

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: ALLEGHENY



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA
VS.

MDJ: Hon. JAMES J HANLEY, JR.
Magisterial District Number: 05-2-36
Address: 4371 MURRAY AVENUE
LOWER LEVEL REAR
PITTSBURGH, PA 15217
Phone: 412.521.7782

DEFENDANT: (NAME and ADDRESS):
JOYCE ANN GALLAGHER
First Name Middle Name Last Name Gen.
316 KRAMER WAY PITTSBURGH, PA 15211

NCIC Extradition Code Type

Felony - Full Extradition
Distance: _____

DEFENDANT IDENTIFICATION INFORMATION

Docket Number CR-144-18	Date Filed 11/07/18	OTN/LiveScan Number G 824338-4	Complaint/Incident Number IF2018-0093	Request Lab Services? <input type="checkbox"/> Yes
GENDER FEMALE	DOB 07/01/1965	POB	Add'l DOB	Co-Defendant(s) <input type="checkbox"/>
RACE WHITE	First Name	Middle Name	Last Name	Gen.
ETHNICITY	AKA			
HAIR COLOR BRO (BROWN)	EYE COLOR GRN (GREEN)			
DNA	DNA Location			WEIGHT (lbs.)
FBI Number	MNU Number		Ht. HEIGHT in.	
Defendant Fingerprinted				5 06
Fingerprint Classification				

DEFENDANT VEHICLE INFORMATION

Plate #	State	Hazmat	Registration Sticker (MMYY)	Comm'l Veh. Ind.	School Veh.	Oth. NCIC Veh. Code	Reg. Same as Def. <input type="checkbox"/>
VIN	Year	Make	Model	Style	Color		

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, WILLIAM MCKEE 416
(Name of the Affiant) (PSP/MP/ETC -Assigned Affiant ID Number & Badge #)
of ATTORNEY GENERAL PA0222400
(Identify Department or Agency Represented and Political Subdivision) (Police Agency ORI Number)

do hereby state: (check appropriate box)

1. X 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 301 PITTSBURGH CITY
(Subdivision Code) (Place-Political Subdivision)

In Allegheny County 02 on or about 04/08/2014 12:00
(County Code)



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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. 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.)



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Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903						
X	1	4117	A2	of the	18	4	F3		
Lead?	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/Acts of the accused associated with this Offense:

18 4117A2 INSURANCE FRAUD F3 4 COUNTS

The actor, knowingly and with the intent to defraud an insurer or self-insured, namely UPMC Insurance and/or its third party pharmaceutical benefits manager Express Scripts, presented or caused to be presented to an insurer or self-insured a statement forming a part of, or in support of, an insurance claim that contained false, incomplete or misleading information concerning a fact or thing material to an insurance claim, namely the Actor, presented various prescriptions for herself for the scheduled II drugs Hydrocodone and Oxycodone which were paid by UPMC and/or Express Scripts purporting that they were properly prescribed and/or authorized by Dr. Thomas Kramer, Dr. Sarah Davies, Dr. Patrick Friend, Dr. Smiga and/or Dr. Martin Eichner, when in fact, the doctors did not prescribe and/or authorize such prescriptions., in violation of 18 Pa.C.S.§4117(a)(2).

The actor, knowingly and with the intent to defraud an insurer or self-insured, namely Highmark Insurance and/or its third party pharmaceutical benefits manager Express Scripts, presented or caused to be presented to an insurer or self-insured a statement forming a part of, or in support of, an insurance claim that contained false, incomplete or misleading information concerning a fact or thing material to an insurance claim, namely the actor presented various prescriptions for the schedule II drugs Hydrocodone and Oxycodone which were paid by Highmark/Express Scripts purporting that they were properly prescribed and/or authorized by Dr. Thomas Kramer, Dr. Sarah Davies, Dr. Patrick Friend, Dr. Eric Smiga and/or Dr. Martin Eichner, when in fact, the doctors did not prescribe and/or authorize such prescriptions., in violation of 18 Pa.C.S.§4117(a)(2).

The actor, knowingly and with the intent to defraud an insurer or self-insured, namely Highmark Insurance and/or its third party pharmaceutical benefits manager Express Scripts, presented or caused to be presented to an insurer or self-insured a statement forming a part of, or in support of, an insurance claim that contained false, incomplete or misleading information concerning a fact or thing material to an insurance claim, namely the actor presented various prescriptions under/using the name of her brother in-law (Joseph Petrone) for herself for the scheduled II drug Oxycodone which were paid by Petrone's Highmark/Express Scripts coverage purporting that they were properly prescribed and/or authorized by Sarah Davies, Dr. Martin Eichner and/or Dr. Eric Smiga, when in fact, the doctors did not prescribe and/or authorize such prescriptions., in violation of 18 Pa.C.S.§4117(a)(2).

The actor, knowingly and with the intent to defraud an insurer or self-insured, namely UPMC Insurance and/or its third party pharmaceutical benefits manager Express Scripts, presented or caused to be presented to an insurer or self-insured a statement forming a part of, or in support of, an insurance claim that contained false, incomplete or misleading information concerning a fact or thing material to an insurance claim, namely the actor presented various prescriptions under/using the name of her nephew (Anthony Petrone) for herself for the scheduled II drug Oxycodone which were paid by Petrone's UPMC/Express Scripts insurance coverage purporting that they were properly prescribed and/or authorized by Dr. Sarah Davies, when in fact, the doctor did not prescribe and/or authorize such prescriptions., in violation of 18



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Pa.C.S.§4117(a)(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						
Lead?	2	780-113	A12	of the	35	8	F	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)		Accident Number			<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone			

Statute Description/Acts of the accused associated with this Offense:

35 780-113A12 PROHIBITED ACTS F 8 COUNTS

The actor knowingly and intentionally acquired or obtained possession of Hydrocodone and Oxycodone, a controlled substance, from various pharmacies using her father's name (Robert Gallagher) by misrepresentation, fraud, forgery, deception or subterfuge, in violation of 35 P.S. §780-113(a) (12).

