

COMMONWEALTH OF PENNSYLVANIA  
 COUNTY OF: GREENE  
 Mag. Dist. No: MDJ-13-3-02  
 MDJ Name: Honorable Thomas W. Ankrom II  
 Address: 417 E. Roy Furman Highway  
 Suite 203  
 Waynesburg, PA 15370  
 Telephone: 724-852-1440



**POLICE CRIMINAL COMPLAINT**  
 COMMONWEALTH OF PENNSYLVANIA

VS **COPY**

**DEFENDANT:** (NAME and ADDRESS):  
**DAVID J RUSSO**  
 First Name Middle Name Last Name Gen.  
 1964 TOMS RUN ROAD  
 HOLBROOK, PA. 15341

**NCIC Extradition Code Type**

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

**DEFENDANT IDENTIFICATION INFORMATION**

Docket Number <b>CR 182-24</b>	Date Filed <b>10/2/24</b>	OTN/LiveScan Number <b>S1007797-4</b>	Complaint Number	Incident Number <b>BCW230162</b>	Request Lab Services? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
GENDER <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	DOB <b>04/14/1977</b>	POB	Add'l DOB / /	Co-Defendant(s) <input checked="" type="checkbox"/> Gen.			
First Name		Middle Name		Last Name			
AKA							
RACE <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input 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 checked="" 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 checked="" type="checkbox"/> BRO (Brown)
		<input 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 checked="" type="checkbox"/> BLU (Blue)	<input 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 checked="" type="checkbox"/> NO	DNA Location		WEIGHT (lbs.)				
FBI Number	MNU Number						
Defendant Fingerprinted <input type="checkbox"/> YES <input type="checkbox"/> NO			Ft. HEIGHT In.				
Fingerprint Classification:			5	8			

**DEFENDANT VEHICLE INFORMATION**

Plate #	State	Hazmat <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).

\_\_\_\_\_  
 (Name of the attorney for the Commonwealth) (Signature of the attorney for the Commonwealth) (Date)

I, SPECIAL AGENT APRILL-NOELLE CAMPBELL 742  
 (Name of the Affiant) (PSP/MPOETC -Assigned Affiant ID Number & Badge #)

of Office of Attorney General PA0222400  
 (Identify Department or Agency Represented and Political Subdivision) (Police Agency ORI Number)

do hereby state: (check appropriate box)

1.  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 [406] WAYNESBURG  
 (Subdivision Code) (Place-Political Subdivision)

in GREENE County [30] on or about 2020 through 2023  
 (County Code) (Offense Date)



# POLICE CRIMINAL COMPLAINT

Docket Number: CR 182-24	Date Filed: 10/2/24	OTN/LiveScan Number S1007187-4	Complaint/ Number	Incident Number BCW230162
Defendant Name	First: DAVID	Middle: J	Last: RUSSO	

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 _____
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<input type="checkbox"/>	1	4703		of the	18	1	M2		
Lead?	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): Retaliation for Past Official Action

Acts of the accused associated with this Offense: A person commits a misdemeanor of the second degree if he harms another by any unlawful act in retaliation for anything lawfully done by the latter in the capacity of public servant. Russo filed unsubstantiated charges against County Commissioner Michael Belding and County Solicitor Robert Eugene Grimm after the County filed a Declaratory Judgment action to stop Russo and Zachary Sams from pursuing an investigation into the release of an audit report to the public and/or after the County filed a civil action for the return of the Stop The Bleed kits that were seized.

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	1103	A	of the	65	1	F		
Lead?	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): Restricted Activities - Conflict of Interest

Acts of the accused associated with this Offense: No public official shall engage in conduct that constitutes a conflict of interest. "Conflict" or "conflict of interest" means use by a public official of his office or employment for the private pecuniary benefit of himself. Russo "investigated" political rivals in order to win reelection and maintain employment. He communicated to the media in a manner designed to put down rivals in an effort to secure his own reelection. Russo utilized the salaries/job functions of Greene County DA's Office staff to further his own personal agenda of investigating political rivals/securing reelection.

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	5301	1	of the	18	1	M2		
Lead?	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): Official Oppression

Acts of the accused associated with this Offense: A person acting or purporting to act in an official capacity or taking advantage of such actual or purported capacity commits a misdemeanor of the second degree if, knowing that his conduct is illegal, he: (1) subjects another to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien or other infringement of personal or property rights. Russo filed unsubstantiated charges, without proper investigation, against Michael Belding and Robert Eugene Grimm, subjecting them to arrest.



