

Magisterial District Judge 19-2-01

DOCKET

Docket Number: MJ-19201-CR-0000610-2013

Criminal Docket



Commonwealth of Pennsylvania
v.
Jonathan Arthur Swomley

Page 1 of 2

CASE INFORMATION

<u>Judge Assigned:</u>	Magisterial District Judge Barry L. Bloss Jr.	<u>Issue Date:</u>	09/09/2013
<u>OTN:</u>	L 806099-0	<u>File Date:</u>	09/09/2013
<u>Arresting Agency:</u>	Springettsbury Township Police Dept	<u>Arrest Date:</u>	
<u>Complaint/Incident #:</u>	20130817M0005	<u>Disposition:</u>	
<u>County:</u>	York	<u>Disposition Date:</u>	
<u>Township:</u>	Springettsbury Township	<u>Case Status:</u>	Active

STATUS INFORMATION

<u>Case Status</u>	<u>Status Date</u>	<u>Processing Status</u>
Active	09/09/2013	Awaiting Preliminary Hearing

DEFENDANT INFORMATION

<u>Name:</u>	Swomley, Jonathan Arthur	<u>Sex:</u>	Male
<u>Date of Birth:</u>	09/05/1991	<u>Race:</u>	White
<u>Address(es):</u>			
<u>Home</u>			
York, PA 17402			

Advised of His Right to Apply for Assignment of Counsel?	No
Public Defender Requested by the Defendant?	No
Application Provided for Appointment of Public Defender?	No
Has the Defendant Been Fingerprinted?	Yes

CASE PARTICIPANTS

<u>Participant Type</u>	<u>Participant Name</u>
Arresting Officer	Landis, Cory Lee
Defendant	Swomley, Jonathan Arthur

CHARGES

# Charge	Grade	Description	Offense Dt.	Disposition
1 75 § 3802 §§ D2*	M	DUI: Controlled Substance - Impaired Ability - 1st Offense	08/17/2013	
2 75 § 3802 §§ D1iii*	M	DUI: Controlled Substance - Metabolite - 1st Offense	08/17/2013	
3 75 § 3802 §§ D3*	M	DUI: Controlled Substance - Combination Alcohol/Drugs - 1st Offense	08/17/2013	
4 35 § 780-113 §§ A16	M	Int Poss Contr Subst By Per Not Reg	08/17/2013	
5 35 § 780-113 §§ A32	M	Use/Poss Of Drug Paraph	08/17/2013	

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DOCKET ENTRY INFORMATION

Filed Date

Entry

Filer

Applies To

09/09/2013

Criminal Complaint Filed

Magisterial District Court 19-2-01

Magisterial District Judge 19-2-01

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York, PA 17402			

Advised of His Right to Apply for Assignment of Counsel?	No
Public Defender Requested by the Defendant?	No
Application Provided for Appointment of Public Defender?	No
Has the Defendant Been Fingerprinted?	Yes

CASE PARTICIPANTS

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Arresting Officer	Landis, Cory Lee
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4 35 § 780-113 §§ A16	M	Int Poss Contr Subst By Per Not Reg	08/17/2013	
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MDJS 1200

Printed: 09/11/2013 0:22 pm

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COMMONWEALTH OF PENNSYLVANIA
COUNTY OF YORK

Magisterial District Number: 19-2-01

MDJ Non. BARRY BLOSS JR.

Address: 118 PLEASANT ACRES RD.
YORK, PA 17402

Telephone: (717)840-7233

POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA

VS.

DEFENDANT:

(NAME and ADDRESS)

JONATHAN
First NameARTHUR
Middle NameSWOMLEY
Last Name

Gen.

