

COMMONWEALTH OF PENNSYLVANIA
 COUNTY OF ALLEGHENY
 Magisterial District Number: 05-2-11
 MDJ: Hon. Roxanne Sakoian Eichler
 Address: 371 Lincoln Highway
 North Versailles, PA 15137
 Telephone: (412)824-3862



POLICE CRIMINAL COMPLAINT
 COMMONWEALTH OF PENNSYLVANIA

DEFENDANT: (NAME and ADDRESS):
 AUGUST THORNE YOUNG
 First Name Middle Name Last Name

14140 TORIE DRIVE, NORTH HUNTINGDON, PA 15642

NCIC Extradition Code Type

- | | | | |
|---|---|--|--|
| <input type="checkbox"/> 1-Felony Full | <input type="checkbox"/> 5-Felony Pending Extradition | <input type="checkbox"/> C-Misdemeanor Surrounding States | <input type="checkbox"/> Distance: _____ |
| <input type="checkbox"/> 2-Felony Limited | <input type="checkbox"/> 6-Felony Pending Extradition Determ. | <input type="checkbox"/> D-Misdemeanor No Extradition | |
| <input checked="" type="checkbox"/> 3-Felony Surrounding States | <input type="checkbox"/> A-Misdemeanor Full | <input type="checkbox"/> E-Misdemeanor Pending Extradition | |
| <input type="checkbox"/> 4-Felony No Extradition | <input type="checkbox"/> B-Misdemeanor Limited | <input type="checkbox"/> F-Misdemeanor Pending Extradition | |

DEFENDANT IDENTIFICATION INFORMATION

Docket Number CR-253-22	Date Filed 9/08/2022	OTN/LiveScan Number R 352101-1	Complaint/Incident Number MFI210309201	Request Lab Services? <input type="checkbox"/> YES <input type="checkbox"/> NO
GENDER <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	DOB 05/12/1998	POB	Add'l DOB / /	Co-Defendant(s) <input checked="" type="checkbox"/>
First Name		Middle Name	Last Name	Gen.
AKA				
RACE <input type="checkbox"/> White <input type="checkbox"/> Asian <input checked="" type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Unknown	ETHNICITY <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown			
Hair Color <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> RED (Red/Aubn.) <input type="checkbox"/> SDY (Sandy) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> PLE (Purple) <input type="checkbox"/> BRO (Brown) <input checked="" type="checkbox"/> BLK (Black) <input type="checkbox"/> ONG (Orange) <input type="checkbox"/> WHI (White) <input type="checkbox"/> XXX (Unk./Bald) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> BLN (Blonde / Strawberry)				
Eye Color <input type="checkbox"/> BLK (Black) <input type="checkbox"/> BLU (Blue) <input checked="" type="checkbox"/> BRO (Brown) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> HAZ (Hazel) <input type="checkbox"/> MAR (Maroon) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> MUL (Multicolored) <input type="checkbox"/> XXX (Unknown)				
DNA <input type="checkbox"/> YES <input type="checkbox"/> NO	DNA Location			WEIGHT (lbs.)
FBI Number	MNU Number			0
Defendant Fingerprinted <input type="checkbox"/> YES <input type="checkbox"/> NO				Ft. HEIGHT In.
Fingerprint Classification:				6 3

DEFENDANT VEHICLE INFORMATION

Plate #	State	Haz mat <input type="checkbox"/>	Registration Sticker (MM/YY) /	Comm'l Veh. Ind. <input type="checkbox"/>	School Veh. <input type="checkbox"/>	Oth. NCIC Veh. Code	Reg. same as Def. <input type="checkbox"/>
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).

AARON J. MCKENDRY, DAG _____ **8/9/2022**
 (Name of the attorney for the Commonwealth) (Signature of the attorney for the Commonwealth) (Date)

I, SSA JENNIFER SNERR/DET. MARK (Name of the Affiant)	BADGE #169 / BADGE #3152 (PSP/MPOETC -Assigned Affiant ID Number & Badge #)
of Pennsylvania Office of Attorney General (Identify Department or Agency Represented and Political Subdivision)	PA0222400 (Police Agency ORI Number)
do hereby state: (check appropriate box)	
1. <input checked="" type="checkbox"/> I accuse the above named defendant who lives at the address set forth above <input type="checkbox"/> I accuse the defendant whose name is unknown to me but who is described as _____	
<input type="checkbox"/> 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 [_____] (Subdivision Code) (Place-Political Subdivision)	
in ALLEGHENY County [02] (County Code)	on or about 11/2/21 THROUGH 11/4/21



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 9/18/2022	OTN/LiveScan Number	Complaint/Incident Number MFI210309201
Defendant Name:	First: AUGUST	Middle: THORNE	Last: YOUNG

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically. (Set forth a *brief* summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 – 213.7.)