# POLICE CRIMINAL COMPLAINT

Docket Number: CR 182-24	Date Filed: 10/2/24	OTN/LiveScan Number 51007787-4	Complaint Number	Incident Number BCW230162
Defendant Name	First: DAVID	Middle: J	Last: RUSSO	

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 _____
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<input type="checkbox"/>	4	5301	1	of the	18	1	M2		
Lead?	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): Official Oppression

Acts of the accused associated with this Offense: A person acting or purporting to act in an official capacity or taking advantage of such actual or purported capacity commits a misdemeanor of the second degree if, knowing that his conduct is illegal, he: (1) subjects another to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien or other infringement of personal or property rights. Russo seized Stop The Bleed kits via a criminal search warrant without a legitimate basis for a criminal investigation and unsupported by probable cause.

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"/>	5	4113		of the	18	1	M2		
Lead?	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): Misapplication of Entrusted Property and Property of Government or Financial institutions

Acts of the accused associated with this Offense: A person commits an offense if he applies or disposes of property of the government in a manner which he knows is unlawful and involves substantial risk of loss or detriment to the owner of the property or to a person for whose benefit the property was entrusted. Russo utilized the salaries/job functions of Greene County DA's Office staff and his own salary/position as Greene County DA to further his own personal agenda of investigating political rivals/securing reelection.

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"/>	6	4703		of the	18	1	M2		
Lead?	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): Criminal Conspiracy: Retaliation for Past Official Action

Acts of the accused associated with this Offense: The actor, with the intent of promoting or facilitating the crime of 18:4703 conspired and agreed with Zachary Sams that they or one or more of them would engage in conduct constituting such crime or an attempt or solicitation to commit such crime, and in furtherance thereof did commit an overt act. Russo and Zachary Sams discussed then filed unsubstantiated charges against Michael Belding and Robert Grimm after the County filed a Declaratory Judgement action to stop Russo and Sams from pursuing an investigation into the release of an audit report to the public and/or after the County filed a civil action for the return of STB kits that were seized.



# POLICE CRIMINAL COMPLAINT

Docket Number: CR 182-24	Date Filed: 10/2/24	OTN/LiveScan Number SK007187-4	Complaint Number	Incident Number BCW230162
Defendant Name	First: DAVID	Middle: J	Last: RUSSO	

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.)

<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 _____				
<input type="checkbox"/>	7	5301	1	of the	18	1	M2		
Lead?	Offense#	Section	Subsection	PA Statute (Title)		Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
<b>PennDOT Data (if applicable)</b>	Accident Number			<input type="checkbox"/> Interstate		<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone	
Statute Description (include the name of statute or ordinance): Criminal Conspiracy - Official Oppression									
Acts of the accused associated with this Offense: The actor, with the intent of promoting or facilitating the crime of 18:5301(1) conspired and agreed with Zachary Sams that they or one or more of them would engage in conduct constituting such crime or an attempt or solicitation to commit such crime, and in furtherance thereof did commit an overt act in violation of 18 Pa. C.S. §903 (a)(1) by filing unsubstantiated charges, without proper investigation, against Michael Beiding and Robert Eugene Grimm, subjecting them to arrest.									

<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 _____				
<input type="checkbox"/>	8	5301	1	of the	18	1	M2		
Lead?	Offense#	Section	Subsection	PA Statute (Title)		Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
<b>PennDOT Data (if applicable)</b>	Accident Number			<input type="checkbox"/> Interstate		<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone	
Statute Description (include the name of statute or ordinance): Criminal Conspiracy - Official Oppression									
Acts of the accused associated with this Offense: The actor, with the intent of promoting or facilitating the crime of 18:5301(1) conspired and agreed with Zachary Sams that they or one or more of them would engage in conduct constituting such crime or an attempt or solicitation to commit such crime, and in furtherance thereof did commit an overt act in violation of 18 Pa. C.S. §903 (a)(1) by seizing Stop The Bleed kits via a criminal search warrant without a legitimate basis for a criminal investigation and unsupported by probable cause.									

<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 _____				
<input type="checkbox"/>				of the					
Lead?	Offense#	Section	Subsection	PA Statute (Title)		Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
<b>PennDOT Data (if applicable)</b>	Accident Number			<input type="checkbox"/> Interstate		<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone	
Statute Description (include the name of statute or ordinance):									
Acts of the accused associated with this Offense:									



# POLICE CRIMINAL COMPLAINT

Docket Number: CR 182-24	Date Filed: 10/2/24	OTN/LiveScan Number S1007787-4	Complaint Number	Incident Number BCW230162
Defendant Name	First: DAVID	Middle: J.	Last: RUSSO	

- 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 \_\_\_ 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.)**

10-2 (Date)      2024 (Year)      april - Nadia Zapp (Signature of Affiant)

AND NOW, on this date 10-02-24 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.