3366 BARWOOD RD
YORK, PA 17402

NCIC Extradition Code Type

- ☐ 1 - Felony Full ☐ 4 - Felony No Ext. ☐ B - Misdemeanor Limited ☐ E - Misdemeanor Pending
☐ 2 - Felony Ltd. ☐ 5 - Felony Pend. ☐ C - Misdemeanor Surrounding States ☐ Distance: _____
☐ 3 - Felony Surrounding States ☐ A - Misdemeanor Full ☒ D - Misdemeanor No Extradition

DEFENDANT IDENTIFICATION INFORMATION

Docket Number CR-610-13	Date Filed 9/9/13	OTN/LiveScan Number L 806099-0	Complaint/Incident Number 20130817M0005	SID 41032995	Request Lab Service? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
GENDER <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	DOB 09/05/1991	POB YORK, PA	Add'l. DOB	Co-Defendants? <input type="checkbox"/>	
AKA		First Name	Middle Name	Last Name	Gen.
RACE <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Unknown					
ETHNICITY <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown					
HAIR COLOR <input type="checkbox"/> Gry (Gray) <input type="checkbox"/> Red (Red/Aubn) <input type="checkbox"/> SDY (Sandy) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> PLE (Purple) <input checked="" type="checkbox"/> BRO (Brown) <input type="checkbox"/> Blk (Black) <input type="checkbox"/> Ong (Orange) <input type="checkbox"/> WHI (White) <input type="checkbox"/> XXX (Ink./Bald) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> Bln (Blonde / Strawberry)					
EYE COLOR <input type="checkbox"/> Blk (Black) <input type="checkbox"/> Blu (Blue) <input checked="" type="checkbox"/> BRO (Brown) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> HAZ (Hazel) <input type="checkbox"/> MAR (Maroon) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> MUL (Multicolored) <input type="checkbox"/> XXX (Unknowr)					
Driver License	State PA	License Number	29494409	Expires	WEIGHT (lbs.)
DNA	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DNA Location			195
FBI Number	MNU Number			Ft. HEIGHT in.	
Defendant Fingerprinted	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				5 11
Fingerprint Classification					

DEFENDANT VEHICLE INFORMATION

Plate # DHD0791	State PA	Hazmat <input type="checkbox"/>	Registration Sticker (MM/YY) 09/13	Comm'l Veh Ind. <input type="checkbox"/>	School Veh. <input type="checkbox"/>	Oth. NCIC Veh. Code	Reg. Same as Def. <input type="checkbox"/>
VIN 1J4GW58S3XC680947	Year 1999	Make JEEP	Model GRAND CHEROK	Style 4T	Color BROWN		

Office of the attorney for the Commonwealth ☐ Approved ☐ Disapproved because: _____

(The attorney for the Commonwealth may require the complaint, arrest warrant affidavit, or both, be approved by the attorney for the Commonwealth prior to filing. See PA. R. Crim. P 507.)

(Name of the attorney for the Commonwealth - Please Print or Type)

(Signature of the attorney for the Commonwealth)

(Date)

I, LANDIS, CORY L (PTLM)

(Name of the Affiant)

of SPRINGETTSBURY TWP POLICE DEP'T

(Identify Department or Agency Represented and Political Subdivision)

0012/37674

PSP/MPOETC - Assigned Affiant ID Number & Badge #

PA0670400

(Police Agency ORI Number)

do hereby state:

- ☒ I accuse the above named defendant who lives at the address set forth above
☐ I accuse the defendant whose name is unknown to me but who is described as _____

- ☐ I accuse the defendant whose name and popular designation are unknown to me and whom I have therefore designated as John Doe or Jane Doe

with violating the penal laws of the Commonwealth of Pennsylvania at [227] SPRINGETTSBURY TWP
(Subdivision Code) (Place/Political Subdivision)
500 BLOCK OF GATEHOUSE LN E

in YORK County [66] on or about Saturday August 17, 2013 at 0521 hrs.

(County Code)

**POLICE CRIMINAL COMPLAINT**

Docket Number CR-610-13	Date Filed 9/9/13	OTN/LiveScan Number L 806099-0	Complaint/Incident Number 20130817M0005
Defendant Name	First JONATHAN	Middle ARTHUR	Last SWOMLEY

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.

(Set forth a **brief** summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits 204 PA §§ 213. - 213.7.)

