

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: PERRY



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA
VS.

Magisterial District Number: 09-2-02	DEFENDANT: (NAME and ADDRESS)
MDJ Hon. BIRBECK, JONATHAN R.	MICHAEL EDW SCHECHTERLY
Address: 18 N HANOVER ST, STE 106 CARLISLE, PA 17013	<i>First Name Middle Name Last Name Gen</i>
Telephone: (717) 240-6564	22 N 6TH ST, NEWPORT, PA 17074

NCIC Extradition Code Type
 NCIC Extradition Code type **1 - FELONY FULL**

DEFENDANT IDENTIFICATION INFORMATION

Docket Number CR-215-2001	Date Filed 06/03/2021	OTN/Live Scan Number R143374-0	Complaint/Incident Number H5018NS068/PA 2016-241900	Request Lab Services NO
Gender M	Date of Birth 07/04/1962	POB PA - USA	Add'l DOB	Co-Defendant? NO
Defendant Also Known As	Defendant's First Name	Middle Name	Last Name	Suffix
Race WHITE - W	Ethnicity NOT OF HISPANIC ORIGIN - N			
Hair Color BROWN - BRO	Eye Color BLUE - BLU			
DNA NO	DNA Location			Weight 180 LBS
FBI Number 9P415FPAR	MNU Number			Height 5' 10"
Defendant Fingerprinted NO	Fingerprint Classification			

DEFENDANT VEHICLE INFORMATION

Plate #	State	HazMat	Registration Sticker (MMYY)	Commercial Vehicle?	School Veh.	Oth. NCIC Veh. Code	Reg. same as Def. NO
VIN	Year	Make	Model	Style	Color		

Office of the Attorney of 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. Pa R.Crim.P.507.)

DANIEL J. OYE _____ (Date)
 Name of Attorney for Commonwealth - Please Print or Type (Signature of Attorney for Commonwealth)

I, **CPL. KYLE TOBIN** **624056/10310**
 (Name of Affiant - Please Print or Type) (PSP/MPOETC - Assigned Affiant ID Number & Badge #)

of **PENNSYLVANIA STATE POLICE, TROOP H, NEWPORT** **PAPSP1800**
 (Identify Department or Agency Represented and Political Subdivision) (Police Agency ORI Number)

- do hereby state: (check appropriate box)
- I accuse the above named defendant whdives 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 is 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: **409**
 (Subdivision Code) **133 S 5TH ST, NEWPORT BORO**
 (Place-Political Subdivision)

in **PERRY** County **50** on or about **2/25/2013 AT APPROX. 11:30 HRS - 2/25/2013 AT APPROX. 11:30 HRS**
 (County Code) (Offense Date)



POLICE CRIMINAL COMPLAINT

Docket Number CL-215-21	Date Filed 06/03/2021	OTN/Live Scan Number	Complaint/Incident Number H5018NS068/PA 2016-241900
Defendant Name	First MICHAEL	Middle EDW	Last SCHECHTERLY

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.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older 0				
Lead? YES	Offense # 1	Section 4952	Subsection A1	PA Statute (Title) 18	Count 1	Grade F2	NCIC Offense Code	UCR/NIBRS CC49
PennDOT DATA (if applicable)		Accident Number	Interstate Indicator NO	Safety Zone NO	Work Zone NO			

Statute Description (include the name of statute or ordinance):
INTIM WIT/VIT - REFRAIN FROM REPORT

Acts of the accused associated with this Offense:

IN THAT, on or about said date, THE DEFENDANT with the intent to or with the knowledge that HIS conduct would obstruct, impede, impair, prevent or interfere with the administration of criminal justice, HE intimidates or attempts to intimidate any witness or victim to refrain from informing or reporting to any law enforcement officer, prosecuting official or judge concerning any information, document or thing relating to the commission of a crime. To Wit: The accused did impede with the administration of justice by Intimidating the victim / witness from reporting the below described crimes for investigation.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older 0				
Lead? NO	Offense # 2	Section 5301	Subsection 2	PA Statute (Title) 18	Count 1	Grade M2	NCIC Offense Code	UCR/NIBRS CC53
PennDOT DATA (if applicable)		Accident Number	Interstate Indicator NO	Safety Zone NO	Work Zone NO			