<input checked="" type="checkbox"/> 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 _____
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<input checked="" type="checkbox"/>	1	2713	(a)(1)	of the	TITLE 18	1	F1		
Lead?	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

<input checked="" type="checkbox"/> PennDOT Data (if applicable)	Accident Number _____	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **NEGLECT OF A CARE-DEPENDENT PERSON**

Acts of the accused associated with this Offense: From 11/2/21 through 11/4/21, the Defendant, August Young, intentionally, knowingly, or recklessly caused bodily injury, serious bodily injury or death by failing to provide treatment, care, goods or services necessary to preserve the health, safety, or welfare of a care-dependent person for whom he was responsible to provide care. Specifically, on 11/2/21, the Defendant, a Direct Support Counsellor, while off-duty came to the house of BK a care-dependent resident of Taylor Maleski, assaulted him by repeatedly hitting him with a breaker bar which ruptured his right testicle and the Defendant failed to provide any treatment or care after the assault.

<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	Number of Victims Age 60 or Older _____
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<input type="checkbox"/>	2	2713	(A)(3)	of the	TITLE 18	1	F3		
Lead?	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

<input type="checkbox"/> PennDOT Data (if applicable)	Accident Number _____	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **NEGLECT OF A CARE-DEPENDENT PERSON - RECKLESSLY ENDANGERS**

Acts of the accused associated with this Offense: From 11/2/21 through 11/4/21, the Defendant, August Young, intentionally, knowingly or recklessly endangered the welfare of a care-dependent person for whom he was responsible by failing to provide treatment, care, goods, or services necessary to preserve the health, safety or welfare of the care-dependent person. Specifically, between 11/2/21 and 11/4/21, the Defendant, a Direct Support Counsellor, intentionally, knowingly, or recklessly endangered the welfare of care-dependent Taylor Maleski Home Resident BK by striking BK with a breaker bar, by failing to obtain medical care for BK's injuries, and by failing to report that he assaulted BK, with a breaker bar, which ruptured his right testicle, so that others could have secured or provided medical care.

<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	Number of Victims Age 60 or Older _____
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<input type="checkbox"/>	3	2702	(A)(1)	of the	TITLE 18	1	F1		
Lead?	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

<input type="checkbox"/> PennDOT Data (if applicable)	Accident Number _____	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **AGGRAVATED ASSAULT**

Acts of the accused associated with this Offense: On 11/2/21, the Defendant, August Young, attempted to cause serious bodily injury to another, or caused such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life. Specifically, on 11/2/21, the Defendant brought a breaker bar into the residence of an intellectually disabled Taylor Maleski Home resident, BK, who was in a behavior and used that breaker bar to repeatedly hit BK on his butt/groin causing a ruptured testicle.



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Defendant Name:	First: AUGUST	Middle: THORNE	Last: YOUNG

<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	Number of Victims Age 60 or Older _____
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<input type="checkbox"/> Lead?	4	2713.1	(A)(1)	of the	TITLE 18	1	M1		
Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code		

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **ABUSE OF A CARE-DEPENDENT PERSON**

Acts of the accused associated with this Offense: On 11/2/21, the Defendant, August Young, with the intent to harass, annoy, or alarm, strikes, shoves, kicks or otherwise subjects or attempts to subject a care-dependent person to or threatens a care-dependent person with physical contact. Specifically, on 11/2/21, the Defendant, a Direct Support Counsellor, with the intent to harass, annoy, or alarm, used a breaker bar to repeatedly strike Taylor Maleski Home resident BK, a care-dependent person, on or around the groin and butt.

<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	Number of Victims Age 60 or Older _____
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<input type="checkbox"/> Lead?	5	2705		of the	TITLE 18	1	M2		
Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code		

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **RECKLESSLY ENDANGERING ANOTHER PERSON**

Acts of the accused associated with this Offense: On 11/2/21, the Defendant, August Young, recklessly engaged in conduct which placed or may have placed another person in danger of death or serious bodily injury. Specifically, on 11/2/21, the Defendant came to the home of care-dependent Taylor Maleski resident BK with a breaker bar and used that breaker bar to hit BK repeatedly on the butt and groin.