<input checked="" type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903						
<input checked="" type="checkbox"/> Lead?	1	3802	D2	of the	75	1	M		
	Offense #	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone			

Statute Description (Include the name of statute or ordinance):

DRIVING UNDER THE INFLUENCE CONTROLLED SUBSTANCE

Acts of the accused associated with this Offense:

DRIVING UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE -CONTROLLED SUBSTANCE

The Actor, Jonathan Swomley, on or about August 17th 2013 at 0521 hours in the County of York, drove, operated or was in actual physical control of the movement of a vehicle, namely a 1999 black Jeep Grand Cherokee bearing PA registration DHD0791, upon a highway or trafficway of the Commonwealth, namely the 500 block of Gatehouse Ln E, after imbibing in a drug or combination of drugs to a degree which impaired the individual's ability to safely drive, operate or be in actual physical control of the movement of the vehicle, to wit 40 ng/mL of Morphine-Free in Swomley's blood, in violation of Section 3802 (d) (2) of the Pennsylvania Vehicle Code, Act 24 Of 2003 75 Pa. C.S. 3802(d)(2)

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903						
<input type="checkbox"/> Lead?	2	3802	D1III	of the	75	1	M		
	Offense #	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone			

Statute Description (Include the name of statute or ordinance):

DRIVING UNDER THE INFLUENCE CONTROLLED SUBSTANCE

Acts of the accused associated with this Offense:

DRIVING UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE -CONTROLLED SUBSTANCE

The Actor, Jonathan Swomley, on or about August 17th 2013 at 0521 hours in the County of York, drove, operated or was in actual physical control of the movement of a vehicle, namely a 1999 black Jeep Grand Cherokee bearing PA registration DHD0791, upon a highway or trafficway of the Commonwealth, namely the 500 block of Gatehouse Ln E, after imbibing in a Schedule I controlled substance, as defined in the act of April 14, 1972 (P.L. 233, No. 64), known as the Controlled Substance, Drug, Device and Cosmetic Act, namely heroin, such that any concentration of the metabolite appears in the individual's blood after the individual has driven, operated or been in actual physical control of the movement of the vehicle, to wit 40 ng/mL of Morphine-Free in Swomley's blood, in violation of Section 3802 (d) (1)(iii) of the Pennsylvania Vehicle Code, Act 24 Of 2003 75 Pa. C.S. 3802(d)(1)(iii)



POLICE CRIMINAL COMPLAINT

Docket Number CR-610-13	Date Filed 9/9/13	OTN/LiveScan Number L 806099-0	Complaint/Incident Number 20130817M0005
Defendant Name JONATHAN		Middle ARTHUR	Last SWOMLEY

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903						
<input type="checkbox"/> Lead?	3	3802	D3	of the	75	1	M		
	Offense #	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone			
Statute Description (Include the name of statute or ordinance): DRIVING UNDER THE INFLUENCE CONTROLLED SUBSTANCE									

Acts of the accused associated with this Offense:
DRIVING UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE -CONTROLLED SUBSTANCE AND ALCOHOL
The Actor, Jonathan Swomley, on or about August 17th 2013 at 0521 hours in the County of York, drove, operated or was in actual physical control of the movement of a vehicle, namely a 1999 black Jeep Grand Cherokee bearing PA registration DHD0791, upon a highway or trafficway of the Commonwealth, namely the 500 block of Gatehouse Ln E, under the combined influence of alcohol and a drug or a combination of drugs to a degree which impaired the individual's ability to safely drive, operate or be in actual physical control of the movement of the vehicle, to wit a .042% BAC and 40 ng/mL of Morphine-Free in Swomley's blood, in violation of Section 3802 (d)(3) of the Pennsylvania Vehicle Code, Act 24 Of 2003 75 Pa. C.S. 3802(d)(3)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903						
<input type="checkbox"/> Lead?	4	780-113	A16	of the	35	1	M		
	Offense #	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone			
Statute Description (Include the name of statute or ordinance): VIOL CONTROLLED SUBST, DRUG DEVICE & COSMETIC ACT									