Statute Description (include the name of statute or ordinance):
OFF'L OPPRESSION-DENY RIGHTS/PRV

Acts of the accused associated with this Offense:

In that, on or about said date, THE DEFENDANT did act or purported to act in an official capacity or took advantage of such actual or purported capacity if, knowing that his conduct was illegal, he denied or impeded another in the exercise or enjoyment of any right, privilege, power or immunity. To Wit: the accused did impeded the victim / witness the right to report the below described crimes to police for investigation.



POLICE CRIMINAL COMPLAINT

Docket Number <i>CR-215-21</i>	Date Filed 06/03/2021	OTN/Live Scan Number	Complaint/Incident Number H5018NS068/PA 2016-241900
Defendant Name	First MICHAEL	Middle EDW	Last SCHECHTERLY

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

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older 0				
Lead? NO	Offense # 3	Section 5101	Subsection	PA Statute (Title) 18	Count 1	Grade M2	NCIC Offense Code	UCR/NIBRS CC51
PennDOT DATA (if applicable)	Accident Number	Interstate Indicator NO	Safety Zone NO	Work Zone NO				

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

OBSTRUCT ADMIN LAW/OTHER GOVT FUNC

Acts of the accused associated with this Offense:

IN THAT, on or about said date, THE DEFENDANT did intentionally obstruct, impair or pervert the administration of law or other governmental function by force, violence, physical interference or obstacle, breach of official duty, or any other unlawful act, except that this section does not apply to flight by a person charged with crime, refusal to submit to arrest, failure to perform a legal duty other than an official duty, or any other means of avoiding compliance with law without affirmative interference with governmental functions. To Wit: The accused did obstruct law enforcement in the administration of law by preventing the victim / witness from reporting crimes for investigation.



POLICE CRIMINAL COMPLAINT

Docket Number <i>CR 21521</i>	Date Filed 06/03/2021	OTN/Live Scan Number	Complaint/Incident Number H5018NS068/PA 2016-241900
Defendant Name	Defendant's First Name MICHAEL	Middle Name EDW	Last Name SCHECHTERLY

- 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 1 through 4
- 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 statute 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.)

(Date)

Ch. J. G. A. J. Tobin ^{TOBIN}

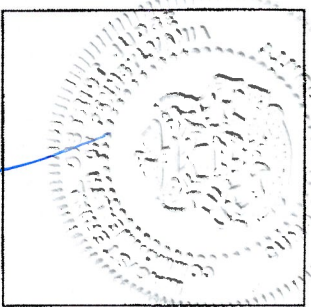
(Signature of Affiant) ⁷⁰³¹⁰

AND NOW, on this date, *June 3, 2021* 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.

9-2-12
(Magisterial District Court Number)

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(Issuing Authority)





POLICE CRIMINAL COMPLAINT

Docket Number <i>CR 215-21</i>	Date Filed 06/03/2021	OTN/Live Scan Number	Complaint/Incident Number H5018NS068/PA 2016-241900
Defendant Name	First MICHAEL	Middle EDW	Last SCHECHTERLY

AFFIDAVIT of PROBABLE CAUSE

Your affiant for this criminal complaint is a Pennsylvania State Trooper. I have been so employed for the past sixteen years. I have worked as a Patrol Trooper, a Criminal Investigator, a Patrol Unit Supervisor as well as a Criminal Investigation Unit Supervisor. I am currently assigned as the Criminal Investigation Unit Supervisor at the Pennsylvania State Police Newport Station. I have investigated hundreds of crimes during my career ranging from minor summary offenses to major felony crimes. These investigations have led to the successful prosecution of offenders. I have also attended many trainings during my career related to criminal investigation. I have previously conducted investigations similar to this one involving the intimidation of witnesses.