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input checked="" type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/> Lead?	6	2713	(A)(3)	of the	TITLE 18	1	F3		
Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code		

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **NEGLECT OF A CARE-DEPENDENT PERSON - RECKLESSLY ENDANGERS**

Acts of the accused associated with this Offense: From 11/2/21 through 11/4/21, the Defendant, August Young, intentionally, knowingly or recklessly endangered the welfare of a care-dependent person for whom he was responsible by failing to provide treatment, care, goods, or services necessary to preserve the health, safety or welfare of the care-dependent person. Specifically, between 11/2/21 and 11/4/21, the Defendant, a Direct Support Counsellor, in concert with Direct Support Counsellor Erik Walker, intentionally, knowingly, or recklessly endangered the welfare of care-dependent Taylor Maleski Home Resident BK by striking BK with a breaker bar, by failing to obtain medical care for BK's injuries, and by failing to report that he assaulted BK, with a breaker bar, which ruptured his right testicle, so that others could have secured or provided medical care.



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 9/8/2022	OTN/LiveScan Number	Complaint/Incident Number MFI210309201
Defendant Name:	First: AUGUST	Middle: THORNE	Last: YOUNG

- 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 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.)

(Date)

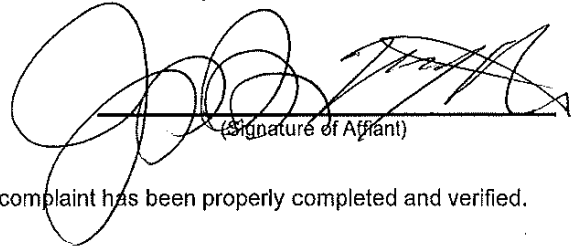
(Year)

AND NOW, on this date

Sept. 8, 2022

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

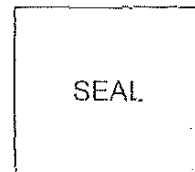
An affidavit of probable cause must be completed before a warrant can be issued.



(Signature of Affiant)

05-2-11
(Magisterial District Court Number)

RSC
(Issuing Authority)





POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 9/18/2022	OTN/LiveScan Number	Complaint/Incident Number MFI210309201
Defendant Name:	First: AUGUST	Middle: THORNE	Last: YOUNG

AFFIDAVIT of PROBABLE CAUSE

1. Your Affiants are Supervisory Special Agent Jennifer E. Snerr, Pennsylvania Office of Attorney General, Bureau of Criminal Investigations, Medicaid Fraud Control Section, 7th Floor of Strawberry Square, Harrisburg, PA 17120, and Detective Mark Hetherington, North Versailles Police Department, 1401 Greensburg Pike, #2, North Versailles, PA 15137. Your Affiants are law enforcement officers with 22 years and 30 years of law enforcement experience respectively and as such are authorized to apply for, obtain and serve search warrants, make seizures and effectuate arrests. This affidavit is based on document analysis, interviews, and investigative work conducted during the course of this investigation.

2. The Defendant is August Young, who currently resides at 14140 Torie Drive, North Huntingdon, PA 15642. The Defendant was employed by Taylor Maleski Home, LLC. (Taylor Maleski) from 6/22/20 through 11/22/21 as a Direct Support Counsellor (DSC).

3. According to a search of Taylor Maleski's website, their main purpose is to provide supportive residential services to individuals with intellectual disabilities. They are licensed and contracted through the Pennsylvania Department of Human Services (DHS) and overseen by the Office of Developmental Programs (ODP). They describe the DSC position as a caretaker position that involves coming into the home of an adult with intellectual disabilities and providing daily supportive services in coordination with the Individual Support Plans (ISP). This includes assisting with the activities of daily living and behavior management.

4. This investigation was initiated on 12/21/21 by the Pennsylvania Office of Attorney General, predicated upon information received from William Posavec, Program Representative 2, DHS, ODP, concerning allegations of an assault of an intellectually disabled, care-dependent group home resident, BK (identified by his Medical Assistance #200132994) at 151 Robin Street, North Versailles, PA, Allegheny County.

