marks in my wrists, too."

CRISIS BRINGS STRENGTH

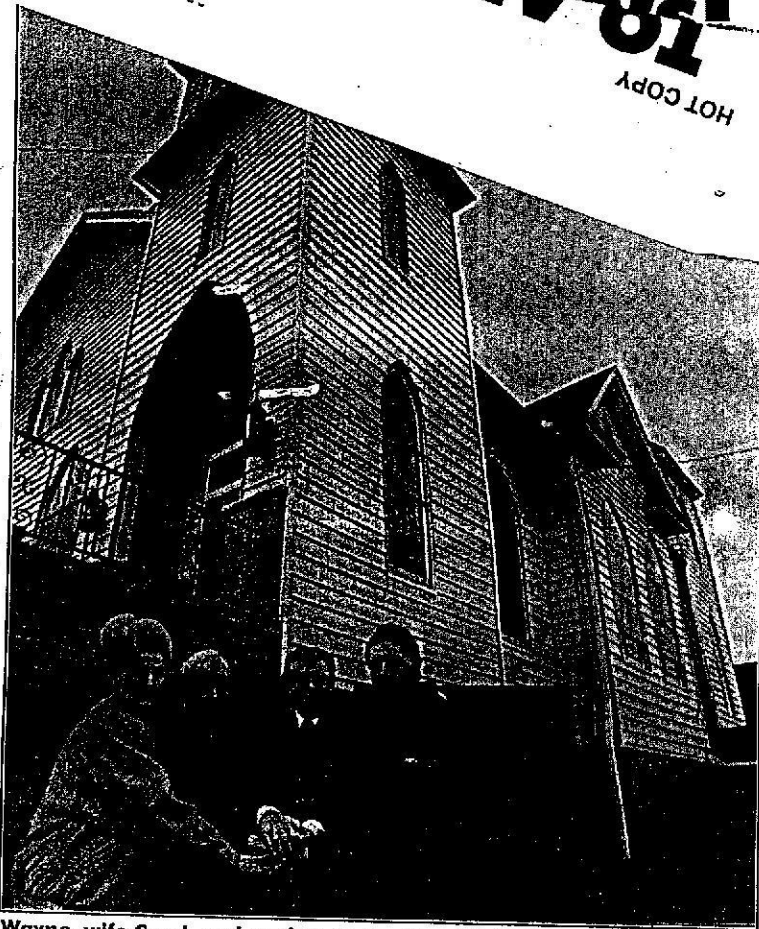
Jones, his wife Carol, and his mother-in-law say despite the trauma of the experience, it has strengthened them as a family. Wife Carol says: "It brings you closer, and you realize you can't take anything for granted. It has strengthened our faith in God. Our friends and the members of our

church have shown us a lot of support. We were shocked at how they all responded.

"When we went to church after Wayne got out of jail, people were just coming up to us and just holding him and crying with him, and telling us that they would be there, and give us the support that we need."

Faith in God, their friends and their neighbors is not a problem for the Jones family. But they are not sure anymore how much faith they have in the legal system which they say allowed such a travesty of justice.

With a jury already listening to the alleged facts in a case that may set legal precedents in Pennsylvania, Wayne Jones is hoping that the "truth" of what happened will be revealed as he faces his future in a strange courtroom in another county.



Wayne, wife Carol, and mother-in-law Carol Pallis join hands with Rev. James Johnson, in front of the Primitive Methodist Church in Dickson City. Rev. Johnson says he is sure that Wayne has been falsely accused.

Statement by Rev. James Johnson

From the very first time I met Wayne, he impressed me as a man of great character. He has not only impressed me, but also the congregation. He has touched the lives of a lot of people, not just recently, but I would say from the very time that he came into our midsts. He's been very helpful and very encouraging to people who need help, always ready to give a helping hand and always there when you need him. When I first heard he was charged with rape, my reaction was unbelief. I just couldn't believe it, and I still don't believe it. That's why I'm doing what I'm doing, to try to stand behind the family and to let them know that I support them, and I support Wayne, and I feel with prayers and with dedication we will stand together. They are family. We are family. And we will continue to let him know that we are there for him. I have not seen or heard of one person in our church that has made any negative comments about Wayne. We believe him, and we believe in him."

