

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: ALLEGHENY



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA
VS.

MDJ: Hon. BLAISE LAROTONDA
Magisterial District Number: 05-2-19
Address: 680 WASHINGTON ROAD
PITTSBURGH, PA 15228

DEFENDANT: (NAME and ADDRESS):
ETHAN JOSEPH KOZAK
First Name Middle Name Last Name Gen.
3443 PARKVIEW AVE PITTSBURGH, PA 15213

Phone: 412.561.4415

NCIC Extradition Code Type: _____
Felony - No Extradition
Distance: _____

CR

DEFENDANT IDENTIFICATION INFORMATION

| | | | | |
|----------------------------|-----------------------|-----------------------------------|---------------------------------------|---|
| Docket Number 193-19 | Date Filed 7/13/19 | OTN/LiveScan Number G 843305-1 | Complaint/Incident Number 20191002 | Request Lab Services? <input type="checkbox"/> Yes |
| GENDER MALE | DOB 07/08/1999 | POB | Add'l DOB | Co-Defendant(s) <input type="checkbox"/> |
| RACE WHITE | First Name | | Middle Name | Last Name Gen. |
| ETHNICITY | AKA | | | |
| HAIR COLOR BRO (BROWN) | | EYE COLOR BRO (BROWN) | | |
| DNA | DNA Location | | WEIGHT (lbs) 170 | |
| FBI Number | VIN Number | | HEIGHT (in) 5 08 | |
| Defendant Fingerprinted | | | | |
| Fingerprint Classification | | | | |

DEFENDANT VEHICLE INFORMATION

| | | | | | | | |
|---------|-------|--------|-----------------------------|------------------|-------------|---------------------|---|
| Plate # | State | Hazmat | Registration Sticker (MMYY) | Comm'l Veh. Ind. | School Veh. | 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, TY KEGARISE (Name of the Affiant) 43132 (PSP/MP/ETC - Assigned Affiant ID Number & Badge #)
of MT. LEBANON TOWNSHIP PA0024700 (Police Agency ORI Number)
(Identify Department or Agency Represented and Political Subdivision)
do hereby state: (check appropriate box)

1. X 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 109 MT LEBANON TWP
(Subdivision Code) (Place-Political Subdivision)

In Allegheny County 02 on or about 06/25/2019 8:00
(County Code)

2019 JUL 13 PM 04:49
RECEIVED



POLICE CRIMINAL COMPLAINT

| | | | |
|----------------|-----------------|-----------------------------------|---------------------------------------|
| Docket Number: | Date Filed: | OTN/LiveScan Number G 843305-1 | Complaint/Incident Number 20191002 |
| Defendant Name | First: ETHAN | Middle: JOSEPH | Last: KOZAK |

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. 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 | | | | | |
| X | 2710 | A | of the 18 | 1 | F3 | | | |
| Lead? | Offense# | Section | Subsection | PA Statute (Title) | Counts | Grade | NCIC Offense Code | UCR/NIBRS Code |
| PennDOT Data (if applicable) | Accident Number | | | <input type="checkbox"/> Safety Zone | <input type="checkbox"/> Work Zone | | | |
| Statute Description/Acts of the accused associated with this Offense: | | | | | | | | |
| 18 2710A ETHNIC INTIMIDATION F3 1 COUNT | | | | | | | | |
| The actor with malicious intention toward the actual or perceived race, color, religion, national origin of another individual or group of individuals, namely, DONALD MATTHEWS JR committed the offense of TERRORISTIC THREATS with respect to such individual(s) or his or her property or with respect to one or more members of such group or their property, in violation of 18 Pa. C.S. §2710 (a). | | | | | | | | |