13-3-02  
(Magisterial District Court Number)

[Signature]  
(Issuing Authority)





# POLICE CRIMINAL COMPLAINT

Docket Number: CA 182-24	Date Filed: 10/2/24	OTN/LiveScan Number S1007487-4	Complaint Number	Incident Number BCW230162
Defendant Name	First: DAVID	Middle: J	Last: RUSSO	

## AFFIDAVIT of PROBABLE CAUSE

Your Affiant, Aprill-Noelle Campbell, is employed as a Special Agent for the Pennsylvania Office of Attorney General, Bureau of Criminal Investigations Section and is a member of the FBI's Western Pennsylvania Violent Crimes Against Children Task Force. Your Affiant has been employed as an Agent for 9 years as a Certified Forensic Computer Examiner, and as an Agent in Criminal Investigations. Prior to that, your Affiant was employed for 21 years as a City of Pittsburgh Police Officer. The last 11 years with the PBP was as a detective in the Sex Assault / Child Abuse Unit. In this capacity, your Affiant received training in investigations, interrogations, and computer forensics and made numerous arrests which led to successful criminal prosecutions. As an Agent of the Office of Attorney General, your Affiant is authorized to apply for, obtain and execute arrest and search warrants.

On September 12, 2024, the Fifty-First Statewide Investigating Grand Jury issued Presentment Number 10, recommending that criminal charges be filed against David J. Russo, for violations of the Crimes Code of Pennsylvania. The aforementioned Presentment was approved by the Honorable Bruce R. Beemer, Supervising Judge of the 51st Statewide Grand Jury, by an order dated September 13, 2024. Having read and reviewed the Presentment, and after participating in this Grand Jury Investigation and considering all the facts and circumstances, your affiant has adopted the Presentment and incorporated it (Presentment) fully into this Affidavit of Probable Cause (A copy of the Presentment is attached hereto).

Based on the review of the testimony given before the Grand Jury and the documents entered into evidence for the Grand Jury, I believe that the testimony of the various witnesses is accurately summarized in the Presentment and that records mentioned in the Presentment are stated accurately as well. Based on your affiant's review of the evidence, I have respectfully concluded there is probable cause to believe that David J. Russo engaged in illegal activities, which are accurately summarized in the attached Presentment. I have determined that there is probable cause to conclude that David J. Russo violated the following laws of

I, \_\_\_\_\_, 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.

Aprill-Noelle Campbell  
(Signature of Affiant)

Sworn to me and subscribed before me this 2nd day of October 2024  
Date [Signature], Magisterial District Judge

My commission expires first Monday of January, 2030





**POLICE CRIMINAL COMPLAINT  
AFFIDAVIT CONTINUATION PAGE**

<b>Docket Number:</b> CR 182-24	<b>Date Filed:</b> 12/24	<b>OTN/LiveScan Number</b> S1057187-H	<b>Complaint Number</b>	<b>Incident Number</b> BCW230162
<b>Defendant Name:</b>	<b>First:</b> DAVID	<b>Middle:</b> J	<b>Last:</b> RUSSO	

**AFFIDAVIT of PROBABLE CAUSE CONTINUATION**

the Commonwealth of Pennsylvania:

- Title 18 Pa. C.S. 4703 - Retaliation for Past Official Action
- Title 65 Pa. C.S. 1103(A) - Restricted Activities - Conflict of Interest
- Title 18 Pa. C.S. 5301(1) - Official Oppression - 2 Counts
- Title 18 Pa. C.S. 4113 - Misapplication of Entrusted Property and Property of Government
- Title 18 Pa. C.S. 903 - Criminal Conspiracy - 3 Counts

See Attached Presentment.

April-Neale Camp  
(Signature of Affiant)

## INTRODUCTION

We, the members of the Fifty-First Statewide Investigating Grand Jury, having received and reviewed evidence regarding violations of the Pennsylvania Crimes Code occurring in Greene County, Pennsylvania, pursuant to Notice of Submission of Investigation No. 19, do hereby make the following findings of fact and recommendation of charges.