HOT COPY

And Staff

SALUTE
ALL OUR

AMERICAN FORCES!
GOD BLESS YOU!!

"Not Guilty" Of Rape: A Dickson City Rejoices, His Lawyer Prepares To Punish A State Trooper

By Larry Sparano

"I feel like I have been born again. It feels so great to be able to go home and enjoy being with my family, without worrying about what people are going to say, or what they are thinking about me. Now they know what really happened. You can't imagine how good it feels. I feel like a totally different person." Those were the words of Wayne Jones of Dickson City, a short time after he heard a jury say that he had been found not guilty of the rape of a 13 year old girl.

Jones was accused of the crime two years ago, after a girl from Scranton's West Side claimed he raped her in the back of a farm produce stand in Newfoundland. The week long trial began last Monday in Pike County before Judge Harold Thompson, and ended this Tuesday afternoon. The jury deliberated for three hours before the verdict was announced. Wayne's wife Carol said it had been a very difficult two years for her husband, her family and friends. After the jury returned and it became clear that the ordeal was over, she said, "It's a fantastic day. I hope to God I never have to go through anything like this ever again."



Smiling Again: Wayne Jones, center, is surrounded by family and friends who provided him with strong support during his ordeal. To his immediate left is mother-in-law Carol Pallas. His wife Carol is at the extreme right. To his extreme left is Marion Henneforth. Her daughter Lori is behind Wayne's shoulder. Wayne lived with Marion and Lori for a number of years. At the trial, Lori testified that Wayne never acted improperly around her or other young women.



Atty. David Kurtz, of Moscow convinced a jury that his client was innocent. Kurtz brought in DNA experts from the same lab that did the testing in the O.J. Simpson case. Kurtz says a state trooper "fabricated" evidence against the defendant which didn't exist.

against a legal system which they now see as deeply flawed. As reported in last week's HOT COPY, Carol and the rest of Wayne's family and friends never doubted his innocence. But they all grew to doubt the fairness of police and prosecutors who brought the charges against Wayne.

The most striking part of the defense's argument was that Wayne Jones had been arrested largely on what a "troubled" girl had said, and on a state policeman's "fabrication" of evidence.

On the stand, the girl admitted that she was being counseled for a number of problems, including her difficulty with telling the truth.

And also on the stand, State Police Investigator Anthony Fazio of the Dunmore barracks admitted that he had "interpreted" a doctor's report on the girl's alleged injuries. The physician's report upon which Fazio based his own report mentioned only that an examination of the girl revealed a single slight abrasion on the outer vaginal area. Yet, Trooper Fazio wrote that there was "recent damage in the vaginal area," along with swelling, discoloration, tearing, and secretions.

The secretions were not semen, but the result of an infection, according to defense experts, who also said that the evidence samples from the victim did not contain any DNA

material that could be matched to Wayne Jones. The defense experts were from Cellmark Laboratory in Germantown, Maryland—the same lab which analyzed DNA in the O.J. Simpson case. The facility is considered the best in the nation and perhaps the world in terms of DNA sampling.

Attorney David Kurtz of Moscow represented Jones. Kurtz indicates that legally, the table might soon be turned on Trooper Fazio: "We're going to take some time off and not think about the case for awhile and then the family is going to decide if they have any remedies against those who I think perpetuated false testimony," says Atty. Kurtz.

"Frankly, I am looking very closely at the inappropriate conduct of Anthony Fazio of the Dunmore State Police barracks. He either for the wrong purposes or for his own purposes exaggerated and embellished, and in fact fabricated the doctor's finding who evaluated the victim at the time. In fact, Fazio's conduct resulted in Wayne being arrested."

HOT COPY asked Kurtz if he considered Trooper Fazio's conduct criminal.

"Well, there is the crime of making false reports. I will have to research it. I just know it was so inappropriate and such outrageous conduct that I have no reservations in making sure that we're going to explore

every possibility to make sure that Mr. Fazio is brought to justice."

