

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

***In Re* Nomination Petition of** : **Election Matter**
Paul PITONYAK :
As Republican Candidate for the PA General :
Assembly for the 2nd Legislative District :

PETITION TO SET ASIDE NOMINATION PETITION

Petitioners Julie Vahey and Donna Turbaczewski, by and through counsel, respectfully avers as follows:

1. Petitioners are duly qualified electors registered as Republicans in the 2nd Legislative District
2. The Respondent is the above referenced Republican Candidate for the 2nd Legislative District.
3. On or before March 28, 2022, the Candidate filed a Candidate Affidavit and Nomination Petitions with the Department of State. A copy of the Candidate Affidavit is attached as Exhibit A.
4. Under Article II, Section 7 of the Pennsylvania Constitution, “No person hereafter convicted of embezzlement of public moneys, bribery, perjury or other infamous crime, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this Commonwealth.”
5. A crime is infamous for purposes of Article II, Section 7, if its underlying facts establish a felony, a *crimen falsi* offense, or a like offense involving the charge of falsehood that affects the public administration of justice. *See Com. ex rel. Baldwin v. Richard*, 561 Pa. 489, 751 A.2d 647, 653 (2000). Thus, a candidate who has been convicted of either a felony or a *crimen falsi* crime is constitutionally ineligible to hold elected office in the Commonwealth, and an affidavit of a candidate who has been convicted of such crimes that indicates that that the candidate is eligible to hold the elected office sought is materially false and must be set aside.
6. On May 4, 2016, Pitonyak pleaded guilty to a misdemeanor charge of violating 18 P.S. § 4906(b)(1), for filing a false report with law enforcement authorities—namely, that Pitonyak lied on a federal ATF form when attempting to purchase a gun, denying that he was the subject of a restraining order which prevented him from harassing, stalking, or threatening an intimate partner. *See* Docket CP-25-CR-3016-2015 and associated Police Criminal Complaint and Information, attached.
7. In his Candidate Affidavit, Pitonyak falsely asserts that he is eligible for this office.
8. Section 977 of the Election Code, 25 P.S. §2937, provides that a court shall set aside nomination petitions which are defective.

9. The Candidate Affidavit is false, and Pitonyak's name must be removed from the ballot.

10. Petitioners respectfully reserve the right to add such additional objections as are appropriate at the time of hearing.

Respectfully submitted,

By: 

Adam C. Bonin, Esq.

adam@boninlaw.com

Attorney I.D. No. 80929

The Law Office of Adam C. Bonin

121 S. Broad Street, Suite 400

Philadelphia, Pennsylvania 19107

Telephone: (267) 242-5014

Facsimile: (215) 827-5300

Attorney for Petitioners

Dated: April 1, 2022

VERIFICATION

I, Julie Vahey, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Julie Vahey
Signature

3-30-2022
Date

VERIFICATION

I, Donna Turbaczewski hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Donna Turbaczewski
Signature

March 30, 2022
Date

COURT OF COMMON PLEAS OF ERIE COUNTYFiled 4/1/2022 4:12:00 PM Commonwealth Court of Pennsylvania
149 MD 2022**DOCKET****Docket Number: CP-25-CR-0003016-2015****CRIMINAL DOCKET****Court Case**

Commonwealth of Pennsylvania

v.

Paul A. Pitonyak

Page 1 of 5

CASE INFORMATIONJudge Assigned: Garhart, JohnDate Filed: 10/20/2015Initiation Date: 10/01/2015OTN: T 709269-1LOTN:Originating Docket No: MJ-06303-CR-0000278-2015Initial Issuing Authority: Susan D. StrohmeierFinal Issuing Authority: Susan D. StrohmeierArresting Agency: Millcreek Police DeptArresting Officer: Parmeter, David T.Complaint/Citation No.: 1520942Incident Number:Case Local Number Type(s)Case Local Number(s)**STATUS INFORMATION**

<u>Case Status:</u>	<u>Status Date</u>	<u>Processing Status</u>	<u>Complaint Date:</u>
Closed	05/04/2016	Sentenced/Penalty Imposed	10/01/2015
	05/04/2016	Awaiting Sentencing	
	05/02/2016	Awaiting Guilty Plea	
	03/09/2016	Awaiting Trial	
	03/03/2016	Awaiting Guilty Plea	
	12/17/2015	Awaiting Trial	
	11/12/2015	Awaiting Formal Arraignment	
	10/20/2015	Awaiting Filing of Information	