## OVERVIEW

The Grand Jury conducted an investigation into the criminal activities of former Greene County District Attorney David Russo and former Greene County Chief Detective Zachary Sams and discovered that the two abused the power of the Office of the District Attorney by initiating and pursuing baseless, retaliatory criminal investigations in an attempt to charge, at any cost, county officials with whom Russo feuded. Despite the obvious conflict of interest, they ultimately filed criminal charges against County Commissioner Michael Belding and County Solicitor Eugene Grimm following a second "casting of the lots" for the 2023 primary election, wherein Russo was seeking re-election to a second term. The casting of the lots is required under the Pennsylvania Election Code and dictates that candidates draw lots to determine the order in which their names will appear on the ballot, *i.e.*, first, second, third. Russo's name appeared last on the Republican ballot following a second casting of the lots, in which he refused to participate. After publicly humiliating the two officials through the initiation of criminal proceedings, Russo "discovered" that the District Attorney's Office had a clear conflict of interest and referred the matter to the Pennsylvania Office of Attorney General (OAG). Charges were subsequently withdrawn, as there was no probable cause to support them. This was not the first time that Russo and Sams targeted Belding. They previously attempted to pursue criminal charges after Belding released an audit report that was critical of Russo's management of the District Attorney's



forfeiture account. The fact that this was a baseless investigation was underscored by the fact that Sams presented search warrants to a judge of the Superior Court of Pennsylvania for Belding's email records, along with the email records of other county officials, and the judge refused to sign the warrants.

Additionally, in an effort to obtain supplies for a Special Weapons and Tactics (SWAT) team that Russo and Sams created, Sams obtained a search warrant and seized at least 13 "stop the bleed" mass casualty bleed-out kits from EMS vehicles and active ambulances under the guise of a criminal investigation involving a misuse of grant funds; this act placed the lives of Greene County residents at risk should responders have needed to access and utilize these kits in response to an emergency medical call.

### FINDINGS OF FACT

- ***BACKGROUND AND CONFLICT OF INTERESTS***

Russo was elected as the Greene County District Attorney in November 2019 and took the oath of office in January 2020. Russo previously worked as an attorney throughout Greene County before assuming office. Russo eventually selected Sams, who had previously worked as a police officer elsewhere, as his Chief County Detective. Greene County Detectives work under the direction of the District Attorney as the office's investigative arm.

Shortly after becoming District Attorney, Russo began to clash with Greene County commissioners. The Grand Jury learned that Greene County elects three county commissioners who are the executives and ultimate budgetary authority for the county government. Other county offices headed by elected officials, sometimes referred to as "row offices," have direct authority over their employees but ultimately must rely on the commissioners to approve all of their office's expenditures. The Greene County District Attorney's Office is such a row office.

One of the initial major points of contention between Russo and the commissioners involved the victim witness coordinator (“VWC”) position within the District Attorney’s Office. The VWC is responsible for helping victims and witnesses of crimes navigate the criminal justice process. The VWC is also responsible for ensuring that victims and witnesses are properly notified of upcoming dates and important information. In the summer of 2021, complaints were made that such notifications were not occurring. In October 2021, the VWC resigned from her position. According to an internal investigation conducted by the county, Russo never informed the county human resources department about her resignation, and therefore the county continued to pay the employee for a period of time after she left her position.

The commissioners, after consulting with numerous agencies, including the Pennsylvania Commission on Crime and Delinquency and the Pennsylvania Office of Victim Advocate, decided to have the VWC report to the county commissioners as her supervisors and not to Russo. In January 2022, the commissioners hired a new VWC. Russo reacted to this hire aggressively, sending a mass email communication to all local law enforcement wherein he advised that any person who seemingly cooperated with the new VWC may be criminally investigated. Russo also withheld critical resources, including office equipment, from the new VWC so she could not perform her job, and opened a criminal investigation into the new VWC and others who sought to assist her. Because the work of the VWC was not properly being completed, Greene County lost critical grant funding for the position.

In April 2022, public allegations surfaced with respect to an attorney who had challenged Russo in the 2019 election for District Attorney. On April 6, 2022, Russo called Chief Bryan Smith of the Cumberland Township Police Department and insisted that charges be filed immediately against his former opponent. On April 8, 2022, in response to local reporting on the matter, County

Solicitor Grimm wrote a letter to Russo, stating that Russo had a clear conflict of interest with respect to any such investigation. Grimm, on behalf of the commissioners, demanded that Russo recuse himself and refer the matter to the OAG, which is the appropriate action under the Commonwealth Attorneys Act.<sup>1</sup> A former employee of the Greene County District Attorney's Office appeared before the Grand Jury and testified that Russo informed her that he wanted to investigate the allegations against his former opponent to ensure that he could not run against Russo in the future and to impugn his name, as Russo felt he himself already had a bad name.

OAG Special Agent (SA) Angela Mariani informed the Grand Jury that she spoke with Russo's office manager in April 2022. The office manager was aware of the allegations against Russo's former opponent and the conflict of interest that existed. She stated that she did not believe Russo was ever going to refer the matter to the OAG. As a result, the employee filled out a referral letter in Russo's name and put the letter in the middle of other paperwork that Russo needed to sign, with the hope that he would simply sign the letter without reading it. Russo did in fact sign the letter, and the referral was sent to and accepted by the OAG. The employee informed SA Mariani that Russo was upset when he was informed that the OAG had accepted the referral. No charges were ever filed against the former opponent following a subsequent independent investigation.