What remedies might apply? "Well, there is the clear remedy of seeking compensation for all the damages he caused by his irresponsible and reckless conduct," states Kurtz. Referring again to the "evidence" Trooper Fazio claimed existed, Kurtz adds: "He claims that he 'interpreted' it. My feeling is that he just fabricated it to suit his own purposes. There was no physical evidence. There was no scientific evidence," asserts Kurtz, "despite what Fazio said."

Just as indignant is Wayne Jones' mother-in-law, Carol Pallas. "For two years, it's been a hell. I had to investigate the case, I had to walk around, I had to put my home up for the bail, I had take from a pension fund I was saving for later and give it to the children to defend themselves. It's been hell—stress hell, and I don't wish it on anybody else. And I think some laws need to be changed. They have to be changed, because some innocent men are in jail today because of the way the law works."

For others who might be falsely accused, she says, "It's going to be a long, tough road, and they really need to stay together, and keep the faith, and trust in God. They'll need their family and friends support—and a good lawyer."

The state trooper anthony fazio made a false report and so did the girl who accused me

story by Wayne Jones
① rape Trial Aug 1993
Trial was March 10-1995

THE TRIBUNE, SCRANTON, PA

FRIDAY, MARCH 10, 1995

Local

Sexual assault testimony is heard in Pike County

By Thomas M. Di-Stasio
HOMETOWN CORRESPONDENT

MILFORD — Testimony began Thursday in Pike County Court against a Dickson City man charged with the sexual assault of a 14-year-old girl more than 18 months ago.

Wayne Jones, 39, is charged with rape, aggravated and indecent assault, unlawful restraint, corruption of a minor and indecent exposure, which allegedly took place Aug. 16, 1993, at a produce stand off state Route 507, Greene Twp.

The victim, now 16 years old, testified Jones had delivered produce at the stand that morning while she was working alone.

She said she asked him to leave but he did not and allegedly grabbed her by the arm and pushed her against a refrigerator inside the stand.

The victim further alleged Jones began to kiss and fondle her while she was pinned against the refrigerator.

She said Jones then raped her — stopping only when a cus-

tomor came into the stand.

The victim said Jones warned her not to tell anyone about what had happened and told her he would return at 2 that afternoon.

She also testified she was later taken to Scranton Community Medical Center.

Under cross-examination by David Kurtz, the victim said she was living with her mother in the Moscow area at the time of the alleged attack and had wanted to go back to live in Scranton.

While she said she didn't like working at the produce stand, she said she did not make up the rape story just to go back to the city.

The victim also told Kurtz she was undergoing counseling for emotional problems, including her ability to tell the truth.

Kent and Christina Ziegler of Montgomery County testified they arrived at the stand about 10 a.m. and saw the victim was visibly upset. Mrs. Ziegler said that, after some prodding, the victim finally broke down and told her what happened, after which the police were called.

Two members of Tafton Fire & Rescue said the victim was emotionally upset and had com-

plained about pain in her pelvic and breast area. Elizabeth Wacker said the victim's blood pressure and respiration were normal for a 14-year-old and her pulse was slightly higher than normal.

State trooper Matthew Patterson said he had interviewed Jones later that afternoon as he was making a delivery near Honesdale.

He said Jones denied he had done anything other than normal business at the stand. Patterson said he noticed a scratch on the defendant's right shoulder but was told it probably came from moving crates.

Under redirect by assistant district attorney Steven Guccini, Patterson said he was informed by Trooper Anthony Fazio that the examining physician at CMC had said there were signs of trauma to the victim's vaginal area.

Patterson also testified he had not spoken to the doctor and admitted under cross-examination the course of the investigation might have changed if Fazio's statement about the doctor was wrong.

Testimony is scheduled to continue this morning at 9:30.

Scientist: No Evidence Links Man to Pike Rape

SCRANTON, PA SATURDAY, MARCH 11, 1995

The Dickson City man is charged in an incident which took place 18 months ago at a produce stand.

