COMMONWEALTH OF PENNSYLVANIA POLICE CRIMINAL COMPLAINT COUNTY OF: CENTRE COMMONWEALTH OF PENNSYLVANIA Magisterial District Number: 49-2-01 VS. MDJ: Hon, CASEY M, MCCLAIN DEFENDANT: (NAME and ADDRESS): Address: 1524 WEST COLLEGE AVE **CHRISTOPHER KOWALSKI** First Name Middle Name Last Name Gen STATE COLLEGE, PA 16801 27 SAND DOLLAR DRIVE, ISLE OF PALMS, SC 29451 Telephone: (814)237-4981 NCIC Extradition Code Type 1-Felony Full 5-Felony Pending Extradition C-Misdemeanor Surrounding States ☐ Distance: _ 2-Felony Limited ☐ 6-Felony Pending Extradition Determ. □ D-Misdemeanor No Extradition ☐ 3-Felony Surrounding States ☐ A-Misdemeanor Full ☐ E-Misdemeanor Pending Extradition ☐ 4-Felony No Extradition ☐ B-Misdemeanor Limited ☐ F-Misdemeanor Pending Extradition DEFENDANT IDENTIFICATION INFORMATION Date Filed **Docket Number** Complaint/Incident Number Request Lab Services? OTN/LiveScan Number 108543-☐ YES 🛛 NO 1081 2021 CR 51-188 **GENDER** ров Pennsylvania Co-Defendant(s) ров 12/01/1986 Add'l DOB Male First Name Middle Name Last Name Gen ☐ Female **AKA** RACE **White** Black Asian Native American Unknown ☐ Hispanic ETHNICITY Non-Hispanic ☐ Unknown GRY (Gray) ☐ RED (Red/Aubn.) SDY (Sandy) BLU (Blue) PLE (Purple) BRO (Brown) Halr BLK (Black) ONG (Orange) ☐ WHI (White) XXX (Unk./Bald) GRN (Green) PNK (Pink) Color ☐ BLN (Blonde / Strawberry) BLU (Blue) GRY (Gray) BLK (Black) BRO (Brown) GRN (Green) Eye Color HAZ (Hazel) MAR (Maroon) PNK (Pink) XXX (Unknown) ☐ MUL (Multicolored) DNA **DNA Location** ☐ YES ☒ NO WEIGHT (lbs.) **FBI Number MNU Number** 180 **Defendant Fingerprinted** ☐ YES ☒ NO Ft. HEIGHT In. Fingerprint Classification: 6 0 **DEFENDANT VEHICLE INFORMATION** State Registration Comm'l Veh. School Veh. Oth, NCIC Veh, Code Haz Rea. Ind. 🗌 mat same as Plate # Sticker (MM/YY) Def. 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). SDAG KELLY SEKULA 02/08/2021 (Name of the attorney for the Commonwealth) (Date) SA CHRIS WEAVER OAG/DET CALEB CLOUSE FTPD BADGE #603/BADGE#3710 (PSP/MPOETC -Assigned Affiant ID Number & Badge # (Name of the Affiant) Pennsylvania Office of Attorney General (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 [206] 175 Irion Street, Pine Grove Mills, Subdivision Code) (Place-Political Subdivision) Pa 16868 in CENTRE County on or about JANUARY 20, 2016 THRU JANUARY 21, 2016

(County Code)



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- 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.S. § 4904) relating to unsworn falsification to authorities.
- 4. This complaint consists of the preceding page(s) numbered $\underline{1}$ through $\underline{9}$.
- 5. 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 that 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.)

2/08/2021 (Date)

AND NOW, on this date

February 8, 2021

I certify that the complaint has been properly completed and verified.

(Signature of Affiant)

An affidavit of probable cause must be completed before a warrant can be issued.

49-2-01 (Magisterial District Court Number)

(Issuing Authority)

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Defendant Name:	CHRISTOPHE	₹ G	KOWALSKI

AFFIDAVIT of PROBABLE CAUSE

Your affiants are Detective Caleb Clouse from the Ferguson Township Police Department and Special Agent Christopher Weaver from the Pennsylvania Office of Attorney General, Bureau of Criminal Investigations. The incident was reported on 1/21/16 in Ferguson Township, PA and was investigated by the Ferguson Township Police. On May 30, 2019 the Centre County District Attorney referred the case to the Pennsylvania Office of Attorney General. Pursuant to 71 P.S. §732-205(a)(3), the Office of Attorney General assumed jurisdiction of the case. Ferguson Township Police continue to assist since they began the investigation.