As a matter of background, BK was the only resident of the group home operated by ODP Provider Taylor Maleski located at 151 Robin Street, North Versailles, PA 15137. ODP's referral stated that, on 11/4/21 around 10am House Manager Allan Schall notified incident management of suspected physical abuse regarding BK. Schall related that around 9:00 AM on 11/4/21, DSC Erik Walker called him to tell him BK had a huge bruise on his butt and that DSC August Young had hit him on the butt on Tuesday night (11/2/21) in his home. Schall stated he arrived at BK's home on the morning of 11/4/21 and BK asked to speak to him immediately alone. Schall said that BK told him he fell off the couch in the evening. Schall transported BK to UPMC McKeesport Hospital for further evaluation and testing due to the severity of the bruise on his butt. Schall stated that the bruise on his butt covers his whole butt, and it is black and purple.

During the internal investigation for abuse by Taylor Maleski's Certified Investigator, Robert Lea, all Robin Street staff provided statements. Collectively, those statements revealed that beginning 11/3/21, the victim either reported to the DSCs that he had pain or discomfort around his butt and testicles and/or that those DSCs saw the bruising on BK's butt. The investigation revealed that BK was hit in the testicles with some sort of object. Staff did not follow proper reporting procedures which



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resulted in a delay of medical treatment for BK. He was seen in the hospital for his injuries on 11/4/21. BK required emergency surgery resulting in the removal of his testicle.

ODP provided documentation with their referral to the OAG. Your Affiants reviewed that documentation, which included BK's ISP, staff training records, and witness statements taken by Lea.

According to BK's ISP, last updated on 7/29/21, BK is living in a community home and has been diagnosed with Autism Spectrum Disorder, Seizure Disorder, ADHD, Anxiety Disorder, Mild Intellectual Disabilities, Generalized Seizure Disorder, and Hypothyroidism. BK has lived in a one person residential home operated by Taylor Maleski since 10/5/2018. Under the section entitled Staff Training Requirements of BK's ISP, it states that all staff that work with BK are trained in BK's ISP, Recognizing and Reporting Abuse, Autism, Back-up Plan and Behavior Plan which specifically addresses how the DSCs are to deal with BK's behaviors.

The Defendant's witness statement reads that "Tuesday Nov. 2 around 7:00 pm I got a text from Erick asking if I was around... I got a call from him 10 minutes later... Erick got on the phone and told me he was having a behavior. He explained the situation and I said I was on my way. I get to the house and grab the breaker bar out of my car." He stated that he went upstairs and "found BK laying down and Erick, very clearly upset, pacing in the dark... Erick had made it very clear for BK that if he got out of bed he was going to put him on the floor... BK was very keen on getting up out of bed to spite Erick. Once he did, Erick put him on the floor, on his back and backed off... I tried talking to him again this time using the breaker bar to have him guess at what I was doing. He surmised that I was busy fixing my car and had to stop what I was doing to come deal with him. Once he got that he tried doing what he usually does. He said Erick doesn't treat me right and He doesn't feed me and the like. Like many times before I tell him that's not true... After a few words he (BK) starts throwing punches and kicks toward me. That's when something in me snaps. I start hitting him on the rear with the breaker bar."

DSC Erik Walker's witness statement reads that he and BK called the Defendant and as Walker was tucking BK into bed, August arrived at the house and came into BK's room. Walker told BK to stay in bed or he would "put him on the floor" but BK got up. After Walker put BK on the floor, "He began to take shots at me and August with his fist and legs. After that, August (Young) pulls out some sort of stick and struck BK 3 or 4 times with it."

5. Your Affiants met on 12/7/21. North Versailles Police Department already had an open investigation into BK's assault and the decision was made to initiate a joint investigation into this matter.

6. On 12/13/21, your Affiants obtained BK's records from both UPMC McKeesport and UPMC Presbyterian. Medical records confirm that BK was admitted to UPMC McKeesport Hospital on 11/4/21 with a chief complaint of testicle pain, low back pain and buttocks pain. The radiology report indicates findings for a rupture of the left testicle. BK was transferred the same date to UPMC Presbyterian for treatment, as indicated on the Emergency Medical Condition Transfer Form which states that transfer is for a left testicular rupture, trauma and transfer is necessary to avoid a worsening of condition or death.



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Defendant Name:	First: AUGUST	Middle: THORNE	Last: YOUNG

7. On 2/2/22, your Affiants executed a search warrant for records at the main office of Taylor Maleski. Records obtained at the search warrant included records that document BK's care needs, staffing records, company policies and procedures, and staff training. Your Affiants reviewed these records.

Taylor's Maleski documents that all staff who worked at BK's residence were trained about BK's condition/diagnoses, his needs, and recognizing and reporting abuse and neglect.