CALENDAR EVENTS

<u>Case Calendar</u>	<u>Schedule</u>	<u>Start</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u>
<u>Event Type</u>	<u>Start Date</u>	<u>Time</u>			<u>Status</u>
Formal Arraignment	12/21/2015	1:15 pm	Courtroom H - Room 229	Julia Elaine Bagnoni	Scheduled
Post Arraignment Plea	12/30/2015	1:30 pm	Courtroom A - Room 206	Senior Judge Shad Connelly	Scheduled
Guilty Plea	03/07/2016	1:30 pm	Courtroom D - Room 214	Senior Judge John Garhart	Cancelled
Trial	03/14/2016	9:30 am	Court Admin Room 204	Julia Elaine Bagnoni	Moved
Guilty Plea	05/04/2016	8:45 am	Courtroom D - Room 214	Senior Judge John Garhart	Scheduled
Trial	05/09/2016	9:30 am	Court Admin Room 204	Julia Elaine Bagnoni	Cancelled
Collections Court	12/20/2016	1:00 pm	Courtroom D - Room 214		Cancelled

DEFENDANT INFORMATIONDate Of Birth: 12/31/1989City/State/Zip: Erie, PA 16510Alias Name

Pitonyak, Paul Anthony

COURT OF COMMON PLEAS OF ERIE COUNTY

DOCKET

Docket Number: CP-25-CR-0003016-2015

CRIMINAL DOCKET

Court Case



Commonwealth of Pennsylvania

v.

Paul A. Pitonyak

Page 2 of 5

CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Pitonyak, Paul A.

BAIL INFORMATION

Pitonyak, Paul A. Nebbia Status: None

<u>Bail Action</u>	<u>Date</u>	<u>Bail Type</u>	<u>Percentage</u>	<u>Amount</u>	<u>Bail Posting Status</u>	<u>Posting Date</u>
Set	10/01/2015	ROR		\$0.00		

CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>OTN</u>
1	3	M3	18 § 4906 §§ B1	False Reports - Reported Offense Did Not Occur	03/27/2015	T 709269-1

DISPOSITION SENTENCING/PENALTIES

Disposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>	
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u>	<u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>	
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>	
<u>Sentence Conditions</u>			
Waived for Court (Lower Court)	Defendant Was Present		
Lower Court Disposition	10/20/2015	Not Final	
Proceed to Court			
Information Filed	12/08/2015	Not Final	
Guilty Plea			
Guilty Plea	05/04/2016	Final Disposition	
1 / False Reports - Reported Offense Did Not Occur	Guilty Plea	M3	18 § 4906 §§ B1
Garhart, John	05/04/2016		
Probation	Min of 1.00 Years	05/04/2016	
	Max of 1.00 Years		
	1 year		
No weapons for one year			

COURT OF COMMON PLEAS OF ERIE COUNTY

DOCKET

Docket Number: CP-25-CR-0003016-2015

CRIMINAL DOCKET

Court Case



Commonwealth of Pennsylvania

v.

Paul A. Pitonyak

Page 3 of 5

COMMONWEALTH INFORMATION

Name: Erie County District Attorney's Office
Prosecutor

Supreme Court No:
Phone Number(s):
814-451-6349 (Phone)

Address:
Erie County Courthouse
140 West Sixth Street
Erie, PA 16501

ATTORNEY INFORMATION

Name: Keith H. Clelland
Private

Supreme Court No: 058821
Rep. Status: Active
Phone Number(s):
814-459-7754 (Phone)

Address:
333 State St
Ste 203
Erie, PA 16507

Representing: Pitonyak, Paul A.

