



POLICE CRIMINAL COMPLAINT

Docket Number CR-G-14	Date Filed 01/09/2014	OTN/LiveScan Number T418619-5	Complaint/Incident Number 20130924M2117
Defendant Name	First DERECK	Middle MICHAEL	Last MARTZ

AFFIDAVIT of PROBABLE CAUSE

On 09/23/2013 - M.S. (Victim) came into the Danville Police and stated that he wanted to report sexual abuse that happened to him when he was approximately seven years old. M.S. stated the abuse occurred from 1997 and continued to approximately 2002. M.S. provided Affiant with a detailed written and verbal statement. M.S. stated this has been haunting and bothering him for several years.

M.S. continued by stating the abuse started in the summer of 1997 when he lived on Lower Mulberry Street. He stated the above named defendant approached him while he was playing outside with friends and started a conversation with him, asking M.S. what his interests were. M.S. believes that the above named defendant was attempting to get comfortable with M.S. to see how M.S. would react.

M.S. stated the first time he was molested by the above named defendant was on Lower Mulberry Street in a back alley, underneath a porch behind a house (believed to be rear 320 Lower Mulberry Street). M.S. stated that the above named defendant touched his private parts and then proceeded to perform oral sex on him, but M.S. stated that he did not ejaculate. M.S. stated that he had a tickling feeling and the above named defendant must of known that it tickled him, because the above named defendant asked M.S. if it tickled. M.S. told the above named defendant that it did. The above named defendant asked M.S. if he liked it and M.S. told the above named defendant that he did.

M.S. stated the next time it happened was at the same location on Lower Mulberry Street under a porch and the above named defendant performed oral sex on M.S. and also fondled him. M.S. stated this happened numerous times at this location on various dates and times.

M.S. stated it happened other times in the woods by Jaws Recycling Center off Railroad Street. This abuse occurred in the summer months in the woods by a rock, that looked like a bench (aka the rock). M.S. stated there was always garbage around and it and it looked like someone had lived there. M.S. stated the above named defendant performed oral sex and fondled him a couple more times and the molestation stopped around 1998 when M.S. stated he moved to Bloomsburg. M.S. stated that he lived in Bloomsburg Pa for approximately 8 months and then moved back to Danville Pa in a trailer park on Fishers Court.

M.S. stated the molestation started again when he moved back to Danville. M.S. recalled the first time he saw the above named defendant when he moved back was at the baseball fields off of (Faust Street) when M.S. was playing baseball.

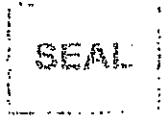
M.S. stated that the above named defendant approached him after everyone left and wanted to see if M.S. wanted the above named defendant to help him get better at baseball.

I, CHIEF ERIC GILL (1), 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)

(Signature of Affiant)

Sworn to me and subscribed before me this 9 day of January, 2014
1/9/14 Date Maureen E. [Signature], Magisterial District Judge
My commission expires first Monday of January, 2016





POLICE CRIMINAL COMPLAINT

Docket Number CR-14-14	Date Filed 01/09/2014	OTN/LiveScan Number T418019-5	Complaint/Incident Number 20130924M2117
Defendant Name	First DERECK	Middle MICHAEL	Last MARTZ