- ***SEIZURE OF STOP THE BLEED KITS***

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<sup>1</sup> As Grimm's letter set forth, the Pennsylvania Commonwealth Attorney's Act provides that a case will be referred to OAG:

Upon the Request of the District Attorney who lacks the resources to conduct an adequate investigation or prosecution of the criminal case or matter or who represents that there is the potential for an actual or apparent conflict of interest on the part of the district attorney of his office.

71 P.S. § 732-205(a)(3).

Tensions continued to mount going into the fall of 2022 when county detectives seized Greene County mass casualty bleed-out kits, known as Stop the Bleed ("STB") kits. In September 2022, Sams executed a search warrant to seize STB kits from the Greene County 9-1-1 center. Sams testified before the Grand Jury that the kits were misappropriated and needed to be seized because they were not being utilized by the county. Contrary to Sams' stated purpose, on the date of the seizure in September 2022, Sams seized STB Kits from active ambulances and EMS vehicles, thus endangering the citizens of Greene County if an event requiring the use of those kits had occurred. In response to Sams' seizure of these critical kits, the commissioners were forced to file a civil action against the District Attorney's Office to have the kits returned to county EMS providers. The commissioners asserted in legal filings that the extra kits were stored in places where EMS workers could access them if needed, and that the kits were placed on ambulances because the kits needed to be utilized by trained EMS operators. All of the kits seized by the Greene County District Attorney's Office, including the kits seized from in-service ambulances, remained in the District Attorney's Office for over a month until the kits were returned pursuant to court order resulting from a settlement of the civil action. The intended purpose of a search warrant is to seize evidence of crime for potential future prosecution. Further, a search warrant must be supported by probable cause that a crime occurred. This use of a search warrant to redirect county resources was an abuse of the Office of the District Attorney and endangered Greene County residents.

On September 2, 2022, the commissioners sent Russo a letter requesting information about a SWAT team that they learned that Russo was trying to create. No information was provided in response to the letter. A few weeks later, in October 2022, Russo announced that the Greene County District Attorney's Office was implementing a SWAT team that would report directly to

Russo in the event of an active shooter incident. This news came as a shock to the commissioners, who took significant issue with such a plan, including, but not limited to, the fact that a SWAT team would be directly reporting to Russo, instead of reporting to properly trained law enforcement officials. At that time, officials utilized, and continue to utilize to date, the services of the Pennsylvania State Police in the event SWAT team services are needed. On October 5, 2022, Russo sent an email to local law enforcement stating that the SWAT team was operational and that Greene County law enforcement was to contact the SWAT team regarding any emergency incidents. The email stated that Russo and Sams “maintain complete control of Greene County SWAT, both jurisdictionally and operationally.”

County officials sent a detailed letter to Russo in November 2022 wherein they stated that while they were open to discuss the possibility of this SWAT team creation, they had significant concerns about it. Russo continued to move forward with his SWAT team creation, however, and appeared to have ignored requests to work with county officials on the matter. On December 21, 2022, Belding sent Russo an email entitled, “Third Request for SWAT team information.” Attached to the email was a formal letter stating that Russo had never provided any of the requested information to the commissioners regarding his SWAT team nor addressed their continued concerns about the county’s financial liability. Ultimately, the commissioners refused to indemnify the SWAT team or its members. The timing of the seizure of the STB Kits and the attempted formation of the SWAT team, strongly suggests that Russo’s and Sams’ motive for the seizure was to obtain the STB kits for SWAT team usage.

• *INVESTIGATION INTO DISCLOSURE OF DISTRICT ATTORNEY’S FORFEITURE AUDIT REPORT*

In 2023, Russo ran for re-election. Leading up to the 2023 Republican primary election, Russo focused his office’s resources on targeting Commissioner Belding, who had become an

outspoken critic of Russo, for Belding's release of an audit report that Russo perceived was critical of his management of the District Attorney's forfeiture account and publicly embarrassing to him during an election year.

The Grand Jury learned that the Greene County Controller's Office had received a request for information pertaining to the forfeiture account pursuant to a Right-to-Know (RTK) request. On September 30, 2022, the Controller's Office issued a report on their audit findings to the OAG, indicating they had discovered issues with the account, to include two expenditures that did not follow proper procedure. The OAG issued a letter on January 6, 2023 to Russo taking notice of the report and requesting that he refrain from inappropriate expenditures in the future. The audit report did not contain sensitive information, such as personal identifiers.

