

Commonwealth of Pennsylvania



APPLICATION FOR SEARCH WARRANT AND AUTHORIZATION

COUNTY OF LANCASTER

Docket Number (Issuing Authority): MD-181-03

Police Incident Number: J5-1004865

Warrant Control Number: J5-1004865

Trooper Douglas Burig

PA State Police-Lancaster

717-299-7650

12/04/03

AFFIANT NAME AGENCY PHONE NUMBER DATE OF APPLICATION

IDENTIFY ITEMS TO BE SEARCHED FOR AND SEIZED (Be as specific as possible):

Any and all: blood, bodily fluids, hairs, fibers, latent prints, any weapons or implements capable of piercing or causing injury to a human body, any documents, documents related to the identification of the victim, documents related to the owner or occupant of the vehicle, United States Currency, cell phones and related equipment, contraband, fruits of any crime.

SPECIFIC DESCRIPTION OF PREMISES AND/OR PERSON TO BE SEARCHED (Street and No., Apt. No., Vehicle, Safe Deposit Box, etc.):

A vehicle located on the property of 1439 Dry Tavern Road, Brecknock Township, Lancaster County. The vehicle is described as: 2003 Honda Accord EX, Silver in color, bearing Maryland Registration UNC-0011, Vin# JHMCG5555XC058820.

NAME OF OWNER, OCCUPANT OR POSSESSOR OF SAID PREMISES TO BE SEARCHED (If proper name is unknown, give alias and/or description):

Owner- Jonathan Paul LUNA- 6625 US 101 West Lombard ST. Baltimore MD

VIOLATION OF (Describe conduct or specify statute):

Criminal Homicide Title 18/ 2501

DATE(S) OF VIOLATION:

12/03/03-12/04/03

[X] Warrant Application Approved by District Attorney - DA File No. [Signature] (If DA approval required per Pa.R.Crim.P. 201(f) with assigned File No. per Pa.R.Crim.P. 507)

[ ] Additional Pages Attached (Other than Affidavit of Probable Cause)

[X] Probable Cause Affidavit(s) MUST be attached (unless sealed below) Total number of pages: 1

TOTAL NUMBER OF PAGES IS SUM OF ALL APPLICATION, PROBABLE CAUSE AND CONTINUATION PAGES EVEN IF ANY OF THE PAGES ARE SEALED.

The below named Affiant, being duly sworn (or affirmed) before the Issuing Authority according to law, deposes and says that there is probable cause to believe that certain property is evidence of or the fruit of a crime or is contraband or is unlawfully possessed or is otherwise subject to seizure, and is located at the particular premises or in the possession of the particular person as described above.

[Signature] 12/04/03 2099 Lincoln Highway East Lancaster PA 17602 7673

Signature of Affiant

Agency or Address if private Affiant

Badge Number

Sworn to and subscribed before me this 4th day of DEC, 2003. Mag. Dist. No. 02-3-06

[Signature] 745 B EAST MAIN ST. NEW HOLLAND, PA 17557

Signature of Issuing Authority

Office Address

SEARCH WARRANT TO LAW ENFORCEMENT OFFICER:

WHEREAS, facts have been sworn to or affirmed before me by written affidavit(s) attached hereto from which I have found probable cause, I do authorize you to search the premises or person described, and to seize, secure, inventory and make return according to the Pennsylvania Rules of Criminal Procedure.

[X] This Warrant shall be served as soon as practicable and shall be served only between the hours of 6AM to 10PM but in no event later than:\*

[ ] This Warrant shall be served as soon as practicable and may be served any time during the day or night but in no event later than: \*\*

12:20 P.M., o'clock DEC 6, 2003

\* The issuing authority should specify a date not later than two (2) days after issuance. Pa.R.Crim.P. 205(4).

\*\* If the issuing authority finds reasonable cause for issuing a nighttime warrant on the basis of additional reasonable cause set forth in the accompanying affidavit(s) and wishes to issue a nighttime warrant, then this block shall be checked. Pa.R.Crim.P. 206(7).