The actor knowingly and intentionally acquired or obtained possession of Hydrocodone and Oxycodone, a controlled substance, from various pharmacies by misrepresentation, fraud, forgery, deception or subterfuge, in violation of 35 P.S. §780-113(a) (12).

The actor knowingly and intentionally acquired or obtained possession of Oxycodone, a controlled substance, from various pharmacies by misrepresentation, fraud, forgery, deception or subterfuge, in violation of 35 P.S. §780-113(a) (12).

The actor knowingly and intentionally acquired or obtained possession of Oxycodone, a controlled substance, from various pharmacies by misrepresentation, fraud, forgery, deception or subterfuge, in violation of 35 P.S. §780-113(a) (12).

The actor knowingly and intentionally acquired or obtained possession of Oxycodone and Hydrocodone, a controlled substance, from various pharmacies by misrepresentation, fraud, forgery, deception or subterfuge, in violation of 35 P.S. §780-113(a) (12).

The actor knowingly and intentionally acquired or obtained possession of Oxycodone, a controlled substance, from various pharmacies using her sister's name (Donna Petrone) by misrepresentation, fraud, forgery, deception or subterfuge, in violation of 35 P.S. §780-113(a) (12).

The actor knowingly and intentionally acquired or obtained possession of Oxycodone, a controlled substance, from various pharmacies using the name of her sister (Jamie Gallagher) by misrepresentation, fraud, forgery, deception or subterfuge, in violation of 35 P.S. §780-113(a) (12).

The actor knowingly and intentionally acquired or obtained possession of Hydrocodone, a controlled substance, from various pharmacies using the name of her sister (Karen Trego) by misrepresentation, fraud, forgery, deception or subterfuge, in violation of 35 P.S. §780-113(a) (12).



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Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903						
Lead?	3	3922	A1	of the	18	1	M2	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)		Accident Number			<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone			
Statute Description/Acts of the accused associated with this Offense:									
18 3922A1 THEFT BY DECEPTION M2 1 COUNT									
The actor intentionally obtained or withheld property, namely monies with a total value greater than or equal to \$50 and less than \$200, belonging to UPMC Insurance/Express Scripts by deception, in violation of 18 Pa. C.S. §3922.									



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- 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 P.A.C.S. §4904) relating to unsworn falsification to authorities.
- This complaint is comprised of the preceding page(s) numbered _____ through _____
- I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and documents differently than non-confidential information and documents.

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.)

Nov 27, 2018

(Date)

Wm M = W

(Signature of Affiant)

AND NOW, on this date Nov 27, 2018 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.