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	10/01/2015		Strohmeyer, Susan D.
Bail Set - Pitonyak, Paul A.			
1	10/20/2015		Clerk of Courts Office - Erie County
Original Papers Received from Lower Court			
1	12/08/2015		Commonwealth of Pennsylvania
Information Filed			
1	12/22/2015		Pitonyak, Paul A.
Waiver of Arraignment			
1	03/08/2016		Porsch, Matthew Gerald
Motion for Continuance			
2	03/08/2016		Garhart, John
Order Granting Motion for Continuance			
Commonwealth of Pennsylvania			
03/08/2016 Interoffice			
Erie County Court Administration			
03/08/2016 Interoffice			
Porsch, Matthew Gerald			
03/08/2016 Attorney Box			
1	05/04/2016		Garhart, John
Defendant's Statement of Understanding of Rights Prior to Guilty or No Contest Plea			

COURT OF COMMON PLEAS OF ERIE COUNTY

DOCKET

Docket Number: CP-25-CR-0003016-2015

CRIMINAL DOCKET

Court Case



Commonwealth of Pennsylvania

v.

Paul A. Pitonyak

Page 4 of 5

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
2	05/04/2016		Garhart, John
Defendant's Rights at Sentencing			
3	05/04/2016		Court of Common Pleas - Erie County
Guideline Sentence Form			
4	05/04/2016		Garhart, John
Guilty Plea			
5	05/04/2016		Garhart, John
Order - Sentence/Penalty Imposed			
1	06/08/2016		Court of Common Pleas - Erie County
Penalty Assessed			
1	09/23/2016		Court of Common Pleas - Erie County
Delinquency Notice Filed - 32 Days Overdue			
1	10/24/2016		Court of Common Pleas - Erie County
Delinquency Notice Filed - 63 Days Overdue			
1	11/23/2016		Erie County Probation Department
Collections Court Scheduled 12/20/2016 1:00PM			
2	11/23/2016		Court of Common Pleas - Erie County
Delinquency Notice Filed - 93 Days Overdue			
1	12/20/2016		Erie County Probation Department
Collections Court Cancelled			
1	01/23/2017		Court of Common Pleas - Erie County
Delinquency Notice Filed - 32 Days Overdue			
1	05/23/2017		Court of Common Pleas - Erie County
Delinquency Notice Filed - 31 Days Overdue			
1	06/08/2017		Court of Common Pleas - Erie County
Penalty Satisfied			

COURT OF COMMON PLEAS OF ERIE COUNTY

DOCKET

Docket Number: CP-25-CR-0003016-2015

CRIMINAL DOCKET

Court Case



Commonwealth of Pennsylvania

v.

Paul A. Pitonyak

Page 5 of 5

ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
1	04/21/2021		Clelland, Keith H.
(See 877-09) Entry of Appearance			

CASE FINANCIAL INFORMATION

Last Payment Date: 06/08/2017

Total of Last Payment: -\$195.50

Pitonyak, Paul A. Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Total</u>
Costs/Fees					
ATJ	\$4.00	(\$4.00)	\$0.00	\$0.00	\$0.00
CJES	\$2.25	(\$2.25)	\$0.00	\$0.00	\$0.00
Commonwealth Cost - HB627 (Act 167 of 1992)	\$10.15	(\$10.15)	\$0.00	\$0.00	\$0.00
Costs of Prosecution - CJEA	\$50.00	(\$50.00)	\$0.00	\$0.00	\$0.00
County Court Cost (Act 204 of 1976)	\$33.00	(\$33.00)	\$0.00	\$0.00	\$0.00
Crime Victims Compensation (Act 96 of 1984)	\$35.00	(\$35.00)	\$0.00	\$0.00	\$0.00
Domestic Violence Compensation (Act 44 of 1988)	\$10.00	(\$10.00)	\$0.00	\$0.00	\$0.00
Firearm Education and Training Fund	\$5.00	(\$5.00)	\$0.00	\$0.00	\$0.00
JCPS	\$21.25	(\$21.25)	\$0.00	\$0.00	\$0.00
Judicial Computer Project	\$8.00	(\$8.00)	\$0.00	\$0.00	\$0.00
State Court Costs (Act 204 of 1976)	\$11.85	(\$11.85)	\$0.00	\$0.00	\$0.00
Victim Witness Service (Act 111 of 1998)	\$25.00	(\$25.00)	\$0.00	\$0.00	\$0.00
Automation Fee (Erie)	\$5.00	(\$5.00)	\$0.00	\$0.00	\$0.00
Clerk's Fee (Plea) (Erie)	\$110.00	(\$110.00)	\$0.00	\$0.00	\$0.00
User Fee (Erie)	\$10.00	(\$10.00)	\$0.00	\$0.00	\$0.00
Restitution Fee (Erie)	\$25.00	(\$25.00)	\$0.00	\$0.00	\$0.00
Administrative Fee (Erie)	\$150.00	(\$150.00)	\$0.00	\$0.00	\$0.00
OSP (Erie/State) (Act 35 of 1991)	\$240.00	(\$240.00)	\$0.00	\$0.00	\$0.00
OSP (Erie/State) (Act 35 of 1991)	\$240.00	(\$240.00)	\$0.00	\$0.00	\$0.00
Costs/Fees Totals:	\$995.50	(\$995.50)	\$0.00	\$0.00	\$0.00
Grand Totals:	\$995.50	(\$995.50)	\$0.00	\$0.00	\$0.00