Issued under my hand this 4th day of DEC 2003 at 12:20 P.M., o'clock.

[Signature] 02-3-06 JAN 2006 (SEAL)

Signature of Issuing Authority

Mag. Dist. or Judicial Dist. No.

Date Commission Expires:

Title of Issuing Authority: [X] District Justice [ ] Common Pleas Judge [ ]

[ ] For good cause stated in the affidavit(s) the Search Warrant Affidavit(s) are sealed for days by my certification and signature. (Pa.R.Crim.P. 211)

Signature of Issuing Authority (Judge of the Court of Common Pleas or Appellate Court Justice or Judge) (Date) (SEAL)

TO BE COMPLETED BY THE ISSUING AUTHORITY



COUNTY OF LANCASTER

Docket Number (Issuing Authority):

Police Incident Number: J5-1004865

Warrant Control Number: J5-1004865

PROBABLE CAUSE BELIEF IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES:

1. Your affiant is a member of the Pennsylvania State Police assigned to the criminal investigation unit at the Lancaster Barracks. Your affiant has been employed by the State Police for approximately nine years and has underwent a detailed course of instruction in various aspects of criminal investigations. Your affiant has conducted numerous investigations resulting in the arrest and conviction of those accused. Your affiant has applied for and received approval of search warrant applications during the course of those investigations.
2. On 12/04/03 at approximately 0530 Hours, Daniel GEHMAN- an adult male, contacted the Pennsylvania State Police Ephrata barracks via telephone. GEHMAN related he is an employee of Sensenig and Weaver Well Drilling located at 1439 Dry Tavern Road, Brecknock Township, Lancaster County, PA. GEHMAN related he observed a silver colored vehicle on the company property which was partially in a creek. GEHMAN related there did not appear to be anyone around the vehicle.
3. On 12/04/03 at approximately 0545 hours, Patrol Unit Troopers James FASSNACHT and Keith NOLL from the Pennsylvania State Police- Ephrata Barracks arrived at Sensenig and Weaver Well Drilling. Trooper FASSNACHT observed a silver colored Honda Accord with its front wheels and engine compartment over the edge of a creek embankment on the Northern side of the company property. Trooper FASSNACHT related the vehicle was bearing Maryland registration plate UNC 0011. Trooper FASSNACHT observed what appeared to be blood smeared on the drivers' side door and left front fender of the vehicle. Trooper FASSNACHT observed what appeared to be a large pool of blood on right rear passenger floor board of the vehicle. Trooper FASSNACHT also observed numerous bills of United States currency scattered throughout the interior of the vehicle and cell phone equipment. Trooper FASSNACHT observed the vehicle was running and had no apparent exterior or interior damage consistent with a vehicle collision.
4. Trooper FASSNACHT examined the rest of the scene. Trooper FASSNACHT observed the body of a deceased adult African American male lying face down in the creek in close proximity to the front wheels and undercarriage of the Honda Accord. The male was attired in a business suit.
5. A query of the Maryland Department of Motor vehicles computerized vehicle records revealed the Honda Accord was registered to Jonathan Paul LUNA of 6625 US 101 West Lombard ST. Baltimore MD 21201.
6. On 12/04/03 at 0805 hours, Lancaster County Coroner Dr. Barry WALP declared the victim deceased at the scene.
7. On 12/04/03 at approximately 1100 hours, Lancaster County Forensic Pathologist Dr. Wayne ROSS examined the victim at the scene and observed a traumatic wound to the right side of the victim's head.
8. Based on the above information, your affiant respectfully requests approval of the search warrant application for the previously listed vehicle. The search and any evidence located will be utilized to further a Pennsylvania State Police Investigation.

I, THE AFFIANT, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

	12-4-03		12-4-03 (SEAL)
Affiant Signature	Date	Issuing Authority Signature	Date
Page 2 of 2 Pages			