Both of your affiants have reviewed all police reports and lab reports generated, the entire Ferguson Township Police Department file and the autopsy report related to the death detailed below and are familiar with all aspects of the investigation.

On 1/21/16 at approximately 2:47 pm, members of the Ferguson Township Police Department responded to a house located at 175 Irion St., Pine Grove Mills, PA for report of a deceased individual.

Upon arrival, members of the Ferguson Township Police Department made contact with Karen Witherite (W/F/51) and Karen Rhoads (W/F/47) who had called 911 to report the death. Rhoads stated that she became concerned because the victim had not arrived at Rhoads' residence earlier in the day as prearranged. After several failed attempts to contact the victim via phone, Rhoads stated she then went to the victim's house to attempt to check on the victim. Rhoads found the victim's vehicle in the driveway and the front and side doors of the house to be locked.

Rhoads and Witherite stated that they entered through the unlocked back basement door and discovered the victim's body in a large pool of blood. Witherite checked the victim and found no pulse and noted that the victim was cold to the touch. Witherite and Rhoads then called 911.

Upon making entry into the residence, members of the Ferguson Township Police Department located homeowner Jean A. Tuggy, W/F/60, deceased on the floor of the living room. There was a large amount of blood near her body. Tuggy's sweatshirt was pulled up, partially exposing her stomach. Her sweatpants were partially pulled down, partially exposing her underwear and hip.

On 01/22/2016, Dr. Harry Kamerow, a board certified forensic pathologist, performed a post mortem medical examination/autopsy on Tuggy. During the Autopsy, Dr. Kamerow located a gunshot entry wound to the left side of Tuggy's face which transected the spinal cord. Dr. Kamerow recovered a bullet from where it had embedded in the atlas bone (uppermost bone of the spine). Dr. Kamerow also located a gunshot wound to the left hip and recovered a bullet from the hip. Dr. Kamerow determined that the cause of death was the gunshot wound to the face and that the manner of death was homicide.

The bullets removed from Tuggy's body by Dr. Kamerow were collected and placed into evidence by Detective Jonathan Mayer of the Ferguson Township Police Department. On 08/16/16, Master Trooper Todd Neumyer, a Firearm and Tool Mark Examiner from the Pennsylvania State Police Forensic Laboratory located at 1800 Elmerton Ave. Harrisburg, PA, analyzed the bullets and determined that they were both 9mm Hornady Critical Defense Hollow Point ammunition.

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Through the course of the investigation, your affiant's learned that from July 2006 through October 2014, Tuggy worked at Wegmans grocery store located at 345 Colonnade Blvd., State College, PA.

On 2/12/16, Maile PEACHEY (W/F/42), a friend of Tuggy's, was interviewed by members of the Ferguson Township Police Department. Specifically, Det. Jonathan Mayer conducted an interview of PEACHEY. PEACHEY advised that Tuggy told her about a male coworker from Wegman's. PEACHEY stated that Tuggy told her that the male was in his twenties and that he and Tuggy had developed a friendship. PEACHEY further advised that Tuggy told her that the male became romantically interested in Tuggy.

On 1/17/19, affiant Detective Clouse interviewed Peter CORAY, a friend of Tuggy's. CORAY reported that he had conversations with Tuggy during which she told him about a coworker named "Chris" who had a Polish-sounding last name. Tuggy told CORAY that she had an incident where "Chris" was rubbing her back while at her residence. CORAY was not able to provide a last name for "Chris" but only that his last named may have ended with "ski." Based on his conversations with Tuggy, CORAY stated that "Chris" may have worked with Tuggy at Wegmans, that he attended a local Lutheran church, and that he was in his late 20's to early 30's.

On 1/30/19, affiant Clouse made contact with Cindy Labarca at the Good Shepard Lutheran Church located in State College, PA. Affiant Clouse provided a description of "Chris". Labarca was able to locate and identify a white male named Chris KOWALSKI as a previous attendee of the church. Labarca was able to provide that KOWALSKI lived with his parents and had an address registered with the church at 2379 Nantucket Circle, State College, PA 16801. She also advised that he was employed at Wegmans Grocery Store.

Internet and database searches located a Christopher G. KOWALSKI showed an address history at the above State College address that had been provided by the Good Shepard Lutheran Church staff. These same searches produced a birthdate for the above individual as 12/01/86. A labor and industry search using the above information indicated that KOWALSKI had been employed at Wegmans located at 345 Colonnade Blvd., State College, PA from November 2007 through October 2015 (within the same time period that Tuggy worked there).