| | | | | | | | | |
|--|---|--|--|--------------------------------------|------------------------------------|-------|-------------------|----------------|
| <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 | | | | | |
| | 2706 | A1 | of the 18 | 1 | M1 | | | |
| Lead? | Offense# | Section | Subsection | PA Statute (Title) | Counts | Grade | NCIC Offense Code | UCR/NIBRS Code |
| PennDOT Data (if applicable) | Accident Number | | | <input type="checkbox"/> Safety Zone | <input type="checkbox"/> Work Zone | | | |
| Statute Description/Acts of the accused associated with this Offense: | | | | | | | | |
| 18 2706A1 TERRORISTIC THREATS M1 1 COUNT | | | | | | | | |
| The actor communicated a threat, either directly or indirectly, to commit a crime of violence with the intent to terrorize DONALD MATTHEWS JR, in violation of Section 18 Pa.C.S. §2706(a)(1). | | | | | | | | |



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| Defendant Name: | First: ETHAN | Middle: JOSEPH | Last: KOZAK |

| | | | | | | | | | |
|---|--|---|---|--------------------------------------|------------------------------------|---|----|--|--|
| <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 | | | | | | |
| Lead? | 3 | 2709 | A4 | of the | 18 | 1 | M3 | | |
| PennDOT Data (if applicable) | Accident Number | | | <input type="checkbox"/> Safety Zone | <input type="checkbox"/> Work Zone | | | | |

Statute Description/Acts of the accused associated with this Offense:

18 2709A4 HARASSMENT M3 1 COUNT

The actor, with the intent to harass, annoy or alarm COLLIN WELLING, communicated to or about that person lewd, lascivious, threatening or obscene words, language, drawings or caricatures, and/or communicated repeatedly in an anonymous manner and/or communicated repeatedly at extremely inconvenient hours and/or communicated repeatedly in another manner in violation of 18 Pa. C.S. §2709(a) (4),(5),(6) or (7).



POLICE CRIMINAL COMPLAINT

| | | | |
|----------------|-----------------|-----------------------------------|---------------------------------------|
| Docket Number: | Date Filed: | OTN/LiveScan Number G 843305-1 | Complaint/Incident Number 20191902 |
| Defendant Name | First: ETHAN | Middle: JOSEPH | Last: KOZAK |

- 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 P.A.C.S. §4904) relating to unsworn falsification to authorities.
- This complaint is comprised 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.)

_____ 7/13/2015 _____
 (Date) (Signature of Affiant)

AND NOW, on this date 7/13/19 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.

05-0-03 _____
 (Magisterial District Court Number) (Issuing Authority)

SEAL



POLICE CRIMINAL COMPLAINT

| | | | |
|----------------|-----------------|-----------------------------------|---------------------------------------|
| Docket Number: | Date Filed: | OTN/LiveScan Number G 843305-1 | Complaint/Incident Number 20191002 |
| Defendant Name | First: ETHAN | Middle: JOSEPH | Last: KOZAK |

AFFIDAVIT of PROBABLE CAUSE

1. WHEN:

- a) Date when Affiant received information:
6/25/2019
- b) Date when the source of information (Police Officers, Informant, Victim, Co-Defendant, Defendant, etc.) received information:
6/29/2019

2. HOW:

- a) How Affiant knows this particular person committed crime: (personal observation, defendant's admissions, etc.):
Victim statements, screenshot evidence
- b) How the source of information knows this particular person committed the crime:
Victim statements, screenshot evidence
- c) How both Affiant and/or source of information knows that a particular crime has been committed:
Victim statements, screenshot evidence

3. WHAT CRIMES:

18 2706 A1 TERRORISTIC THREATS
 18 2709 A4 HARASSMENT
 18 2710 A ETHNIC INTIMIDATION

4. WHERE CRIME(S) COMMITTED:

837 ROCKWOOD AVENUE, 126 PIPER DRIVE

5. WHY AFFIANT BELIEVES THE SOURCE OF INFORMATION:

- X Source is presumed reliable, i.e. other Police Officer, Eyewitness, Victim of Crime, etc.
 Source has given information in the past which has led to arrest and/or conviction
 Defendant's reputation for criminal activity
 This source made declaration against his/her penal interest to the above offense
- X Affiant and/or other Police Officers corroborated details of the information