TMH Internal Incident Report (TMH-UI.02) document lists what constitutes reportable incidents and includes Abuse, Abuse Allegations, Neglect, and Injury Requiring Treatment beyond First Aid. It also notes that if staff is uncertain if an incident/scenario is reportable, staff is to contact management immediately.

The document entitled How to Report an Incident, instructs staff to complete an incident report as soon as possible but prior to the end of the current shift and to call and notify the House Manager or Program Specialist if the house Manager is the alleged Target, as soon as possible after the incident occurred. It also instructs staff to email the Incident Report to the following: incidentmanagement@taylormaleski.org and current House Manager for the individual. Additionally, the telephone number for Adult Protective Services is listed as are the email contacts for the Incident Manager, CEO, Program Director and Training Director.

8. Between 12/20/21 and 7/13/22, your Affiants interviewed the current and former DSCs, House Manger, and several behavioral and managerial staff of Taylor Maleski who knew BK and/or provided care for BK while he was a resident of Taylor Maleski.

DSC Raymond Turner told your Affiants that he worked the midnight to 8:00 a.m. shift on the morning of 11/3/21. He stated that DSCs Erik Walker and August Young told him that BK had a behavior on their shift prior but did not tell him anything that made him concerned enough to check on BK overnight. He was relieved the following morning by DSC Walker without having had overnight contact with BK.

DSCs Timothy Kincaid and Trevor Kellas both told your Affiants that on 11/3/21, at or around 4:30 pm BK complained to them of pain on or around his butt. BK showed them his butt which was completely bruised. Neither Kincaid nor Kellas contacted anyone until Kincaid sent House Manager Allan Schall an email at 1:03 am on 11/4/21.

DSC Scott Jones stated that he arrived to work on 11/4/21 around 8:00 a.m. BK immediately came to Jones that morning. BK told Jones that his testicles really hurt and he wasn't able to sit because of the pain. Jones then told BK to let him see the area. Jones reported that BK was bruised on his front pelvic area and above his pelvis. His testicles and scrotum were bruised and looked swollen. Jones also saw BK's backside which was completely bruised. Jones asked BK what happened and BK told Jones that August Young hit him with a crowbar:



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Jones said that he called Schall, and Schall told Jones that he was already on his way to the house. Approximately 5-10 minutes later, Schall, Walker, and Young arrived at the Robin Street house. They all gathered in the office while BK stayed downstairs. Young started "breaking down and crying hysterically." Jones recalled Young saying he was fearful of going to jail. Jones did not recall Young's exact words, but that Young said he couldn't believe what he did and that he was sorry for what he did. Jones said that Walker didn't say much. Jones said that Schall didn't seem to know what to do and that he was shocked and "frozen." Jones told Schall that they needed to report this and that BK needed an ambulance.

That night, Jones got a call from Walker and Walker told Jones that they had a story that they wanted to use that BK fell on his butt. Jones said that he told Walker, "I am not doing this. I know what happened." He said he turned Walker down and got off the phone.

Program Director Megan Reicholf said that the DSCs did not follow the company procedure. When BK started with his behavior, Walker should have notified his House Manager, Allan Schall. Since he was off, or if Walker could not reach Schall, he should have then called Program Specialist Mike Himler. All DSC staff are trained and know that. She also said that if Walker was having issues handling BK's behavior, he should have called the Crisis Team. Again, all DSCs were trained that was the proper procedure and it was also posted in the office with everyone's contact information.

Reicholf said all staff knew how to report an incident. Abuse, seeing bruising, and BK complaining of pain or discomfort are all reportable incidents. Reicholf said that all of those things are covered in their training. Additionally, all of these things are emergent, and as such should have been reported immediately by a phone call. Information about reporting is included in the binders at the houses. There are incident report forms at all of the houses with posted papers that describe what is reportable and give instruction on how and to whom to report.

9. On 4/26/22, your Affiants interviewed Dr. Kathleen Hwang, MD, a urology surgeon whose subspecialty is testicular function. Dr. Hwang said that the force it takes to rupture a testicle is blunt force trauma directly to the testicle. She most often sees ruptured testicles as a result of sports injuries or motorcycle accidents.

She stated that she was concerned when she learned that the injury occurred two days prior to his surgery during which she was required to remove his right testicle. In addition to the bruising on BK's back side, his entire scrotum was black and blue. BK's scrotum was 10x the normal size of a scrotum and the swelling of his scrotum buried his penis. BK would have been in severe pain. He also had a huge hematoma or bleeding in the scrotal sac. Because the swelling was severe, BK's nerves and blood vessels that attach to the testicle were a giant rind of thick tissue which she had to separate out to remove which resulted in a longer surgical procedure, under anesthesia, than he may have had if reported earlier.