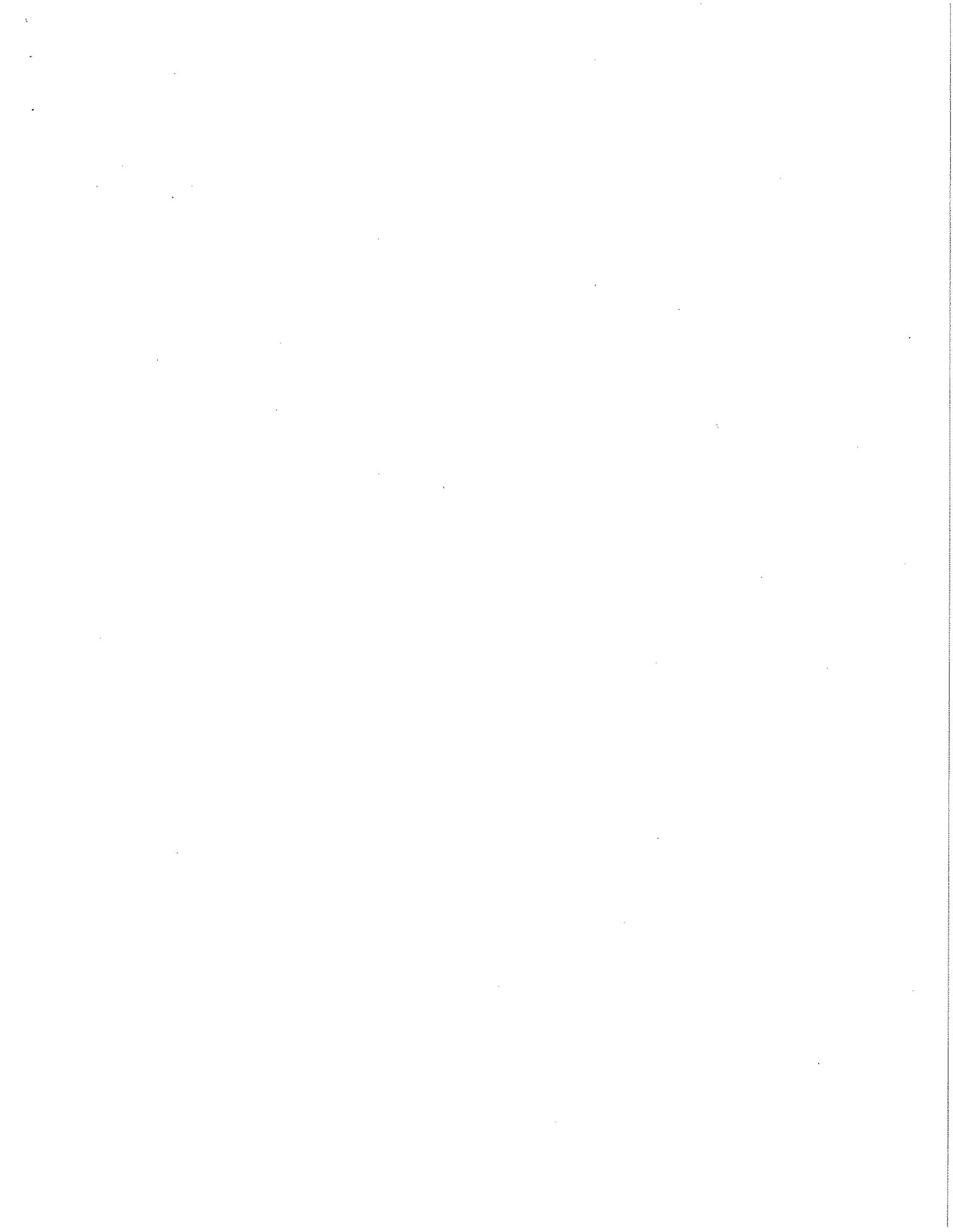
05-2-36

(Magisterial District Court Number)

[Signature]

(Issuing Authority)

JAMES J. HANLEY, JR.
 MAGISTERIAL DISTRICT JUDGE
 MAGISTERIAL DISTRICT 05-2-36
 MY COMMISSION EXPIRES ON THE
 FIRST MONDAY IN JANUARY, 2024





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AFFIDAVIT of PROBABLE CAUSE

1. WHEN:

- a) Date when Affiant received information:
03/26/2018
- b) Date when the source of information (Police Officers, Informant, Victim, Co-Defendant, Defendant, etc.) received information:
03/26/2018

2. HOW:

- a) How Affiant knows this particular person committed crime: (personal observation, defendant's admissions, etc.):
witness interviews
defendant's admissions
- b) How the source of information knows this particular person committed the crime:
witness interviews
defendant's admissions
- c) How both Affiant and/or source of information knows that a particular crime has been committed:
witness interviews
defendant's admissions

3. WHAT CRIMES:

18 3922 A1 THEFT BY DECEPTION
 18 4117 A2 INSURANCE FRAUD
 35 780-113 A12 PROHIBITED ACTS
 35 780-113 A12 PROHIBITED ACTS
 35 780-113 A12 PROHIBITED ACTS
 18 4117 A2 INSURANCE FRAUD
 18 4117 A2 INSURANCE FRAUD
 35 780-113 A12 PROHIBITED ACTS
 18 4117 A2 INSURANCE FRAUD
 35 780-113 A12 PROHIBITED ACTS
 35 780-113 A12 PROHIBITED ACTS
 35 780-113 A12 PROHIBITED ACTS
 35 780-113 A12 PROHIBITED ACTS

4. WHERE CRIME(S) COMMITTED:

1165 MCKINNEY LANE, PITTSBURGH



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5. WHY AFFIANT BELIEVES THE SOURCE OF INFORMATION:

- X Source is presumed reliable, i.e. other Police Officer, Eyewitness, Victim of Crime, etc.
Source has given information in the past which has led to arrest and/or conviction
Defendant's reputation for criminal activity
This source made declaration against his/her penal interest to the above offense
- X Affiant and/or other Police Officers corroborated details of the information



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COMMONWEALTH OF PENNSYLVANIA

VS JOYCE GALLAGHER

COUNTY OF ALLEGHENY

Date of Application:

Date of Violations: On or about April 8, 2014 and dates thereafter

Criminal Complaint No.:

Name of Affiant: Special Agent William McKee

Law Enforcement Agency: Pennsylvania Office of Attorney General

Insurance Fraud Section

Western Regional Office

Pittsburgh, PA

A. Your Affiant, who is employed as a Special Agent for the Pennsylvania Office of Attorney General, Insurance Fraud Section, Western Regional Office, located at 1251 Waterfront Place, Mezzanine Level, Pittsburgh, PA 15222, and who has been so employed since February 13, 2006, is the case agent assigned to the investigation involving the Actor, Joyce Gallagher.

B. The investigation of the Actor was initiated by the Western Regional Office of the Insurance Fraud Section of the Office of Attorney General based upon a referral of information to this office by Co-Affiant James Embree, Narcotics Agent with the Pennsylvania Office of Attorney General. On 3/26/18 Narcotics Agent Jim Embree received a call from Dr. Eric Smiga of Pittsburgh Oral Surgery located at 5820 Centre Avenue, Pittsburgh. Dr. Smiga reported that he received two calls from two Pittsburgh area pharmacies regarding fraudulent prescriptions. The first from CVS Pharmacy located at 500 Brookline Blvd. stating that they had been filling prescriptions of Percocet 10/325, quantities of 25 tablets for Joe Petrone, Donna Petrone and Anthony Petrone all listing 4493 Country Club Drive, Baldwin, 15236. Pharmacist Kerri Friess said that she is familiar with the Petrones and can identify them as the people picking up other prescriptions and paying for them with insurance Medco/Express Scripts. Dr. Smiga reviewed the prescriptions and observed that the prescriptions were his, but not authorized by him, and the three people were not his patients.

Dr. Smiga also reported that fraudulent prescriptions were passed/filled at the Giant Eagle located at the Parkway Center Mall. Pharmacist Liz (LNU) stated that the Actor, Robert Gallagher and Karen Trego each had prescriptions filled there which were all picked up by the Actor. The prescriptions were written on Dr. Smiga's prescriptions, but were not authorized by him. Dr. Smiga said that Robert Gallagher and Karen Trego were never patients of his and that all the prescriptions in their names are

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fraudulent. Dr. Smiga reported that the Actor was a former employee and patient of his who left his practice about one year ago.