The Grand Jury learned that pursuant to Pennsylvania law, an asset forfeiture audit report "shall not be made public but shall be submitted to the Office of Attorney General."<sup>2</sup> This section of law applies to the release of information by the OAG and the District Attorney, but not third parties.<sup>3</sup> Additionally, there are no criminal penalties or crimes associated with the release of such a report. On January 23, 2023, the Chief Clerk of Greene County emailed the audit report in response to the RTK request, after being provided the record from the Controller's Office. The requestor then forwarded the record to numerous individuals, including Belding. The next day, January 24, 2023, Belding emailed the audit report and the January 6, 2023 letter from the OAG regarding the audit report to numerous individuals.

On January 27, 2023, Russo directed Sams to open a criminal investigation into the disclosure of the audit report and letter from the OAG. On February 6, 2023, Sams emailed

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<sup>2</sup> 42 Pa.C.S. § 5803(j)

<sup>3</sup> 42 Pa.C.S. § 5803(k)(2)

Supervisory Special Agent (SSA) Matthew Smith in the OAG Public Corruption Section. Sams asked if the OAG was interested in taking the investigation because the District Attorney's Office had a clear conflict of interest, given that the audit was arguably critical of the office. In Sams' email to SSA Smith, Sams obviously understood his office's conflict of interest as he wrote, "my concern is that if I investigate and prosecute the case, there could be allegation of impropriety as I work directly for the DA." Sams also mentioned the ongoing issues between Russo and the commissioners, the issue with the SWAT team, and that he believed the release of the audit was "pretty clearly an attempt to smear the D.A. within his own party, as this is an election year."

SSA Smith testified that he reviewed Sams' email and investigative material. During his review, he also consulted with various OAG attorneys and concluded that there was no criminal basis to justify such an investigation. On February 14, 2023, SSA Smith spoke with Sams and informed him that the OAG would not open a case because there was no underlying crime to be investigated.

On February 17, 2023, three days after this was communicated to Sams by SSA Smith, Belding began publicly attacking Russo for a lack of integrity through a series of posts on Facebook. That same day, Sams took steps to pursue a criminal investigation against Belding, despite his previous recognition that the DA's Office had a conflict and OAG's response that there was no crime to be investigated. Sams, nonetheless, sent a formal request to Google to preserve Belding's personal email account, and later created lengthy search warrants detailing his investigation, which largely consisted of describing Belding's political criticisms of Russo.

Sams, who testified before the Grand Jury, stated this was a "substantial investigation" that "ate up a lot of resources, a lot of time, a lot of mental energy putting it all together..." However,

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a significant portion of the investigative file received by the Grand Jury merely consisted of saved social media posts from Belding's Facebook account.

In early March 2023, Sams presented search warrants to a Superior Court Judge seeking approval to obtain various records, including county emails and emails from Belding's personal email account.<sup>4</sup> On March 8, 2023, Roy Cross, who was the First Assistant District Attorney of Greene County at that time and was standing in for Russo, accompanied Sams to review the warrant with the Superior Court judge. Cross testified that Russo had been pushing to have the release of the audit report criminally investigated and asked for him to assist with the case. Russo informed Cross that he had spoken with someone from the OAG and was advised that the release of the audit was a violation of the law that carried criminal penalties – exactly the opposite of the information actually provided to Sams by SSA Smith. Cross asked Russo about referring the matter to the OAG, but Russo represented to Cross that the OAG said he [Russo] should investigate. No evidence was found to substantiate such a claim. Cross informed the Grand Jury that the Superior Court judge refused to authorize the warrant because, just as Sams had previously been informed by the OAG, there was no crime associated with releasing the audit report.

Cross informed the Grand Jury that Russo was upset with the news that the search warrant had been declined. Cross indicated that Russo would not let the matter go, however, and suggested that Cross and Sams find a crime to attach. Cross informed OAG agents that he put his foot down after Russo kept insisting that they continue with the investigation, telling Russo, "We are done."

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<sup>4</sup> The Grand Jury was informed that the Superior Court has jurisdiction to authorize search warrants throughout the Commonwealth and it is common practice to seek that court's review when a conflict of interest is believed to exist with a Common Pleas Court county judge who may typically review a warrant. The irony is not lost on the Grand Jury that Russo and Sams sought this method of review considering their own clear and apparent conflict of interest in the investigation.



On March 7, 2023, the day before the search warrants were denied by the Superior Court, County Solicitor Grimm filed a lawsuit with the Greene County Court of Common Pleas seeking an order to force Russo to refer the audit release investigation to the OAG. On March 10, 2023, in response to local reporting on this lawsuit, Russo sent the following email to a local reporter: "Belding and his cronies can be sure that this will be answered aggressively and swiftly and lawsuits will be filed against Belding regarding his actions and behavior." Within a week of this response, Russo and Sams opened a new criminal investigation into Belding and Grimm, this time involving Russo's run for re-election for District Attorney.