Acts of the accused associated with this Offense:
POSSESSION OF CONTROLLED SUBSTANCE, DRUGS, DEVICE OR COSMETIC
The Actor, Jonathan Swomley, on or about August 17th 2013 at 0521 hours in the County of York, knowingly or intentionally possessed a controlled or counterfeit substance, namely heroin, the said actor not then and there being registered under the Controlled Substance, Drug, Device and Cosmetic Act, Act of April 14, 1972, or a practitioner registered or licensed by the appropriate State Board, in Violation of Section 780-113(a)(16) of the Controlled Substance, Drug, Device and Cosmetic Act, Act of April 14, 1972, as amended, 35 P.S. 780-113(a)(16)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903						
<input type="checkbox"/> Lead?	5	780-113	A32	of the	35	1	M		
	Offense #	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone			
Statute Description (Include the name of statute or ordinance): VIOL CONTROLLED SUBST, DRUG DEVICE & COSMETIC ACT									

Acts of the accused associated with this Offense:
POSSESSION OF DRUG PARAPHERNALIA
The Actor, Jonathan Swomley, on or about August 17th 2013 at 0521 hours in the County of York, not being registered under the Controlled Substance, Drug, Device and Cosmetic Act, Act of April 14, 1972, nor a practitioner registered or licensed by the appropriate State Board, used or possessed with intent to use drug paraphernalia, namely 11 hypodermic needles and a bent spoon with charred residue that contained a black piece of cotton in the bowl portion, for the purpose of packaging, preparing, storing, containing, concealing and ingesting or otherwise introducing into the human body, a controlled substance, namely heroin, in violation of Section 780-113(a)(32) of the Controlled Substance, Drug, Device and Cosmetic Act, Act of April 14, 1972, as amended, 35 P.S. 780-113(a)(32)



POLICE CRIMINAL COMPLAINT

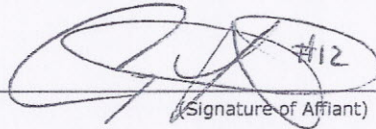
Docket Number CR-610-13	Date Filed 9/9/13	OTN/LiveScan Number L 806099-0	Complaint/Incident Number 20130817M0005
Defendant Name	First JONATHAN	Middle ARTHUR	Last SWOMLEY

2. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of section 4904 of the Crimes Code (18 PA C.C. 4904) relating to unsworn falsification to authorities.
4. This complaint is comprised of the preceding page(s) numbered 1 through 3.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of Assembly, or in violation of the statutes cited. **(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)**

SEPT 9, 2013

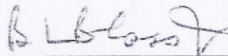
(Date)

 #12
(Signature of Affiant)

AND NOW, on this date 9/9/13 I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed before a warrant can be issued.

19-2-01

(Magisterial District Court Number)



(Issuing Authority)





POLICE CRIMINAL COMPLAINT

Docket Number CR-610-13	Date Filed 9/9/13	OTN/LiveScan Number L 806099-0	Complaint/Incident Number 20130817M0005
Defendant Name	First JONATHAN	Middle ARTHUR	Last SWOMLEY