Dr. Smiga, via Facebook, discovered that the Actor was friends with the Petrone family. Dr. Smiga said that he never issued/authorized the Actor any prescriptions for Percocet 10/325 and that any prescriptions for her purportedly prescribed by him



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are fraudulent.

C. Your Affiants interviewed the Actor and she provided the following information:

1. The Actor had surgery on her back several years ago and was prescribed pain medication and therapy after the surgery. The doctors suddenly stopped prescribing the Actor pain medications and sent her to pain management. The Actor attended pain management for a while but did not like taking morphine 3-4 times per day. The effect of the morphine did not allow the Actor to function normally and she was unable to work. The pain management doctors offered her no other solution so she stopped attending pain management.
2. During this time the Actor was employed as an office manager at the dental office of Dr. Eric Smiga (Pittsburgh Oral Surgery). The Actor was employed there between 2013 thru 2016. Near the end of her employment at Dr. Smiga's office the Actor took blank prescriptions from the office. The Actor began writing prescriptions for herself and members of her family in order to obtain Percocet. The Actor used the names of the doctors listed on the prescriptions purporting that the doctors prescribed her the Percocet. The Actor did this without the knowledge of any of the doctors, office staff members or her family.
3. The Actor passed fraudulent prescriptions for Percocet under her name, her father's name (Robert Gallagher), and her sister's name (Karen Trego) at the Giant Eagle Pharmacy located at the Parkway Center Mall. The Actor paid the copays for the prescriptions under her father's name and his Highmark insurance covered the rest. The Actor paid cash for the prescriptions she passed under her sister's name. The fraudulent prescriptions she passed under her own name were paid for by her Highmark insurance plan.
4. The Actor passed additional fraudulent prescriptions for Percocet under the names of her sister (Donna Petrone), Donna's husband (Joe Petrone), and their son (Anthony Petrone). The Actor had the prescriptions filled at the CVS Pharmacies located at Brookline Blvd., Rt. 51, and Centre Avenue. The Actor paid the copays on all the prescriptions and the remaining balances were paid by the Petrones' insurance coverage. The Actor did not know what insurance company was used, just that CVS had the Petrones' coverage information in their system because that is where the Petrones had their prescriptions filled.
5. The Actor also passed fraudulent prescriptions for Percocet under the name of her sister (Jamie Gallagher). The Actor had these prescriptions filled at the Rite Aid Pharmacy located on Mt. Washington. The Actor paid the copays for the prescriptions and the remaining amount was paid by

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her sister's insurance coverage. The Actor did not know what insurance company was used, just that Rite Aid had Jamie's coverage information in their system because that is where she filled her prescriptions.

6. The Actor said that she was addicted to Percocet and that she obtained all of it for herself and did not sell or give any away. The Actor provided your Affiants with approximately 70 blank prescriptions which she had located at her residence. Your Affiants instructed the Actor to contact her PCP or a drug rehabilitation center immediately to get help for her addiction.

D. The doctors of the Pittsburgh Oral Surgery Center provided your Affiants with the following information:



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1. Dr. Eric Smiga, Dr. Sarah Davies, Dr. Martin Eichner, Thomas Kramer and Dr. Patrick Friend all provided a written statement reflecting that they did not write and/or authorize any prescriptions for Joyce Gallagher, Robert Gallagher, Jamie Gallagher, Karen Trego or the Petrones (Donna, Joseph, and Anthony).

E. Affiant McKee interviewed the Actor's family members and they provided the following information:

1. Robert Gallagher is the father of the Actor. Robert was not a patient of Pittsburgh Oral Surgery Center or any of the doctors employed at the practice. Robert was not prescribed any medications from any of the doctors at the practice and was unaware that his daughter (the Actor) had prescriptions for Oxycodone filled under his name.
2. Donna Petrone is the sister of the Actor and is married to Joseph Petrone. Joseph and Donna and their son, Anthony Petrone, were not patients of Pittsburgh Oral Surgery Center or any of the doctors employed at the practice. The Petrones were not prescribed any medications from any of the doctors at the practice and were unaware that the Actor passed Oxycodone prescriptions under their names, including their son Anthony. Joseph was unaware that his Highmark Insurance coverage paid for the prescriptions Joyce passed under his and Anthony's names.
3. Karen Trego is the sister of Joyce Gallagher. Trego has not lived in the Pittsburgh area for several years. She was not a patient of Pittsburgh Oral Surgery Center or any of the doctors employed at the practice. Trego was not prescribed any medications from any doctors at the practice and was unaware that the Actor passed Oxycodone prescriptions under her name. Trego's Aetna Insurance was not used to pay for the prescriptions of Oxycodone.
4. Jamie Gallagher is the sister of the Actor. Jamie was not a patient of Pittsburgh Oral Surgery Center or any of the doctors employed at the practice. Jamie was not prescribed any medications from any of the doctors at the practice and was unaware that the Actor passed Oxycodone prescriptions under her name.

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Jamie was unaware that her UPMC Health Plan insurance paid for the prescriptions the Actor passed under her name.

F. Affiant McKee interviewed Rick Shaheen and he provided the following information:

1. Shaheen is the Pharmacy Security Manager for Giant Eagle Pharmacy.
2. Shaheen provided a patient profile and copies of the Actor's prescriptions which she had filled at the pharmacy. The following chart delineates the prescriptions purportedly prescribed by Dr. Thomas Kramer, Dr. Patrick Friend and Dr. Sarah Davies.