After receiving the above information about KOWALSKI, your affiant's reviewed Tuggy's Facebook logs and determined that KOWALSKI was included on Tuggy's Facebook account friend list.

Ferguson Township Officer Daniel Lewis examined a forensic copy of Tuggy's hard drive. Officer Lewis was able to locate saved Facebook Chat logs on Tuggy's computer which establish Facebook contact between Tuggy and Kowalski. The logs do not identify which party is sending which message as a typical message format would but it was apparent Tuggy and KOWALSKI exchanged phone numbers. During the conversation, both Tuggy and KOWALSKI mentioned that they have struggled with loneliness. Tuggy and KOWALSKI mentioned visiting each other's house. Tuggy and KOWALSKI discussed their relationship and setting sexual boundaries. The question was asked "what kind of friends do you want us to be?" "What do you believe is ok for us and what do you think is wrong for us?" It was later stated that it would not be a good idea to "go to one or another house for hanging out alone because then it becomes too sexually tempting or vulnerable to other kinds of adultery".

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On 05-17-2019, affiant Detective Clouse conducted a follow-up interview of Maile PEACHEY. PEACHEY stated that she had a conversation with Tuggy about a male friend at Tuggy's work. PEACHEY could not recall the specific timeframe of the conversation but Tuggy told PEACHEY that she and the male had developed a friendship. Tuggy told PEACHEY that the male came to her and told her that he liked her. Tuggy stated that she invited the male over to watch a movie. Based on her conversation with Tuggy, PEACHEY believed that Tuggy and the male had watched movies at Tuggy's residence in the past on multiple occasions.

Tuggy told PEACHEY about a sexual encounter that occurred between her the male at Tuggy's residence. Eventually, Tuggy told the male that they needed to stop. PEACHEY believed that the male responded something to the effect of "we don't need to" and Tuggy replied, "yes we do". Tuggy told PEACHEY that the male got somewhat upset. PEACHEY stated that Tuggy told the male that they should not do this anymore or stop seeing one another. Tuggy told PEACHEY that she did not know what to do, as she had to go to work and see him and disclosed to PEACHEY that she believes that this male wanted more of a romantic relationship. Tuggy disclosed to PEACHEY that the male kept telling the victim "we should get together again, we should get together again".

Tuggy told PEACHEY that she was planning to invite the male over to her house again and talk with him. PEACHEY told Tuggy that she did not think that this was a good idea and suggested that she find a quiet place at work and just tell him frankly.

Your affiants were able to determine that Christopher KOWALSKI moved from Pennsylvania to South Carolina in the later part of 2016. Internet and database searches determined that 27 Sand Dollar Dr. Isle of Palms, SC is KOWALSKI's new permanent address.

On 05-15-2019, affiant Detective Clouse conducted a firearms check through the Pennsylvania State Police Firearms Division to determine whether KOWALSKI purchased any firearms. Your affiants learned that Chris KOWALSKI had purchased six 9mm handguns. The list included the firearm make, serial number, date of sale, and caliber. Your affiants also completed a more in depth search for each of the six 9mm handguns using the serial numbers to track the record of sale.

Of the six 9mm firearms associated with KOWALSKI, two were sold prior to the homicide and one was purchased after the homicide. Two firearms purchased by KOWALSKI are still believed to be in his possession as there is no indication as to a record of sale in Pennsylvania. These two firearms were purchased on 03-02-2012 and 07-25-2012. The sixth firearm is a Walther CCP and was purchased by KOWALSKI approximately one month prior to the homicide and sold to a dealership approximately 8 months after the homicide.

On 05-17-2019, Affiant Detective Clouse determined through the records described above that KOWALSKI had purchased the 9mm caliber Walther CCP with serial number WK033684 on 12-18-2015.

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The firearm was sold to a FFL dealer on 09-01-2016 by KOWALSKI. Your affiants determined that Julie and David Shaffer later purchased the firearm on 11-02-2016 from Cox Industries Incorporated (formally known as RMC Sports Outlet) located at 230 E. Main St. Millheim, PA 16854 on 11/02/2016, approximately 10 months after the homicide. Firearms queries show that KOWALSKI and the Shaffer's are the only individuals to have purchased this firearm in Pennsylvania.

On 06-04-2019, affiant Detective Clouse made contact with Julie and David Shaffer and subsequently received consent to take possession and analyze the Walther CCP 9mm Serial Number WK033684.