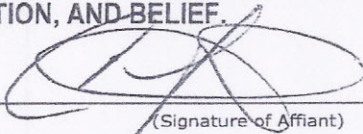
AFFIDAVIT of PROBABLE CAUSE

DUI - 1st offense

On August 17th 2013 at 0515 hours I responded to the 500 block of Gatehouse Ln E for a report of a suspicious vehicle. The complainant, Jerry Heist, advised that a vehicle not known to the area was parked with the engine running and an interior light activated. Upon my arrival at 0521 hours, I observed a 1999 black Jeep Grand Cherokee bearing PA registration DHD0791 parked facing south on Gatehouse Ln E in front of 525 Gatehouse Ln E. I observed a white male subject, Jonathan Swomley, seated on the driver's seat with a light strapped to his head. Upon approaching the Jeep, I discovered the Jeep's engine was running. I observed that Swomley's head was hanging down with his eyes closed. Swomley didn't have a shirt on and he had two fresh puncture marks on his right arm. I observed 3 hypodermic needles laying in plain view on the center console and two black socks that appeared full laying on Swomley's legs. I yelled at Swomley but he had no reaction. I requested EMS to respond. I opened the driver's door, turned off the Jeep and put the keys on the dashboard. I yelled again at Swomley and he woke up. Swomley was very lethargic and slurring his speech. Swomley's eyes were glassy and his pupils were very constricted. I tried to talk Swomley but he was disoriented. After approximately 1 minute, Swomley appeared to become oriented and aware of me. I asked Swomley what happened and he stated he injected one pack of heroin. Swomley believes he did this at approximately 0430 hours. I asked Swomley if there was anything else in the Jeep I needed to be aware of and he stated that the two black socks contained more hypodermic needles and packs of heroin. I secured the 3 hypodermic needles and the black socks. I discovered that one black sock contained 5 hypodermic needles and a clean spoon. The second black sock contained 3 hypodermic needles, a bent spoon with charred residue and a black piece of cotton in the bowl portion, and a blue plastic box. This blue plastic box contained 6 cotton swabs, a small knife, 4 blue wax paper packages containing a tanish powdery substance (suspected heroin) and numerous ripped pieces of the same blue wax paper packaging material. Swomley advised he didn't need EMS. Swomley advised he was out with a friend tonight drinking alcohol. Swomley came back to his friends house which he thought was in this area but didn't know the address or road name. Swomley then injected the heroin using one of the hypodermic needles on the center console and that was the last thing he remembered before seeing me. I asked Swomley to exit the Jeep and I observed he had trouble maintaining his balance.

I asked Swomley if he would attempt some field sobriety tests for me to which he responded he would attempt them. I asked Swomley if he was on any medication/drugs (besides the heroin) or had any medical problems that affected his balance to which he responded he didn't have any. Swomley advised he hurt one of his toes the other day but that this didn't hurt him while standing or walking. I advised Swomley that while I explained the directions to the field sobriety tests to not start any test until I asked him to do so. Swomley stated he understood this. I then explained and demonstrated the HGN and walk and turn to Swomley. After explaining each test I asked him if he understood the instructions and he stated he understood. Swomley attempted the tests but was unable to complete the tests as instructed. Swomley had difficulty walking the first 9 steps during the walk and turn. On the 9th step he almost fell over and I stopped all testing for his safety. Based on my observations and Swomley's performance

I, LANDIS, CORY L (PTLM) (0012), BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.


(Signature of Affiant)

Sworn to me and subscribed before me this _____ day of _____,
_____, Date _____, Magisterial District Judge
My commission expires first Monday of January, _____



POLICE CRIMINAL COMPLAINT

Docket Number CR-610-13	Date Filed 9/9/13	OTN/LiveScan Number L 806099-0	Complaint/Incident Number 20130817M0005
Defendant Name	First JONATHAN	Middle ARTHUR	Last SWOMLEY

AFFIDAVIT of PROBABLE CAUSE CONTINUATION

on the SFST I believed he was rendered incapable of being able to safely operate a vehicle. Swomley was taken into custody and placed in my patrol vehicle.

I then transported Swomley to Memorial Hospital for a blood test. Upon arrival at Memorial Hospital, I read Swomley his Chemical Test Warnings verbatim from the DL-26 (03/12) form. Swomley advised he understood and signed consent for a blood test. At 0605 hours two vials of blood were drawn from Swomley's arm by nurse Lana Rauhauser. Swomley was then transported to Central Booking where custody of him was turned over to the York County Sheriff's Department. This was discovered to be Swomley's first offense for DUI.

At Springettsbury Township Police Department I field tested some of the tanish powdery substance from the blue wax paper packages using a NARK Nitric Acid Reagent test kit which rendered a positive result for the presence of heroin. I packaged the bent spoon and the 4 blue wax paper packages containing the tanish powdery substance as evidence for further testing at PSP Labs.

On September 1st 2013 I received notification from NMS Labs that reported the following in Swomley's blood at the time of testing:

- .042% BAC
- 40 ng/mL of Morphine-Free


(Signature of Affiant)