Fill Date	Pharmacy	Rx. No.	Medication	Quantity	Prescriber
4/8/2014	Giant Eagle-74	4313148	Hydrocodone 60 T.		Kramer
4/29/2014	Giant Eagle-74	4313148	Hydrocodone 60 T.		Kramer
6/5/2014	Giant Eagle-74	4313927	Hydrocodone 60 T.		Kramer
7/3/2014	Giant Eagle-74	4314327	Hydrocodone 60 T.		Kramer
8/5/2014	Giant Eagle-74	4314775	Hydrocodone 60 T.		Kramer
8/23/2014	Giant Eagle-74	4314775	Hydrocodone 60 T.		Kramer



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9/22/2014 Giant Eagle-74 4315570 Hydrocodone 60 T. Kramer
10/14/2014 Giant Eagle-74 2244250 Hydrocodone 90 T. Kramer
12/2/2014 Giant Eagle-74 2244841 Hydrocodone 90 T. Kramer
12/29/2014 Giant Eagle-74 2245185 Hydrocodone 90 T. Kramer
1/27/2015 Giant Eagle-74 2245574 Hydrocodone 90 T. Kramer
2/27/2015 Giant Eagle-74 2242982 Hydrocodone 90 T. Kramer
4/13/2015 Giant Eagle-74 2246527 Hydrocodone 60 T. Kramer
12/17/2015 Giant Eagle-74 2249561 Oxycodone 20 P. Friend
4/6/2016 Giant Eagle-74 2250849 Hydrocodone 16 S. Davies
4/12/2016 Giant Eagle-61 2283299 Hydrocodone 15 P. Friend
7/2/2016 Giant Eagle-74 2251779 Hydrocodone 20 P. Friend
7/12/2016 Giant Eagle-74 2251882 Hydrocodone 50 T. Kramer
7/25/2016 Giant Eagle-74 2252028 Hydrocodone 50 T. Kramer
10/12/2016 Giant Eagle-74 2252835 Oxycodone 20 S. Davies
12/22/2016 Giant Eagle-61 2286805 Oxycodone 20 S. Davies
TOTAL: 1141

? The prescriptions listed in the above chart coincide with the prescriptions that were not prescribed and/or authorized by Dr. Thomas Kramer, Dr. Patrick Friend or Dr. Sarah Davies.

3. Shaheen provided a patient profile and copies of Robert Gallagher's prescriptions which the Actor had filled at the Giant Eagle Pharmacy. The following chart delineates the prescriptions purportedly prescribed by Dr. Thomas Kramer, Dr. Patrick Friend, Dr. Sarah Davies and Dr. Eric Smiga.

Fill Date Pharmacy Rx. No. Medication Quantity Prescriber
6/8/2015 Giant Eagle-74 2247238 Hydrocodone 40 T. Kramer
9/22/2015 Giant Eagle-74 2248479 Oxycodone 50 T. Kramer
11/24/2015 Giant Eagle-74 2249256 Hydrocodone 90 T. Kramer
6/14/2016 Giant Eagle-40 2059979 Hydrocodone 20 E. Smiga

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6/27/2016 Giant Eagle-74 2251725 Hydrocodone 20 P. Friend
7/26/2016 Giant Eagle-74 2252030 Hydrocodone 40 T. Kramer
9/18/2016 Giant Eagle-74 2252602 Oxycodone 20 E. Smiga
11/26/2016 Giant Eagle-74 2253258 Hydrocodone 20 S. Davies
TOTAL: 300



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? The prescriptions listed in the above chart coincide with the prescriptions that were not prescribed and/or authorized by Dr. Thomas Kramer, Dr. Patrick Friend, Dr. Sarah Davies or Dr. Eric Smiga.

4. Shaheen provided a patient profile and copies of Karen Trego's prescriptions which the Actor had filled at the Giant Eagle Pharmacy. The following chart delineates the prescriptions purportedly prescribed by Dr. Patrick Friend, Dr. Sarah Davies and Dr. Eric Smiga.

Fill Date Pharmacy Rx No. Medication Quantity Prescriber
5/12/2016 Giant Eagle-74 2251246 Hydrocodone 20 P. Friend
5/18/2016 Giant Eagle-40 2251337 Hydrocodone 15 P. Friend
8/10/2016 Giant Eagle-74 2061186 Hydrocodone 20 E. Smiga
12/7/2016 Giant Eagle-74 225338 7 Hydrocodone 20 S. Davies
TOTAL: 75

? The prescriptions listed in the above chart coincide with the prescriptions that were not prescribed and/or authorized by Dr. Patrick Friend, Dr. Sarah Davies or Dr. Eric Smiga.

G. Affiant McKee interviewed Kerri Friess and she provided the following information:

1. Friess is a Registered Pharmacist (RPH) and is employed at CVS Pharmacy on Brookline Blvd. in Pittsburgh.
2. Friess provided a patient profile and copies of the Actor's prescriptions which she had filled at CVS pharmacy. The following chart delineates the prescriptions purportedly prescribed by Dr. Patrick Friend, Dr. Sarah Davies, Dr. Martin Eichner and Dr. Eric Smiga.