BY THOMAS M. DI STASIO
THE SCRANTON TIMES

MILFORD — A forensic scientist testified Friday in Pike County Court that he could find no physical evidence linking Wayne Jones to a 16-year-old girl who alleges Jones raped her in August 1993.

Jones, 39, Dickson City, is charged with rape, aggravated and indecent assault, unlawful restraint, corruption of a minor and indecent exposure in connection with an incident that allegedly occurred 18 months ago at a produce stand off state Route 507 in Greene Twp.

George Surma of the state police crime lab in Wyoming said seminal residue was found on the girl's undergarment, but the lab could not determine if it came from the defendant by trying to match the blood type of the material with the blood type of the defendant.

He also testified about tests run on the rape kit and the hair, blood and other samples taken from the defendant. He said

there was nothing in any of the tests to link Jones to the alleged assault on the girl.

Michael Kurtz, a forensic scientist from the state police diagnostic laboratory in Greensburg, also testified he could find no link between Jones and the girl based on blood samples and a stain on the girl's undergarment.

He added that the reason was either there was no link or the sample tested was too small.

Earlier in the day, defense counsel David Kurtz asked Trooper Anthony Fazio of the Dunmore barracks about his report on the girl's condition to the lead investigator, Trooper Matthew Patterson.

Fazio read from his report, which stated the attending physician at Scranton's Community Medical Center had noted "recent damage in the (girl's) vaginal area" as well as tearing, swelling, discoloration and the presence of secretions.

Fazio was shown the doctor's report, which did not mention recent damage, swelling, tearing or discoloration.

The trooper said he had not seen the doctor's report until that moment and admitted he had interpreted what the doctor had said.

Patterson had testified Thursday that he had not spoken with

the doctor and admitted under cross-examination that the course of the investigation might have changed if Fazio's statement about the doctor was wrong.

Dr. Eugene Turchetti was the attending emergency room physician at Scranton CMC when the girl was brought in. He read his report, which noted an almost half-inch abrasion to the girl's outer vaginal area, which he said was caused by some kind of rubbing.

Both he and nurse Virginia Robinson said the girl had told them she had been pushed to the ground and raped inside the produce stand. They also said the girl had stated she was not sure if the defendant had actually penetrated her.

This would appear to contradict the testimony of the girl, who said Thursday she was attacked while being pinned against a refrigerator and was certain Jones had raped her.

DNA testimony will resume Monday, as personnel from Cellmark Diagnostic Laboratory in Maryland are scheduled to take the stand. That is the same lab that is testing evidence in the O.J. Simpson murder trial in Los Angeles.

On this Page it shows the state trooper Anthony Fazio lied about the attending physicians report about tearing, swelling, penetration and vaginal secretions. The doctor said did not give him that report and none of was found. This lie led to Mr. Jones's conviction.

DNA Tests Inconclusive

No Link Found Between Jones and Victim

BY THOMAS M. DASTASIO
THE SCRANTON TIMES

MILFORD — Deliberations were expected to get under way in Pike County Court today in the sexual abuse trial of a Lackawanna County man.

Wayne Jones, 39, of Dickson City is charged with rape, aggravated and indecent assault, unlawful restraint, corruption of a minor and indecent exposure. The offenses allegedly occurred Aug. 16, 1993 inside a produce stand on State Route 507, Greene Twp., with a then 14-year-old girl.

Anjali Ranadiva, a molecular biologist at Cellmark Diagnostics Laboratory in Maryland, testified Monday she had run DNA tests on material supplied by the state police.

She pointed out the non-sperm sample was consistent with the girl but inconsistent with the

defendant. She added no sperm cells were found in the other sample and therefore no conclusion could be drawn as to Jones' alleged involvement with the girl.

"There was no indication of DNA from a second source present," she said.

Ms. Ranadiva pointed out she tested the material between Jan. 5 and Feb. 24 of this year and could not say whether sperm was present in the material in August 1993.

Dr. Richard Bindie, director of pathology at Pottsville Hospital, testified he had reviewed the report of the emergency room physician who examined the alleged victim on Aug. 16, 1993.

Bindie said, in his opinion, the less than one-half-inch abrasion noted by the doctor was not necessarily a sign of intercourse.