AFFIDAVIT of PROBABLE CAUSE CONTINUATION

M.S. stated that the above named defendant was helping him throw the ball and was helping him catch the ball and showing him how to hit. The above named defendant then invited M.S. back to his house to play games on Grand Street. M.S. stated while he was at the house, the above named defendant started molesting him again. M.S. was lying on the above named defendant's bed watching TV and the above named defendant asked M.S. if he wanted to try something different. M.S. replied "like what"? The above named defendant went into the bathroom and came out with a bottle. M.S. asked him what is in the bottle and the above named defendant stated baby oil. M.S. asked him what is that for and the above named defendant stated hold on and I will show you. The above named defendant started to touch M.S. in his private parts and then the above named defendant had him give him oral sex. After the above named defendant was erected he pulled M.S.'s pants down and told M.S. to lie on the bed. The above named defendant put his penis in M.S.'s anus for the first time. It burned and M.S. stated he could feel the lubrication in his anus because of the baby oil. M.S. stated he was screaming because it hurt and he held my head to the pillow and told me not to be loud. The above named defendant told M.S. to wait until he (The above named defendant) was done. M.S. asked the above named defendant to stop because M.S. was crying because it hurt. The above named defendant stopped when he was done ejaculating. After that, the above named defendant asked M.S. if he wanted to stick around and play games but M.S. stated he wanted to go home. M.S. stated the above named defendant left him go home and continued to approach M.S. at the park when M.S. was out playing with friends. M.S. stated the above named defendant would always take him back to his home to molest him. M.S. stated it would include fondling, oral sex on M.S. and on the above named defendant and anal sex. M.S. stated when Kidsville Park was built at the Washies Playground, the above named defendant would molest M.S. inside the bottom wooden tunnels on the playground equipment. M.S. stated it happened a few times in the hidden part of the sandbox. M.S. stated he fondled him and made M.S. perform oral sex on him and he performed oral sex on M.S. as well. M.S. stated when the park was full of people, the above named defendant would take him in the dugout or behind the dike/hill. There were a couple of times that the above named defendant asked M.S. if he could go over to M.S.'s house and M.S. replied yes. M.S. stated sometimes he molested him at M.S.'s house and sometimes he would just talk with him and M.S.'s Grandmother, Bonnie Fox. M.S. stated when the above named defendant did molest him at his Grandmother, The above named defendant would touch his private parts and perform oral sex on M.S..

M.S. stated there was one time that he can remember that he was walking home from Uni-Mart and the above named defendant came out of no where riding a lawn mower and yelled to M.S. as he was riding the lawn mower. M.S. asked the above named defendant where he got the lawn mower and the above named defendant stated that his friend Lester gave it to him. The above named defendant asked M.S. if he wanted to meet him and M.S. stated yes. M.S. stated they went to Lester's home and had a drink. The above named defendant and M.S. then left after talking a little and Lester invited M.S. back anytime and told him even if the above named defendant was not with him. The above named defendant left the tractor at Lester's house and he walked M.S. home. The above named defendant was carrying M.S. on his shoulders in the back alley and was messing around, jumping up and down with M.S. on his shoulders. The above named defendant dropped M.S. on the road and M.S. landed on the side of his head and way lying there on the ground. The above named defendant ran away and did not even see if M.S. was okay. M.S. stated he was screaming and crying because he was in pain. M.S. stated after a while, M.S. got up and stated he was very sick and dizzy and walked home. When M.S. got home and his Grandmother observed that M.S. was crying and asked him what was wrong and M.S. stated he told her that he had fallen. The above named defendant went back to M.S.'s house a few days later and was talking to M.S. and his Grandmother and after they were done talking and the above named defendant asked M.S. how he was feeling and asked him if he was okay. M.S. replied yes, he was. M.S. stated nothing sexual happened that day, they only talked and then the above named defendant left.

M.S. stated the molestation stopped around 2002 because M.S. got kicked out of the Danville Middle School and had to go to the BSI in Mt. Carmel. M.S. stated that he was there until 2006. M.S. stated he remembered during the summer of 2006 he had off school. It happened 3 or 4 times a week until school started again. M.S. stated most of it happened during the morning and evening times because that is when he woke up and went to the playground. M.S. stated when school was in, it didn't happen as much because he would come home after school and not go out much. M.S. stated he would try hanging out with his friends in the trailer court and sit inside and play video games. M.S. stated he remembered that he once slept over at the above named defendant's house on Grand Street. He molested him by fondling him, performing oral and anal sex on M.S.. M.S. stated he slept there because the above named defendant asked him to stay. M.S. stated he awoke the next morning and as M.S. was about to leave, M.S. told the above named defendant that he was going to say something to his Gram and M.S. stated that the above named defendant got angry and aggressive and grabbed M.S. by his jacket in the back and pulled him around. M.S. stated



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AFFIDAVIT of PROBABLE CAUSE CONTINUATION

he then grabbed the front of his jacket by the collar and broke the zipper on his jacket and told him not to tell anybody while raising his voice. M.S. stated he got scared and told the above named defendant to let him go. M.S. stated he ran away and went back home and was too scared to tell anyone.

M.S. stated he was at a doctor's appointment he told his Grandmother about the above named defendant grabbing his collar and breaking his zipper because he was mad. M.S.'s Grandmother asked M.S. why and M.S. stated never mind because he heard the doctor coming back into the room. M.S. stated later at his house his Grandmother asked him why the above named defendant did that and M.S. replied he was angry over a video game, because M.S. stated he was too scared to tell her.

M.S. stated he remembers all of the times the above named defendant molested him and the above-named defendant molested him, the defendant pleaded with him not to tell anyone.