POLICE CRIMINAL COMPLAINT

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| Defendant Name | First ETHAN | Middle: JOSEPH | Last: KOZAK |

The affiant is a police officer employed by the Municipality of Mt. Lebanon, in the Commonwealth of Pennsylvania, currently assigned to the Patrol Services Unit. As such, affiant is empowered by law to conduct official investigations and make arrests for offenses, to include those enumerated in the Pennsylvania "Crimes Code", 18 PA. C.S.; "The Controlled Substance, Drug Device and Cosmetic Act", 35 P.S.; "Vehicle Code", 75 PA. C.S. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other officers and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the arrest of Ethan KOZAK and does not set forth all of my knowledge about this matter.

On Saturday, 29 June 2019 at approximately 1200 hours, I was dispatched to 126 Piper Drive for a male receiving threatening text messages from a former friend. Upon arrival, I made contact with Collin WELLING. WELLING advised that his former friend, Ethan KOZAK, has been sending him threatening messages and Snapchats for the past several weeks. WELLING stated that KOZAK has not been acting normal and has been constantly arguing with him and several of his close friends, including Donald MATTHEWS JR (DJ). WELLING stated that he believes KOZAK needs help, but he has refused it in the past. WELLING further related that KOZAK abuses cocaine and that often exacerbates his erratic behavior.

WELLING stated that KOZAK has referenced having a H&K AR rifle and even sent him a photograph of the rifle with a loaded magazine. WELLING showed me text messages and Snapchat messages of the conversation between him and KOZAK. I took photographs of the messages using the District 3 patrol phone and uploaded them to the MLPD database. In the messages, KOZAK mentions shooting/stabbing anyone that comes to his house. KOZAK also stated, "David mentioned my dying father. So I'll kill that nigger when I see him," and "keep my name out my mouth cuz pretty soon imma run down on you." WELLING stated that KOZAK has directed most of his anger towards DJ and David and he has mostly been caught in the middle of it. WELLING stated that KOZAK took issue with him when he stood up for DJ after KOZAK used racial slurs directed at DJ. I took photographs of the messages and Snapchats and uploaded them to the MLPD database.

At approximately 1600 hours, I made contact with DJ, via phone. I advised DJ that WELLING contacted the MLPD regarding threatening messages being sent to him from KOZAK. DJ stated that he was aware and related the following information. DJ stated that he and KOZAK were friends, but he has distanced himself from KOZAK due to his irrational and erratic behavior. DJ stated that KOZAK needs intervention for an ongoing drug issue and underlying mental health conditions that have been untreated. DJ stated that on Tuesday, 25 June 2019 he began receiving messages from KOZAK that were threatening. In the messages, KOZAK uses multiple racial slurs ("nigger", "Fucking cotton pickers", "jigga boo") and mentions owning a rifle and ammunition ("30 fmj slugs in my rifle"). KOZAK provided his address to DJ several times and also threatened to "cap" him if he showed up at his home ("Then I get legally shoot your nigger ass just like George Zimmerman")

Based on the aforementioned facts and circumstances, I respectfully request that an arrest warrant be issued for Ethan KOZAK for the following offenses:

- PACC 2710(a) - Ethnic Intimidation (F3)
- PACC 2706(a)(1) - Terroristic Threats (M1)
- PACC 2709(a)(4) - Harassment (M3)



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| Defendant Name | First ETHAN | Middle: JOSEPH | Last: KOZAK |

I, TY KEGARISE, 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.

Ty Kegarse
1151

(Signature of Affiant)

Sworn to me and subscribed before me this 13th day of July, 2019
7/13/19 Date *Oscar J. Petocz*, Magisterial District Judge

My commission expires first Monday of January, 2020