** - Indicates assessment is subrogated

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: ERIE
OCT 02 2015



Received 4/12/2022 4:12:00 PM Commonwealth Court of Pennsylvania
POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA

Filed 4/1/2022 4:12:00 PM Commonwealth Court of Pennsylvania
149 MD 2022

Magisterial District Number: 06-3-03
MDJ: Hon. SUSAN STROHMEYER
Address: 9333 TATE RD.
ERIE, PA 16509
Telephone: (814)451-6511

DEFENDANT:
PAUL

(NAME and ADDRESS):

First Name
2930 NORTH ST.
ERIE, PA 16510

Middle Name
Last Name
PITONYAK
Gen.

NCIC Extradition Code Type

<input checked="" type="checkbox"/> 1-Felony Full	<input type="checkbox"/> 4-Felony No Ext.	<input type="checkbox"/> B-Misdemeanor Limited	<input type="checkbox"/> E-Misdemeanor Pending
<input type="checkbox"/> 2-Felony Ltd.	<input type="checkbox"/> 5-Felony Pend.	<input type="checkbox"/> C-Misdemeanor Surrounding States	<input type="checkbox"/> Distance: _____
<input type="checkbox"/> 3-Felony Surrounding States	<input type="checkbox"/> A-Misdemeanor Full	<input type="checkbox"/> D-Misdemeanor No Extradition	

DEFENDANT IDENTIFICATION INFORMATION

Docket Number CR-278-15	Date Filed 10/11/15	OTN/LiveScan Number T709269-1	Complaint/Incident Number 15-20942	SID	Request Lab Services? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
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GENDER <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	DOB 12/31/1989	POB	Add'l DOB / /	Co-Defendant(s) <input type="checkbox"/>
---	-------------------	-----	---------------	--

First Name	Middle Name	Last Name	Gen.
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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 (Unk./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 (Unknown)

Driver License State PA License Number 29047308 Expires: 01/01/2019	WEIGHT (lbs.) 190
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DNA <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO DNA Location	Ft. HEIGHT In. 5
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FBI Number	MNU Number	Ft. HEIGHT In. 11
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Defendant Fingerprinted <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Ft. HEIGHT In. 5	Ft. HEIGHT In. 11
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Fingerprint Classification:

DEFENDANT VEHICLE INFORMATION

Plate #	State	Hazmat <input type="checkbox"/>	Registration Sticker (MM/YY)	Comm'l Veh. Ind. <input type="checkbox"/>	School Veh. <input type="checkbox"/>	Oth. NCIC Veh. Code	Reg. same as Def. <input type="checkbox"/>
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VIN	Year	Make	Model	Style	Color
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Office of the attorney for the Commonwealth Approved Disapproved because:

(The attorney for the Commonwealth may require that 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)

(Signature of the attorney for the Commonwealth)

(Date)

I, CPL. DAVID T. PARMETER 29
(Name of the Affiant) (PSP/MP/ETC -Assigned Affiant ID Number & Badge #)

of MILLCREEK TOWNSHIP POLICE DEPARTMENT PA0250300
(Identify Department or Agency Represented and Political Subdivision) (Police Agency ORI Number)

do hereby state: (check appropriate box)

- 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 or nickname 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 [213] DICK'S SPORTING GOODS, 2088 INTERCHANGE RD, ERIE, PA 16565 (Subdivision Code) (Place-Political Subdivision)

in ERIE County [25] on or about MARCH 27, 2015 @ 1737HRS
(County Code)



POLICE CRIMINAL COMPLAINT

Docket Number: <i>CR-278-15</i>	Date Filed: <i>10/11/15</i>	OTN/LiveScan Number <i>T709269-1</i>	Complaint/Incident Number 15-20942
Defendant Name	First: PAUL	Middle: A.	Last: PITONYAK

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.Code §§ 213.1 - 213.7.)