- ***UNSUPPORTED CRIMINAL CHARGES AGAINST COUNTY COMMISSIONER AND COUNTY SOLICITOR***

The Grand Jury learned that prior to every primary election, county elections departments are required to perform a casting of lots to determine the order in which the candidates' names will appear on the ballot. Leading up to the 2023 primary election, many of the employees in the Greene County Elections Department were new hires with little experience, including the new Elections Director, who had just been hired in January 2023. Issues with the scheduling of the casting of lots started with this change in directors. When candidates first came to submit their paperwork, the Elections Department provided them with a packet of information that included the date of March 14, 2023 as the date for the casting of the lots. These packets were created before the hiring of the new director, and the director was unaware that a date had already been selected when he assumed his position. Not knowing that the March 14 date had already been selected, he chose March 15 as the date for the casting of the lots. The Election Code requires that the date for the casting of the lots be publicly advertised in two local newspapers and by posting notice of the date in the Elections Department office. The new director, again due to his inexperience, only advertised the notice of the casting of lots in one newspaper instead of two.

A casting of the lots did occur on March 15, dictating that Russo would appear first on the ballot for the DA election. After the casting, however, issues were raised regarding the conflicting dates and the lack of sufficient public notice. As a result, the director, after consulting with Grimm, decided to re-do the casting and scheduled a second casting of the lots for March 23. The Grand Jury learned that Sams opened a criminal investigation on March 16 into the decision to re-cast the lots. Russo supplied Sams with information that a Republican candidate was concerned about potential Election Code violations. Russo also filed a formal letter with the Elections Department objecting to a second casting of the lots, signed as the District Attorney of Greene County. Sams conducted a recorded interview with an individual, whom he referred to as a "whistleblower," regarding the alleged election issues. However, when this interview was reviewed by OAG agents, there was no direct or substantive information that any type of criminal activity had occurred.

The second casting of the lots occurred on March 23. Belding and Grimm were present at the casting, which was conducted by the Elections Director. At that casting, a few candidates, including Russo, refused to draw lots. Candidates are not required to attend or participate in the casting. Instead, as the Grand Jury learned, the Election Code provides that candidates may choose representatives to draw a lot on their behalf, or, if the candidate is not present, an election official can choose someone to draw a lot for the absent candidate. There is no provision in the Election Code, however, for how to proceed if a person is present but refuses to participate. The director informed the candidates that those who refused to participate would automatically be placed last on the ballot. Because of their refusals to draw lots, the objecting candidates, including Russo, were all placed last on the ballot.

The objecting candidates left together after the casting and went to the District Attorney's Office. Cross testified that Russo came to the office with three individuals whom Cross believed

were the other objecting candidates. Russo informed Cross that the individuals wished to press charges regarding the second casting of lots. Cross became angry at such a suggestion, and informed them that they would have to file private criminal complaints with the local magistrate. Cross recalled receiving at least one private criminal complaint back from the individuals, which was maintained in the office.

When Cross discovered that Sams had opened an investigation into the re-casting of the lots, he was extremely upset and grew increasingly concerned about Russo's insistence to investigate, especially after his experience with the refusal of the Superior Court Judge to authorize search warrants regarding the release of the audit report. He asked Russo why he did not refer the matter to the OAG or why the candidates would not just file civil lawsuits. Russo told him that a civil lawsuit would not be "fast enough" and the election would be over before the matter was settled. Cross was very concerned about Russo's response. He conducted legal research on the matter and believed that the matter should be handled via civil action or by the OAG.

Despite the concerns voiced by Cross, Russo and Sams proceeded to treat the matter as a criminal investigation. The investigation lasted about ten days. In a subsequent interview with the OAG, Sams informed agents that he did not interview Belding or Grimm because of the pending lawsuit regarding the audit release investigation. However, Sams later told the Grand Jury that he did not interview Belding or Grimm because they had refused to speak to him previously, and he "knew" they would refuse again. Quite curiously, despite the Elections Director being involved in the decision to conduct a second casting of the lots, Sams never considered him a suspect and never even bothered to interview him during the course of his "investigation." Sams told the Grand Jury that he believed that he did interview the director; however, the director testified that no such interview ever occurred. The director's testimony was corroborated by the fact that there was no

record of any interview with him in Sams' investigative file, which was provided to the Grand Jury during the course of this investigation.