PAGE 3

in Pike Rape Trial

He said the two or three sperm heads allegedly found by forensic scientist George Surma on a stain on the girl's panties did not mean sperm was present. He explained other tests would need to be done to eliminate similar cells such as bacteria, fungal structure, debris, air spores or vegetable cells.

While he noted there is usually more than one injury if a rape occurs, he admitted to assistant District Attorney Steven Guccini he had been involved in rape cases where no injuries occurred.

Jones, who delivered produce at the stand, testified the order from the owner of the stand came in the morning of Aug. 16 and he had to adjust his load since it was an unscheduled stop.

He said once he arrived at the stand the produce was unloaded. He noted the girl was upset because she was alone and had to do all the work.

Jones said he had to help the girl fill out the

check at which time the phone rang. He said the girl appeared more upset after the call which she said was from her step-father.

He said there was another phone call while he was there but he didn't ask about it.

Jones denied having physical contact with or making sexual suggestions to the girl.

He added two customers came to the stand while he was there. The second one, a blond woman, asked if there was any corn and the girl said there wasn't, Jones said. Under cross-examination, Jones said the statement by the alleged victim was not true and that there was corn in the back of the stand.

Kelly Newsome testified she was the customer who came to the stand back in 1993 asking for corn. She said she noticed nothing unusual about the girl.

Local

Jury finds Dickson City man

By Thomas M. DiStasio
HOMETOWN CORRESPONDENT

MILFORD — For the first time in 18 months, Wayne Jones feels free.

A Pike County jury deliberated almost three hours Tuesday before finding the Dickson City man not guilty on all charges, including rape, aggravated and indecent assault, unlawful restraint, corruption of a minor and indecent exposure.

A 16-year-old girl had alleged Jones had raped her on Aug. 18,

1993, inside a produce stand on state Route 507, Greens Twp., after he had made a delivery.

'Great to be free'

"It's great to be free from all the heartache and hassle," Jones said outside the courthouse. "My wife and I can now get on with our lives."

He gave special thanks to his family and friends from the community especially those from his church.

Defense counsel David Kurtz said he was delighted with the

verdict and expressed his appreciation to the jury members for their ability to focus beyond the scientific information.

"With all the complicated DNA and scientific tests, they deliberated hard on the credibility of the two parties (Jones and the accuser)," he said.

In his closing argument, Assistant District Attorney Steven Guccini said he agreed with the defense in that this was not a violent crime. He asked the jury to note how much force is required legally for a rape to occur.

THE TRIBUNE, SCRANTON, PA

WEDNESDAY, MARCH 15, 1995 A3

innocent of rape charges

He said the character witnesses called by the defense shouldn't be a factor in their deliberations.

Horrible people?

"They (defense) want you to believe only horrible people commit these crimes," he said. "That is not true (anymore)."

He dismissed the defense's notion that the girl made up the rape story to get out of working at the stand and to move back to Scranton.

"That is preposterous," Guccini said.

"There are many things teen-agers could have made up to get out of work but not this (sexual assault)."

Kurtz told the jury DNA experts could find no physical link to his client and the alleged offenses. He also noted discrepancies in the girl's testimony from what she had told the physician and nurse at the emergency room.

Kurtz said the girl had alleged she was raped while being pinned against a pole and shelves, while at the hospital she

said she had been pushed to the floor and raped.

He also pointed out the girl had admitted she was undergoing counseling for emotional problems including the ability to tell the truth.

Kurtz said it just didn't make sense for his client to do what was alleged, describing the girl's story as "pure sexual fantasy."

"Ask yourself," he told the jury, "would Wayne have thrown away a good life, job and family for a few fleeting moments of passion?"

Exhibit W

The people who accused Wayne of rape in 1993 are involved in this case.

IN THE COURT OF COMMON PLEAS OF PIKE COUNTY, PENNSYLVANIA
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA :

VS. :

WILLIAM HEBERLING :

NO. 214 - CRIMINAL - 1990

BRIEF IN SUPPORT OF TESTIMONY TO SHOW THE VICTIM'S
INCONSISTENT CONDUCT AS IT RELATES TO HER TRIAL TESTIMONY

FACTS

The Defendant, William Heberling is charged with two (2) counts each of Indecent Assault and Corruption of the Morals of a Minor.