<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 checked="" type="checkbox"/> 1	6111	G4II	of the	TITLE 18	1	F-3		
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)		Accident Number			<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone	

Statute Description (include the name of statute or ordinance): Sale or Transfer of Firearms

Acts of the accused associated with this Offense: In that, on or about said date, the defendant did, in connection with the purchase, delivery or transfer of a firearm, knowingly and intentionally make any materially false oral or written statement or willfully furnished or exhibited any false identification intended or likely to deceive the seller, licensed dealer or licensed manufacturer.

WD JL 10/20/15

<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"/> 2	4904	A1	of the	TITLE 18	1	M-2		
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)		Accident Number			<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone	

Statute Description (include the name of statute or ordinance): Unsworn Falsification to Authorities

Acts of the accused associated with this Offense: In that, on or about said date, the defendant did, with the intent to mislead Dick's Sporting Goods, which is a federally licensed dealer, in performing their official function, intentionally or knowingly made a written false statement which he did not believe to be true.

<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"/>			of the					
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)		Accident Number			<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone	

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

Acts of the accused associated with this Offense:



POLICE CRIMINAL COMPLAINT

Docket Number: <i>CR-278-15</i>	Date Filed: <i>10/1/15</i>	OTN/LiveScan Number <i>T709269-1</i>	Complaint/Incident Number 15-20942
Defendant Name	First: PAUL	Middle: A.	Last: PITONYAK

- 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.
- 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.S. § 4904) relating to unsworn falsification to authorities.
- This complaint consists of the preceding page(s) numbered ___ through ___.

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 the 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.)

OCTOBER 1ST, 2015

(Date)

[Handwritten Signature]

(Signature of Affiant)

AND NOW, on this date

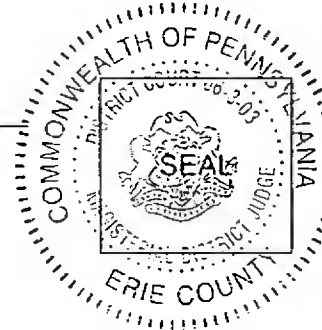
10/1/15

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.

06-3-03
 (Magisterial District Court Number)

[Handwritten Signature]
 (Issuing Authority)





POLICE CRIMINAL COMPLAINT

Docket Number: <i>CR-278-15</i>	Date Filed: 10/01/2015	OTN/LiveScan Number <i>T 709269-1</i>	Complaint/Incident Number 15-20942
Defendant Name:	First: PAUL	Middle: A.	Last: PITONYAK

AFFIDAVIT of PROBABLE CAUSE

On 9-2-15, MPD received notice from PSP Lt. Mark J. Shaver, Director, Firearms Division Bureau of Records and Identification, that defendant Paul A. Pitonyak attempted to purchase a firearm at Dick's Sporting Goods unlawfully. This occurred on 3-27-15 at 1737 hrs. Pitonyak produced his PA ID 29047308, and attempted to purchase a Mossberg 930 tactical 12 gauge shotgun, but was denied. According to Lt. Shaver's investigation, Pitonyak is the subject of a Protection from Abuse order which does not expire until 8-15-16. Pitonyak checked "No" on box 11h of the ATF Form 4473, asking if he was the subject of a restraining order which prevents him from harassing, stalking, or threatening an intimate partner, clearly making a false statement.

I, CPL. DAVID T. PARMETER, 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.