On April 3, 2023, Russo approved the filing of criminal charges against Belding and Grimm. The charges included the following violations of the Pennsylvania Election Code and the Pennsylvania Crimes Code: failure to perform duty, 25 P.S. § 3548 (four counts); hindering performance of duty, 25 P.S. § 3549 (four counts); violation of any provision, 25 P.S. § 3550 (four counts); and, official oppression, 18 Pa.C.S. § 5301 (four counts). Sams filed a five-page affidavit of probable cause to support each criminal complaint. The affidavits only contained approximately one page of facts, while the remaining four pages consisted of descriptions of the Election Code statutes and Sams' interpretation and application of those legal standards. It was not clear from the complaint which particular facts arguably supported each charged crime, but it was clear that the basis for the criminal charges was as follows: 1) Belding was the only member of the election board; 2) A second casting of the lots was held; and, 3) Grimm, as the county's solicitor, failed to "speak out and/or advise against the violations of the Elections Code." The affidavits never explained why Grimm faced the same charges as Belding, or how Grimm appeared to be responsible for the acts of the Elections Director and Belding.

In the affidavits, Sams averred that he spoke with Deputy Chief Counsel John Hartzell from the Pennsylvania Department of State, who stated that according to case law, "the penalties associated with the Election Code have a strict liability." A strict liability crime is one in which there is no requirement to prove intent on the part of the defendant. Hartzell appeared and testified before the Grand Jury. Hartzell stated that he had several telephone conversations with Sams and members of the Greene County District Attorney's Office, including Russo. Hartzell testified that Sams and others wanted to repeatedly talk about potential criminal charges, but that he had urged

them to seek other solutions including civil process, which was the typical avenue to pursue resolution of these types of issues. Hartzell was shocked to find out that he was referenced in the affidavits of probable cause and that he was relied on for a decision on criminal charges.

In his appearance before the Grand Jury, Cross testified that he recalled one specific telephone call in which Russo was trying to get Hartzell to agree that criminal charges were appropriate. Sams testified that Hartzell did not tell them what to do and advised that the District Attorney would ultimately have to make any decisions on the law. Cross indicated that he informed Russo that he did not agree with the assessment that the crimes were strict liability offenses.

A review of all the charges that Russo and Sams brought against Belding and Grimm revealed that most of the criminal charges contained clear *mens rea* requirements within their very definition, *i.e.* willfully, intentionally, knowing. Regardless of what Hartzell may or may not have said, the majority of the charges were clearly not strict liability crimes as defined.

On April 5, 2023, only after filing the charges and publicly embarrassing Belding and Grimm, Russo suddenly acknowledged that the District Attorney's Office had a conflict of interest and referred the matter to the OAG. Once the OAG opened its investigation, agents interviewed Russo. Russo explained that he was upset that he was automatically placed at the bottom of the ballot for refusing to draw a lot at the second casting of the lots. None of the objecting candidates filed a civil lawsuit to challenge the re-casting. When agents asked Russo why he never filed a civil lawsuit, Russo asked to go "off the record" and informed agents he did not have the funds to file a lawsuit.

At the end of March/beginning of April 2023, after completing its investigation into the matter, which included interviews of Sams, the Election Director, Belding, Grimm, and another

county employee and retrieving emails from county officials, the OAG withdrew all charges against Belding and Grimm as there was no evidence to support criminal charges.

After reviewing the criminal complaint, Sams' investigative file, and independent investigation by OAG agents, and hearing testimony from multiple witnesses, the Grand Jury finds that there was no legal or factual basis to file any charges against Belding or Grimm. It is a well-known tenet of our criminal justice system that individuals should not be charged with crimes unless there is sufficient probable cause and basis to do so. It is important to make it emphatically clear that there is no evidence that either of these individuals performed criminal acts. The facts used by Russo to support these charges arose from the Greene County Elections Department having to re-do the casting of lots because of procedural oversights regarding prior public notice as to the date the lots were to be cast and Belding being the sole member of the Elections Board at the time.<sup>5</sup> Neither of these were the fault of either Belding or Grimm, nor were these criminal acts themselves. There was no substantive investigation done by Russo or Sams, nor was any legitimate effort made to determine if any evidence of criminal conduct existed. The Grand Jury finds that the charges were the result of Russo's and Sams' apparent intention to find any means necessary to charge Belding and Grimm with a crime, evidenced from their previous audit release investigation detailed above, their obvious conflict of interest, and the utter lack of a thorough investigation.

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<sup>5</sup> The Board of Elections should be comprised of three members, but two of the members had conflicts for this election. As such, the Board was down to one member: Belding. Had Sams attempted to make legitimate inquiries and investigation as to the circumstances of why there was only one member of the Board, he would have discovered that election officials had been attempting to get the President Judge to make appointments to the elections board to fill the empty positions.