Fill Date Pharmacy Rx. No. Medication Quantity Prescriber
5/19/2016 CVS-2333 1116370 Hydrocodone 20 P. Friend
5/28/2016 CVS-2333 1118703 Hydrocodone 20 P. Friend
9/8/2017 CVS-4369 977805 Oxycodone 25 S. Davies
10/17/2017 CVS-3189 1317749 Oxycodone 25 M. Eichner
12/13/2017 CVS-3189 1332426 Oxycodone 25 E. Smiga
1/20/2018 CVS-2333 1288980 Oxycodone 25 E. Smiga
TOTAL: 140

? The prescriptions listed in the above chart coincide with the prescriptions that were not prescribed and/or authorized by Dr. Patrick Friend, Dr. Sarah Davies, Dr. Martin Eichner or Dr. Eric Smiga

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3. Friess provided a patient profile and copies of Donna Petrone's prescriptions which the Actor had filled at CVS pharmacy. The following chart delineates the prescriptions purportedly prescribed by Dr. Sarah Davies and Dr. Eric Smiga.

Fill Date Pharmacy Rx. No. Medication Quantity Prescriber



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9/21/2016 CVS-4085 423431 Oxycodone 20 S. Davies
5/9/2017 CVS-2333 1213513 Oxycodone 20 S. Davies
5/17/2017 CVS-2333 1215666 Oxycodone 20 S. Davies
5/24/2017 CVS-3189 1282009 Oxycodone 20 E. Smiga
7/12/2017 CVS-3189 1292535 Oxycodone 25 S. Davies
7/17/2017 CVS-4369 961741 Oxycodone 25 E. Smiga
7/23/2017 CVS-3189 1294637 Oxycodone 25 E. Smiga
8/10/2017 CVS-3189 1299289 Oxycodone 25 S. Davies
8/21/2017 CVS-3189 1302065 Oxycodone 25 E. Smiga
8/28/2017 CVS-2333 1243440 Oxycodone 25 E. Smiga
10/3/2017 CVS-3189 1313807 Oxycodone 25 S. Davies
10/12/2017 CVS-3189 1316374 Oxycodone 25 S. Davies
10/27/2017 CVS-4369 994027 Oxycodone 25 S. Davies
11/19/2017 CVS-4144 504142 Oxycodone 25 S. Davies
12/11/2017 CVS-3189 1331741 Oxycodone 25 S. Davies
12/19/2017 CVS-2333 1278669 Oxycodone 25 E. Smiga
12/30/2017 CVS-3189 1336387 Oxycodone 25 E. Smiga
1/9/2018 CVS-3189 1338851 Oxycodone 25 S. Davies
1/20/2018 CVS-3189 1341911 Oxycodone 25 E. Smiga
2/1/2018 CVS-3189 1345538 Oxycodone 25 S. Davies
2/12/2018 CVS-3189 1348544 Oxycodone 25 E. Smiga
2/23/2018 CVS-4369 1032674 Oxycodone 25 S. Davies
3/1/2018 CVS-4369 1034701 Oxycodone 25 E. Smiga
3/12/2018 CVS-4144 527258 Oxycodone 25 E. Smiga
3/20/2018 CVS-3189 1359065 Oxycodone 25 S. Davies
TOTAL: 605

? The prescriptions listed in the above chart coincide with the prescriptions that were not prescribed and/or authorized by Dr. Sarah Davies or Dr. Eric Smiga

4. Friess provided a patient profile and copies of Joseph Petrone's prescriptions which the Actor had filled at CVS pharmacy. The following chart delineates the prescriptions purportedly prescribed by Dr. Sarah Davies, Dr. Martin Eichner and Dr. Eric Smiga.

Fill Date	Pharmacy	Rx. No.	Medication	Quantity	Prescriber
5/31/2017	CVS-3189	1283436	Oxycodone 25	S. Davies	
6/6/2017	CVS-4369	950907	Oxycodone 20	S. Davies	
8/4/2017	CVS-3189	1297696	Oxycodone 25	M. Eichner	
8/18/2017	CVS-4369	971260	Oxycodone 25	E. Smiga	
9/5/2017	CVS-4369	976663	Oxycodone 25	S. Davies	
9/16/2017	CVS-4144	493772	Oxycodone 25	E. Smiga	
10/23/2017	CVS-2333	1260818	Oxycodone 25	S. Davies	
2/8/2018	CVS-3189	1347581	Oxycodone 25	E. Smiga	
3/1/2018	CVS-3189	1353572	Oxycodone 25	E. Smiga	
3/16/2018	CVS-2333	1307103	Oxycodone 25	E. Smiga	

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3/25/2018 CVS-3189 1360141 Oxycodone 25 S. Davies

TOTAL: 270

? The prescriptions listed in the above chart coincide with the prescriptions that were not prescribed and/or authorized by Dr. Sarah Davies, Dr. Martin Eichner or Dr. Eric Smiga

5. Friess provided a patient profile and copies of Anthony Petrone's prescriptions which the Actor had filled at CVS pharmacy. The following chart delineates the prescriptions purportedly prescribed by Dr. Sarah Davies.

Fill Date Pharmacy Rx. No. Medication Quantity Prescriber

10/2/2016 CVS-2333 1150558 Oxycodone 20 S. Davies

8/29/2017 CVS-4369 974697 Oxycodone 25 S. Davies

TOTAL: 55

? The prescriptions listed in the above chart coincide with the prescriptions that were not prescribed and/or authorized by Dr. Sarah Davies.

H. Affiant McKee interviewed William Ashton and he provided the following information:

1. Ashton is a Registered Pharmacist (RPH) and is employed at Rite Aid Pharmacy in South Side.

2. Ashton provided a patient profile and copies of the Actor's prescriptions which she had filled at Rite Aid pharmacy. The following chart delineates the prescriptions purportedly prescribed by Dr. Patrick Friend, Dr. Sarah Davies, Dr. Eric Smiga and Dr. Thomas Kramer.