[Handwritten Signature]

(Signature of Affiant)

Sworn to me and subscribed before me this _____ day of _____,

_____ Date _____, Magisterial District Judge

My commission expires first Monday of January,



COMMONWEALTH OF PENNSYLVANIA)
)
 v.)
)
 PAUL A. PITONYAK)

IN THE COURT OF COMMON PLEAS
OF ERIE COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

NO. 3016 of 2015
T 709269-1

INFORMATION

The District Attorney of Erie County by this Information charges that on or about MARCH 27, 2015 in the said County of Erie and State of Pennsylvania, the said PAUL A. PITONYAK, with the intent to mislead a public servant in the performance of their official functions, did make any written false statement which he did not believe to be true, to-wit: the said PAUL A. PITONYAK did give a false written statement to, TOM SWIGART of DICKS SPORTING GOODS LOCATED at 2088 INTERCHANGE ROAD, MILLCREEK TOWNSHIP, Erie County, Pennsylvania; thereby the said PAUL A. PITONYAK did commit the crime of UNSWORN FALSIFICATION TO AUTHORITIES, a Misdemeanor of the Second Degree.

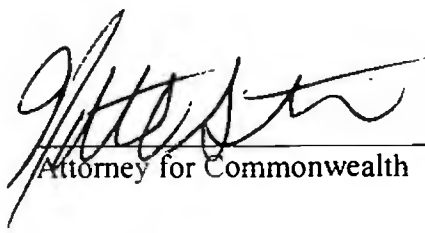
All of which is against the Act of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.

(XX) Notice is hereby given, per Pa.R.Crim.P. 582 (B)(1), that this Information will be tried with any and all other Informations for this defendant.

(XX) Notice is hereby given, per Pa.R.Crim.P. 582 (B)(1), that your case will be tried together with all co-defendant(s) since you are alleged to have participated in the same act or transaction.

18 P.S. 4904(A)(1)

Citation of Statute & Section



Attorney for Commonwealth

12/8/15

Date

CLERK OF RECORDS
2015 DEC - 8 PM 1:09
ERIE COUNTY
CLERK OF COURTS
ERIE, PA 16501

COMMONWEALTH OF PENNSYLVANIA

v.

PAUL A. PITONYAK

INFORMATION

COUNT ONE:

18 P.S. ~~4904~~ 4906 (b)(1)

UNSWORN FALSIFICATIONS TO AUTHORITIES
MISDEMEANOR OF THE SECOND DEGREE

Hand MB

5/4/16

PLEA or TRIAL:

AND NOW, THIS 4 DAY OF May, 2015, I STATE THAT I AM THE DEFENDANT IN THIS MATTER AND THAT I HAVE BEEN ARRAIGNED ON THIS CHARGE(S); I AGREE MY RIGHTS HAVE BEEN EXPLAINED TO ME AND I HAVE VOLUNTARILY CHOSEN TO PLEAD:

GUILTY / NO CONTEST / NOT GUILTY

Defendant

Matthew Pensen
Attorney for Defendant

ARD:

AND NOW, THIS ___ DAY OF _____, 2015, I STATE THAT I AM THE DEFENDANT IN THIS MATTER AND THAT I UNDERSTAND THE CHARGE(S) AGAINST ME; THE PROVISIONS OF THE ARD PROGRAM HAVE BEEN EXPLAINED TO ME AND I AM WAIVING MY RIGHT TO A SPEEDY TRIAL UNDER RULE 600; I AGREE TO ARD PLACEMENT AND I HEREBY PLEAD GUILTY TO ALL SUMMARY OFFENSES IF APPLICABLE.

Defendant

Attorney for Defendant

PWOV:

AND NOW, THIS ___ DAY OF _____, 2015, I STATE THAT I AM THE DEFENDANT IN THIS MATTER AND THAT I UNDERSTAND THE CHARGE(S) AGAINST ME; THE PROVISIONS OF THE PWOV PROGRAM HAVE BEEN EXPLAINED TO ME AND I AM FOREVER WAIVING MY RIGHT TO A JURY TRIAL BY PLEADING NO CONTEST AND REQUESTING PWOV PLACEMENT; I UNDERSTAND THE POSSIBLE MAXIMUM SENTENCE(S) INVOLVED; I AGREE TO PWOV PLACEMENT AND I HEREBY PLEAD NO CONTEST TO THIS CHARGE(S).

Defendant

Attorney for Defendant