This investigation involves the accused, former Magisterial District Court 41-3-04 Judge Michael SCHECHTERLY. Michael SCHECHTERLY was elected District Judge in District Court 41-3-04 (Newport Borough, Perry County) in November of 2011. SCHECHTERLY held that office until his arrest and suspension in November of 2020. Michael SCHECHTERLY'S suspension resulted from criminal charges filed against him stemming from a joint investigation conducted by the Pennsylvania State Police and the Pennsylvania Office of Attorney General. Michael SCHECHTERLY was ultimately charged with Indecent Assault, Corruption of Minors, Open Lewdness and Unlawful Contact with a Minor.

During 2016, the Pennsylvania State Police at Newport began investigating complaints of a constable who worked out of Michael SCHECHTERLY'S Court, 41-3-04, for alleged sexual misconduct. During the course of that investigation your affiant learned that one complainant alleged that the constable digitally penetrated a female victim without her consent, a felony of the second degree. Other complaints discovered during the investigation alleged various crimes of solicitation for seeking sex for official action by the State Constable.

I, CPL. KYLE TOBIN 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.

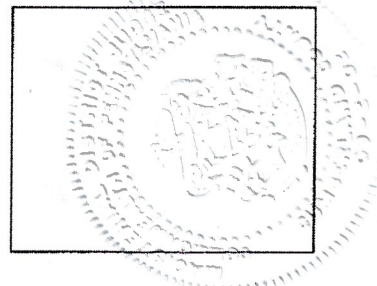
I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND DOCUMENTS DIFFERENTLY THAN NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.

CR. Kyle Tobin ^{Tobin}
10310
(Signature of Affiant)

Sworn to me and subscribed before me this 3 day of June 2021

Date _____, Magisterial District Judge

My commission expires first Monday of January, 2029





**POLICE CRIMINAL COMPLAINT
AFFIDAVIT CONTINUATION PAGE**

Docket Number <i>CL-215-21</i>	Date Filed 06/03/2021	OTN/Live Scan Number	Complaint/Incident Number H5018NS068/PA 2016-241900
Defendant Name	First MICHAEL	Middle EDW	Last SCHECHTERLY

AFFIDAVIT of PROBABLE CAUSE CONTINUATION

Judge SCHECHTERLY became aware of these complaints against the constable and that the complaints were of sexual misconduct. On Monday February 25th, 2013 Judge SCHECHTERLY, using his official authority as a judge, summoned the victim of one of these complaints to his office within District Court 41-3-04. The female victim was ordered to appear on 02/25/13 at 1130 am and had open dockets over which Judge SCHECHTERLY was presiding. Your affiant confirmed that this meeting took place by records of the Judge's daily calendar as well as with interviews of the office staff at District Court 41-3-04.

SCHECHTERLY sitting in his capacity as a Magisterial District Judge, and in the presence of the accused constable, directed the victim to cease any further complaints against the said constable. Specifically, when the victim was interviewed about this interaction with Judge SCHECHTERLY, she stated that she told Judge SCHECHTERLY that the constable had come to her residence with an arrest warrant for her and suggested that she do "A little something something for him" and he would not arrest her on that day. The victim stated that the Judge told her that the constable never said those things to her and that this never happened. Furthermore, the victim stated that Judge SCHECHTERLY then told her that if she was lying and that if she ever said these allegations again that charges could be brought against her.

These actions by then Judge SCHECHTERLY did impair or prevent the reporting of the complaints against the constable. The aforementioned victim had every legal right to report the alleged harassment, solicitation and/or assault to law enforcement for the purposes of further investigation. This victim and any victim involved in the misconduct of the constable were clearly denied this right by then Judge SCHECHTERLY who used his official position and powers to silence the victims and complaints.

SCHECHTERLY maintained jurisdiction, authority and control over the intimidated victim's dockets until 2015. This individual was not only an alleged victim, but a corroborating witness in the ongoing investigation of the constable's alleged criminal conduct with women."

When SCHECHTERLY was interviewed in reference to this interaction with the victim and the constable, he stated that he recalled the meeting taking place in his office and that he handled the meeting poorly.

Based on the above facts I request that an arrest warrant be issued for the accused.

CPL. J. H. A. [Signature] ^{TOBIN}
 (Signature of Affiant) _{TOBID}