Fill Date Pharmacy Rx No. Medication Quantity Prescriber

12/4/2015 Rite Aid-4965 749151 Oxycodone 12 S. Davies

4/21/2016 Rite Aid-4965 772412 Hydrocodone 20 P. Friend

12/30/2016 Rite Aid-4965 813153 Oxycodone 20 E. Smiga

2/23/2017 Rite Aid-4965 822404 Oxycodone 40 T. Kramer

11/22/2017 Rite Aid-4965 866982 Oxycodone 25 M. Eichner

TOTAL: 117

? The prescriptions listed in the above chart coincide with the prescriptions that were not prescribed and/or authorized by Dr. Sarah Davies, Dr. Patrick Friend, Dr. Eric Smiga or Dr. Thomas Kramer.

I. Affiant McKee interviewed Kelci Novak and she provided the following information:

1. Novak is a Registered Pharmacist (RPH) and is employed at Rite Aid Pharmacy on Mt. Washington.

2. Novak provided a patient profile and copies of Jamie Gallagher's prescriptions which the Actor had filled at Rite Aid pharmacy.

The following chart delineates the prescriptions purportedly prescribed by Dr. Sarah Davies, Dr. Eric Smiga and Dr. Martin Eichner.

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Fill Date Pharmacy Rx No. Medication Quantity Prescriber

10/8/2017 Rite Aid-4965 859022 Oxycodone 25 M. Eichner

10/12/2017 Rite Aid-4965 860002 Oxycodone 25 E. Smiga

11/8/2017 Rite Aid-4965 864579 Oxycodone 25 M. Eichner

11/26/2017 Rite Aid-4965 867223 Oxycodone 25 M. Eichner

12/19/2017 Rite Aid-10943 317339 Oxycodone 25 S. Davies

1/13/2018 Rite Aid-4965 875199 Oxycodone 25 E. Smiga

2/2/2018 Rite Aid-4965 878826 Oxycodone 25 E. Smiga

2/14/2018 Rite Aid-4965 880725 Oxycodone 25 E. Smiga

3/6/2018 Rite Aid-4965 883851 Oxycodone 25 E. Smiga

3/13/2018 Rite Aid-4965 885247 Oxycodone 25 M. Eichner

TOTAL: 250

? The prescriptions listed in the above chart coincide with the prescriptions that were not prescribed and/or authorized by Dr. Sarah Davies, Dr. Eric Smiga or Dr. Martin Eichner.

J. Tammy DeCecco of UPMC Insurance Special Investigations Unit provided the following information:

1. The Actor was covered by UPMC Insurance from 3-1-14 through 4-30-17.
2. A UPMC prescription profile was obtained of prescriptions for the Actor that were purportedly prescribed by Dr. Sarah Davies, Dr. Patrick Friend, Dr. Thomas Kramer and Dr. Eric Smiga and billed to and paid by UPMC. The information is delineated in the following chart:

Date serviced	Pharmacy	Prescriber	Rx Number	Medication	Strength	Qty	Amount
4/8/2014	Giant Eagle	0074 T. Kramer	4313148	Hydrocodone	7.5-325mg	60	10.32
4/29/2014	Giant Eagle	0074 T. Kramer	4313148	Hydrocodone	7.5-325	60	10.32
6/5/2014	Giant Eagle	0074 T. Kramer	4313927	Hydrocodone	7.5-325	60	2.3
7/3/2014	Giant Eagle	0074 T. Kramer	4314327	Hydrocodone	7.5-325	120	2.3
7/19/2014	Walmart	5040 E. Smiga	4440129	Hydrocodone	7.5-325	15	0
7/25/2014	Walmart	5040 E. Smiga	4440244	Hydrocodone	7.5-325	15	0
8/5/2014	Giant Eagle	0074 T. Kramer	4314775	Hydrocodone	7.5-325	120	2.3
8/23/2014	Giant Eagle	0074 T. Kramer	4314775	Hydrocodone	7.5-325	120	2.3
9/22/2014	Giant Eagle	0074 T. Kramer	4315570	Hydrocodone	7.5-325	60	1.51
10/14/2014	Giant Eagle	0074 T. Kramer	2244250	Hydrocodone	7.5-325	90	9.01
11/4/2014	Walmart	1770 T. Kramer	2238108	Hydrocodone	7.5-325	90	8.26
12/29/2014	Giant Eagle	0074 T. Kramer	2245185	Hydrocodone	7.5-325	90	9.01
1/27/2015	Giant Eagle	0074 T. Kramer	2245574	Hydrocodone	7.5-325	90	24.5
2/27/2015	Giant Eagle	0074 T. Kramer	2245982	Hydrocodone	7.5-325	90	24.5
4/13/2015	Giant Eagle	0074 T. Kramer	2246527	Hydrocodone	7.5-325	60	11.59
12/4/2015	Rite Aid	4965 S. Davies	749151	Oxycodone	5-325	12	0
12/17/2015	Giant Eagle	0074 P. Friend	2249561	Oxycodone	10-325	20	8.66



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4/6/2016 Giant Eagle 0074 S. Davies 2250849 Hydrocodone 10-325 16 0
 4/12/2016 Giant Eagle 0074 P. Friend 2283299 Hydrocodone 7.5-325 15 0
 4/21/2016 Rite Aid 4965 P. Friend 772412 Hydrocodone 10-325 20 0