10 Pursuant to 18 Pa.C.S. §2713(a)(1), "A caretaker is guilty of neglect of a care-dependent person if he: Intentionally, knowingly or recklessly causes bodily injury, serious bodily injury or death by failing



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to provide treatment, care, goods or services necessary to preserve the health, safety or welfare of the care-dependent person for whom he is responsible to provide care."

11. Pursuant to 18 Pa.C.S. §2713(a)(3), "A caretaker is guilty of neglect of a care-dependent person if he: Intentionally, knowingly or recklessly endangers the welfare of a care-dependent person for whom he is responsible by failing to provide treatment, care, goods or services necessary to preserve the health, safety or welfare of the care-dependent person."

12. Pursuant to 18 Pa.C.S. §2702(a)(1), "A person is guilty of aggravated assault if he: attempts to cause serious bodily injury to another, or causes such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life."

13. Pursuant to 18 Pa.C.S. §2713.1(a)(1), "A caretaker is guilty of abuse of a care-dependent person if the caretaker: (1) With the intent to harass, annoy or alarm a care-dependent person:(i) strikes, shoves, kicks or otherwise subjects or attempts to subject a care-dependent person to or threatens a care-dependent person with physical contact.

14. Pursuant to 18 Pa.CS §2705, "A person commits a misdemeanor of the second degree if he recklessly engages in conduct which places or may place another person in danger of death or serious bodily injury."

15. Pursuant to 18 Pa.CS §903(a)(1), " A person is guilty of conspiracy with another person or persons to commit a crime if with the intent of promoting or facilitating its omission he: (1) agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime or in attempt or solicitation to commit such crime."

16. According to 18 Pa.C.S. §2713(f), a care-dependent person is defined as, "Any adult who, due to physical or cognitive disability or impairment, requires assistance to meet his needs for food, shelter, clothing, personal care or health care."

17. According to 18 Pa.C.S. §2713(f), a caretaker is defined as "Any person who: (1) is an owner, operator, manager or employee of any of the following licensed or unlicensed entities: ... (ii) A community residential facility or intermediate care facility for a person with mental disabilities.

18. Based upon the information described herein, your Affiants have probable cause to believe the Defendant caused serious bodily injury due to physical contact with BK, specifically using a breaker bar to strike BK and failed to provide medical treatment for BK or report the incident so others could assist BK after he assaulted him.

19. We believe the facts contained in this Affidavit, are sufficient probable cause to warrant the arrest of the Defendant, August Young, for the following crimes: 18 Pa CSA § 2713(a)(1) Neglect of a Care-Dependent Person; 18 Pa CSA § 2713(a)(3) Neglect of a Care-Dependent Person - Recklessly Endangers; 18 Pa.C.S. § 2702(a)(1) Aggravated Assault; 18 Pa CSA § 2713.1(a)(1) Abuse of a Care-



POLICE CRIMINAL COMPLAINT

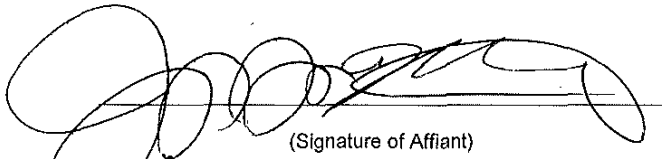
Docket Number:	Date Filed: 9/18/2022	OTN/LiveScan Number	Complaint/Incident Number MFI210309201
Defendant Name:	First: AUGUST	Middle: THORNE	Last: YOUNG

Dependent Person; 18 Pa CSA § 2705 Recklessly Endangering Another Person; and 18 Pa CSA § 903 Conspiracy to Commit Neglect of a Care-Dependent Person.

20. We believe the facts set forth in this complaint are true and correct to the best of my information, knowledge, and belief, and any false statements made therein are made subject to the penalties of Section 4904 of the Crimes Code, 18 Pa.C.S. §4904 relating to Unsworn Falsification to Authorities.

I, SSA JENNIFER SNERR/DET. MARK HETHERINGTON, 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.


(Signature of Affiant)

Sworn to me and subscribed before me this 8 day of Sept. 2022
Date R. Stone, Magisterial District Judge

My commission expires first Monday of January, 2024