Two separate incidents took place. The first indecent assault occurred between the dates of June 3rd and June 9th. The second indecent assault occurred on June 15, 1990.

The defense intends to call two (2) witnesses, Joseph Nebesky and Mary Ann Schnieder. Both will testify to inconsistent conduct on the part of the victim, Tammy Mallory.

In particular, the victim stated, during the first incident, the Defendant, dragged her upstairs to the bedroom. Once inside the bedroom, the Defendant held her with one (1) hand and pulled back the covers of the bed. (See page thirteen (13), line twenty-two (22) and twenty-four (24) of the Preliminary Hearing Transcript.) The victim was scared. (See page thirteen (13), line sixteen (16) and seventeen (17) of the Preliminary Hearing Transcript.)

However, Mr. Nebesky will testify that on June 12,

This is the step-mother of the girl who accused Wayne of rape.

This man owned stand where Wayne made deliveries

FILED
JUN 11 1990
CLERK OF COURT
PIKE COUNTY, PA

Trooper charged with sexual assault

By Bill Bergstrom
ASSOCIATED PRESS WRITER

NORRISTOWN — A state trooper was charged Tuesday with sexually assaulting two teen-age runaways and harassing a third girl in what authorities said was a pattern of abuse and lewdness that left colleagues feeling "betrayed."

Trooper Michael K. Evans, 32, of the Skipack state police barracks was arrested on 19 charges, including aggravated indecent assault, solicitation of prostitu-

tion, indecent exposure, corruption of minors and open lewdness, Montgomery County District Attorney Bruce L. Castor said. The victims ranged in age from 14 to 16, Castor said.

"Ninety-nine-point-nine percent of our troopers out there are doing the right thing day in and day out," said state police Col. Paul Evanko. "This is the aberration. It tarnishes who we are, what we do."

Evans, who had joined the state police in April 1996, was being held in the Montgomery County Prison in lieu of \$500,000 cash bond pending a Feb. 25 preliminary hearing. He was suspended without pay.

Castor said Evans would manipulate situations to be alone with the girls and then engaged them in "sexually inappropriate bantering," asking questions about their sexual behavior or telling them in explicit detail what he wanted to do with them.

"All of these incidents occurred while Trooper Evans was wearing a uniform and acting with the apparent authority of the state police," Castor said. "I can only say to the public that we will pursue these allegations vigorously."

Castor said the case came to light in September when a school counselor told state police a 15-year-old pupil had accused Evans of assaulting her.



TROOPER MICHAEL K. EVANS

Berks County on Sept. 19 and taken to the Skipack barracks, where Evans arranged to be alone with her outside and began making lewd comments.

The girl said Evans took her to a garage, gave her a cigarette and masturbated while fondling her, according to an affidavit.

She said he then gave her his business card, asked her to call if she wanted to make some money and said he would pay to look at her naked and have sex, the affidavit said.

Another girl described a similar experience with Evans, who

prehended as a runaway in April 1998 at the age of 14, according to the affidavit.

The girl told detectives Evans parked the car, groped her and grabbed his own genital area and "appeared to get annoyed" when she refused to have sex with him.

The affidavit said a third teenager told investigators that when Evans came to her house in July 1997 to investigate a burglary, he stayed at the house when her parents went on an errand, asked the then-16-year-old to unzip her shirt, rubbed his genital area and asked if she had any photos in her bra and panties he could have so she could be his "locker girl."

That girl's complaint was investigated at the time, but Maj. Robert Werts, the area state police commander, said the allegations, which Evans denied, could not be substantiated. He said Evans had been placed on desk duty since the September allegations surfaced.

Castor said the girls' accounts were corroborated by allegations made by three adult women about inappropriate sexual questioning or behavior by Evans. Charges were not filed in those incidents because the women did not want to become involved, he said.

Evans was "quiet" when arrested and handcuffed by troopers as he reported for a training