On 06-24-2019, the bullet recovered from Jean Tuggy's neck, the bullet recovered from Jean Tuggy's pelvis, the Walther CCP 9mm Serial Number WK033684, was transported to Pennsylvania State Police Harrisburg Regional Laboratory for comparison.

The Walther CCP 9mm pistol Serial Number WK033684 and bullets recovered from the body of Jean Tuggy were examined by Master Trooper Todd Neumyer a Firearm and Tool Mark Examiner at the Pennsylvania State Police Harrisburg Regional Laboratory.

The examination of test fired bullets created using the Walther CCP 9mm pistol Serial Number WK033684 determined that the firearm shared a significant similarity of individual characteristics to the bullets recovered from the body of Jean Tuggy. The bullet comparison was reported as "inconclusive due to insufficient matching individual characteristics and mutilations".

Although the results of these bullet comparisons were reported as "inconclusive due to insufficient matching individual characteristics and mutilation", the pistol could not be conclusively eliminated due to the significant similarities noted in the bullet comparisons and the fact that it matched the bullets in all class characteristics including the pistol caliber, rifling type (polygonal) and direction of twist, and the presence and representation of unusual marks being left by a gas port located at the 6 o'clock position in the barrel of the pistol. Furthermore, the combination of 9mm caliber with polygonal rifling and the presence of a gas port in the barrel is rare, being found only in a small number of pistol models. The Walther CCP pistol is one of those pistol models that carry this rare combination of these specific class characteristics.

Trooper Neumyer explained that the differences observed between the bullets from the body of Jean Tuggy and the test fire bullets created during the examination could have been caused by the barrel of the Walther CCP 9mm pistol being thoroughly cleaned with an abrasive tool like a steel bore brush after Jean Tuggy's murder.

Checks with the Owner of RMC Sports Outlet (Cox Industries) Christopher Cox where the Walther CCP 9mm pistol was sold determined that they would occasionally clean used firearm barrels with a steel bore brush.

On February 8, 2021, your affiants interviewed KOWALSKI after he was advised of and waiving his Miranda rights. He initially stated that he knew TUGGY through work at Wegman's. He initially claimed they were just

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POLICE CRIMINAL COMPLAINT

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friends and specifically denied that he was in a sexual relationship with Tuggy. KOWALSKI subsequently admitted that he and TUGGY had become romantically involved and that they had engaged in sexual activity.

KOWALSKI stated that he went to visit TUGGY on the day of the murder at approximately 4:00pm and that they were going to watch movies together. He stated that he went inside the house and used the bathroom. He stated that TUGGY had gone into the kitchen to make tea. He said that he was taking his coat off and attempting to hang it on the coat rack as TUGGY was walking into the living room from the kitchen. Kowalski stated that he had a gun in his coat pocket which fell to the floor, discharged and struck TUGGY in the area of the lower left back. He said that TUGGY was screaming for help. He claimed that he picked the gun up and it was jammed. He stated that he attempted to clear the gun and it discharged a second time and struck TUGGY in the neck area. KOWALSKI stated that blood sprayed "like a hose" from TUGGY. He stated that he did not attempt to help TUGGY because he knew it was too late.

KOWALSKI admitted that he collected the two spent shell casings and subsequently disposed of them at a Highway Pizza on North Atherton Street. He also stated that he locked the deadbolt on the front door before leaving the house. He stated that he exited the house through the basement door so that he would not be noticed leaving the house.

KOWALSKI admitted that he followed news coverage of the investigation and would periodically look up the status of the investigation on the internet.

KOWALSKI was told that his claim that the gun accidentally discharged twice didn't make sense. He said "the truth is, I killed her. I killed her because I was depressed, down and hopeless. I was having a mid-life crisis." He said he shot her the first time in the back and then racked the gun and shot her a second time.

Kowalski stated that he had a secret fetish his whole life to watch women in a state of undress. He said that he had thought about killing TUGGY prior to the day of the murder. He chose TUGGY because she was an "easy target" that wouldn't be able to fight back. He said he shot TUGGY in the lower back and she fell over the arm of the couch. He said his gun jammed and he cleared it. He said he then shot her a second time toward the back of the head. KOWALSKI stated that he turned TUGGY's oxygen off to ensure she was dead.

KOWALSKI stated that he pulled TUGGY'S pants down a little bit. He said he had initially planned to undress her entirely and take pictures of her but he was scared to get blood on his clothes.

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I, SA CHRIS WEAVER OAG/DET CALEB CLOUSE FTPD, 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 THAT NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.

Sworn to me and subscribed before me this day of Date My commission expires first Monday of January, 227