M.S. stated as he got older he was going to tell someone and the above named defendant would get angry and aggressive by raising his voice and tell him not to tell anyone, or he was going to hurt him.

M.S. stated the time the above named defendant grabbed his collar, he also smacked him in the face. M.S. stated the first time the above named defendant molested M.S., he was in he 2nd grade in 1997. M.S. stated he remembered living on Lower Mulberry Street and his Grandmother made him stay close by to the house to play because he was too young to walk around. M.S. stated he remembers when he moved to Bloomsburg he was in the 4th grade. M.S. stated he remembers his teacher was Mrs. Wright and she was the 4th grade teacher. M.S. stated he moved back to Danville when he was still in the 4th grade and this is when the abuse started with the above named defendant again.

On October 10, 2013 at approx. 11:00 hours, Affiant interviewed Bonnie Fox. The interview was relative to police report filed by M.S. on 9/23/2013 claiming he was molested by the above named defendant from 1997 to 2002. Bonnie Fox is M.S.'s Grandmother and has been his Guardian since 1993 when his Mother, Stephanie passed away. The purpose of this interview was to corroborate details reported by M.S..

Fox stated the first time she met the above named defendant was in the summer of 1998 while she was living in Fisher Ct., Danville, Pa. Fox stated M.S. had introduced her to the above named defendant and asked if they could go swimming in their pool at the back of the residence. Fox stated she allowed it and that the above named defendant returned to her home several times to play video games in M.S.'s bedroom. Fox also stated that M.S. had a video game system in his bedroom at that time.

Fox stated in January of 1996 she moved to 324 L. Mulberry Street, Danville, Pa. and lived in a gray in color house with a big hedge in the front of the residence. Fox stated she moved out of that house in 1998 and moved to Bloomsburg, Pa, where she purchased a mobile home trailer and then moved back to Danville in October of 1998 at 57 Fisher Court.

Fox stated the above named defendant would occasionally come to their home at Fisher's Court with M.S. to swim in their pool and he would sometimes bring a girl with him. Fox stated on one occasion M.S. came into the house and told Fox that the above named defendant struck him and when Fox went out, both the above named defendant and the girl were gone. Fox stated she was certain that M.S. was approx. 9 to 10 years of age during that time.

Fox stated on another occasion Fox stated M.S. came home and his coat was ripped and Fox asked M.S. how his coat got ripped and he replied that he was at the above named defendant's house and wanted to leave and the above named defendant would not let him and M.S. stated that the above named defendant grabbed his coat and M.S. yanked away from him, which caused his coat to rip. M.S. stated he got away from the above named defendant and went home.

Fox stated on another occasion, the above named defendant came to their home at Fisher Court riding a garden tractor. The above named defendant told M.S. an old man gave it to him who lived down by Washies Playground in a little white bungalow on Foust Street. Fox stated she remembers telling M.S. nobody gives anybody a tractor for nothing and she told M.S. to stay away from that old man's house.

Fox stated she remembered reading in the newspaper about a fight involving the above named defendant and the old

M. J. ...



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AFFIDAVIT of PROBABLE CAUSE CONTINUATION

man who gave the riding garden tractor to the above named defendant and the old man told the Police that the above named defendant was doing sexual things to him.

Fox stated the above named defendant was always down at the playground and she remembers that he was always hanging around small children.

Fox stated on another occasion M.S. came home and stated that the above named defendant was picking on him. Fox stated she went down to the playground and told the above named defendant if he continued to pick on M.S. she would have him arrested.

Fox remembers M.S. told her, when the above named defendant accidentally got out of jail, the above named defendant attempted to contact M.S. on Facebook and M.S. denied his friendship on Facebook.

Affiant has been employed with the Danville Borough Police Department since March of 1987. Affiant is familiar with Lower Mulberry Street and the rock and the rock's location. The rock is located along side the gas company road along side of JAWS recycling off Railroad Street. The area known as the Rock is a place where juveniles are known to congregate. Affiant is also familiar with the Washies Playground and that the above defendant did frequent there. Affiant is also familiar with a white bungalow residence, on Faust Street that the above defendant did frequent at that time. Affiant also remembers when Kidsville was built.

Affiant also knows through previous contacts that the above defendant did live in the 300 block of Grand Street and the 300 block of Lower Mulberry Street.

Martin K. [Signature]

[Signature]

(Signature of Affiant)