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6/20/2016 Walmart 2281 P. Friend 2222405 Hydrocodone 10-325 20 0
 7/2/2016 Giant Eagle 0074 P. Friend 2251779 Hydrocodone 10-325 20 0
 7/12/2016 Giant Eagle 0074 T. Kramer 2251882 Hydrocodone 10-325mg 50 2.1
 7/25/2016 Giant Eagle 0074 T. Kramer 2252028 Hydrocodone 7.5-325mg 50 6.62
 9/3/2016 Hometown S. Davies 2005949 Oxycodone 10-325 20 6.66
 10/12/2016 Giant Eagle 0074 S. Davies 2252835 Oxycodone 10-325 20 6.66
 12/14/2016 Walmart 5040 E. Smiga 2230765 Oxycodone 10-325 20 6.66
 12/22/2016 Giant Eagle 0061 S. Davies 2286805 Oxycodone 10-325 20 6.66
 12/30/2016 Rite Aid 4965 E. Smiga 813153 Oxycodone 10-325 20 6.66
 2/23/2017 Rite Aid 4965 T. Kramer 822404 Oxycodone 5mg 40 0.45
 4/17/2017 Giant Eagle 0074 E. Smiga 2254604 Oxycodone 10-325 25 4.47
 4/27/2017 Giant Eagle 0074 E. Smiga 2254710 Oxycodone 10-325 20 1.73
 TOTAL: 1548 175.55

? The prescriptions listed in the above chart coincide with the prescriptions that were not prescribed and/or authorized by Dr. Sarah Davies, Dr. Eric Smiga, Dr. Patrick Friend and Dr. Thomas Kramer.

K. Robert Krahe of Highmark Insurance Special Investigations Unit provided the following information:

1. The Actor's coverage with Highmark began on 7/1/17 and is still in effect.

L. Michelle Garmon of Express Scripts' Litigation Services provided the following information:

1. Express Scripts is a third party pharmacy benefits manager for Highmark Insurance and UPMC Insurance.
 2. Garmon provided an Express Scripts/Highmark prescription profile of prescriptions which the Actor had filled that were purportedly prescribed by Dr. Sarah Davies, Dr. Eric Smiga and Dr. Martin Eichner which were billed to and paid by Express Scripts/Highmark. The information is delineated in the following charts:

Date Serviced Pharmacy RX No. Medication Strength Qty Prescriber Amount Paid Copay

9/8/2017 CVS 04369 977805 Oxycodone 10-325 25 S. Davies 0 8
 9/17/2017 Giant Eagle 0074 2256070 Oxycodone 10-325 25 S. Davies 5.25 8
 9/30/2017 Walmart 2281 2225345 Oxycodone 10-325 25 S. Davies 3.51 8
 11/3/2017 Giant Eagle 0074 2256492 Oxycodone 10-325 25 S. Davies 6.08 8
 11/11/2017 Walmart 2281 2225597 Oxycodone 10-325 25 E. Smiga 4.62 8



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11/22/2017 Rite Aid 4965 4325857 Oxycodone 10-325 25 M. Eichner 0 8
 1/20/2018 CVS 02333 1288980 Oxycodone 10-325 25 E. Smiga 0 8
 2/14/2018 Giant Eagle 0074 2257445 Oxycodone 10-325 25 E. Smiga 6.01 8
 2/20/2018 Giant Eagle 0074 2257501 Oxycodone 10-325 25 S. Davies 6.01 8
 TOTAL: 225

? The prescriptions listed in the above chart coincide with the prescriptions that were not prescribed and/or authorized by these doctors.

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3. Garmon provided an Express Scripts/Highmark prescription profile of prescriptions which the Actor had filled under the name of Joseph Petrone for her own use that were purportedly prescribed by Dr. Sarah Davies and Dr. Eric Smiga which were billed to and paid by Express Scripts/Highmark. The information is delineated in the following charts:

Date Serviced	Pharmacy	Rx. No.	Medication	Strength	Qty	Provider	Amount Paid
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6/6/2017	CVS	04369 950907	Oxycodone	10-325mg	20	S. Davies	0
8/18/2017	CVS	04369 971260	Oxycodone	10-325 25 E.	Smiga	4.25	
9/5/2017	CVS	04369 976663	Oxycodone	10-325mg	25	S. Davies	0
9/16/2017	CVS	04144 493772	Oxycodone	10-325 25 E.	Smiga	0	
10/23/2017	CVS	02333 1260818	Oxycodone	10-325 25 S.	Davies	0	

TOTAL: 120

? The prescriptions listed in the above chart coincide with the prescriptions that were not prescribed and/or authorized by these doctors.

4. Garmon provided an Express Scripts/UPMC prescription profile of prescriptions which the Actor had filled under the name of Anthony Petrone for her own use that were purportedly prescribed by Dr. Sarah Davies which were billed to and paid by Express Scripts/UPMC. The information is delineated in the following charts:

Date Serviced	Pharmacy	Rx. No.	Medication	Strength	Qty	Provider	Amount Paid
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10/2/2016	CVS	02333 1550558	Oxycodone	10-325mg	20	S. Davies	0
8/29/2017	CVS	04369 974697	Oxycodone	10-325 25 S.	Davies	4.25	

TOTAL: 45

? The prescriptions listed in the above chart coincide with the prescriptions that were not prescribed and/or authorized by Dr. Sarah Davies.



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I, WILLIAM MCKEE, 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.

I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND DOCUMENTS DIFFERENTLY THAN NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.

William McKee

(Signature of Affiant)

Sworn to me and subscribed before me this 27th day of

NOVEMBER 2018

11/27/18 Date

[Signature]

, Magisterial District Judge

My commission expires first Monday of January,

JAMES J. TANLEY, JR.
MAGISTERIAL DISTRICT JUDGE
MAGISTERIAL DISTRICT 05/2-36
MY COMMISSION EXPIRES ON THE
FIRST MONDAY IN JANUARY, 2024