COMMONWEALTH OF PENNSYLVANIA COUNTY OF:CARBON				POLICE CRIMINAL COMPLAINT								
Magisterial District Number: 56-3-02					COMMONWEALTH OF PENNSYLVANIA VS.							
MDJ: Hon. William J. Kessner					DEFENDANT: (NAME and ADDRESS):			SSE				
Address: 401 Delaware Avenue					BRENT			ROE	BERT	GETZ	00).	
2 <sup>nd</sup> F	loor				First Name		· · ·		le Name	Last Na	me	Ge
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Office of the at	torney for the	e Commoi	nwealth	Д App	roved 🗆 Dis	approve	d becaus	se:				
(The attorney for the to filing. See Pa.R	ne Commonwes	lth may requ	uire that th	ne compla	int, arrest warran	affidavit,	or both be	approv	ed by the atl	torney for the	Commonwea	alth prior
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(Name of the attorne)	for the Common	wealth)			(Signature of the a	ttorney for	the Commo	nwealth)	1			ate)
I, SEAN M. MCGLINN 572												
(Name of the Affiant)  (PSP/MPOETC -Assigned Affiant ID Number & Badge #												
of Pennsylvania Office of Attorney General PA0222400 (Identify Department or Agency Represented and Political Subdivision) (Police Agency ORI Number)												
(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												
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☐ 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												
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in CARBO	IN County	·	L <u>31</u>		on or ab <u>o</u> u	ıt 2005	IHKOU	UH M	IAY, 2012	<u></u>		
(County Code)												

POLICE CRIMINAL COMPLAINT Docket Number: Date Filed: OTN/LiveScan Number Complaint/Incident Number VSEPU. 63-451 Middle: Last: **Defendant Name:** BRENT ROBERT **GETZ** 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.) Inchoate ☐ Attempt ☐ Solicitation □ Conspiracy Number of Victims Age 60 or Older Offense 18 901 A 18 902 A 18 903 1 3121 C of the 18 PA CSA 1 F1 Offense **NCIC Offense** Lead? Section Subsection PA Statute (Title) Grade UCR/NIBRS Code Counts Code PennDOT Data Accident Number ☐ Interstate ☐ Safety Zone ☐ Work Zone (if applicable) Statute Description (include the name of statute or ordinance): RAPE OF A CHLD Acts of the accused associated with this Offense: The Defendant engaged in sexual intercourse with a complainant who was less than 13 years of age, to wit: The defendant, on numerous occassions spanning the years of 2006 through 2012, did engage in sexual intercourse with the complainant who was aged six years through eleven years. Inchoate ☐ Attempt ☐ Solicitation □ Conspiracy Number of Victims Age 60 or Older 18 901 A 18 903 Offense 18 902 A of the 903/3121 18 PA CSA 1 F1 a1 NCIC Offense Lead? Offense# Section PA Statute (Title) Subsection Counts Grade **UCR/NIBRS Code** Code PennDOT Data Accident Number ☐ Interstate ☐ Safety Zone ☐ Work Zone (if applicable) Statute Description (include the name of statute or ordinance): CONSPIRACY - RAPE OF A CHILD Acts of the accused associated with this Offense: The Defendant, with the intent of promoting or facilitating its commission, did agree with another person that they or one or more of them would engage in conduct which constitutes a crime or an attempt or solicitation to commit said crime, to wit: The defendant, with the intent of promoting or facilitating its commission, did agree with Gregory Wagner, that he or they or one of them would engage in the rape of a child, the complaintant who was aged 6 through 11 years at the time of the commission of the offense. Inchoate ☐ Solicitation □ Conspiracy ☐ Attempt Number of Victims Age 60 or Older

Offense

Lead?

3

Offense#

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(if applicable)

18 901 A

3123

Section

Accident

Number

anus, with the complainant who was aged six years through eleven years of age.

18 902 A

Subsection

18 903

18 PA CSA

Statute Description (include the name of statute or ordinance): INVOLUNTARY DEVIATE SEXUAL INTERCOURSE WITH A CHILD

Acts of the accused associated with this Offense: The Defendant engaged in deviate sexual intercourse with a complainant who is less than 13 years of age, to wit: The defendant on numerous occasions spanning the years 2006 through 2012, did engage in deviate sexual intercourse, per os and per

PA Statute (Title)

F1

Grade

**NCIC Offense Code** 

☐ Safety Zone

Counts

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of the

UCR/NIBRS Code

☐ Work Zone

POLICE CRIMINAL COMPLAINT QTN/LiveScan Number 2 Docket Number: Date Filed: Complaint/Incident Number 192240-196/ 19 63-451 First: Middle: Last: **Defendant Name: BRENT** ROBERT **GETZ** Inchoate ☐ Attempt ☐ Solicitation Number of Victims Age 60 or Older 18 902 A Offense 18 901 A 18 903 903/3123 of the **A1** 18 PA CSA 1 F1 Lead? Offense# Section Subsection PA Statute (Title) Counts Grade **NCIC Offense Code** UCR/NIBRS Code PennDOT Data Accident ☐ Interstate ☐ Safety Zone ☐ Work Zone Number (if applicable) Statute Description (include the name of statute or ordinance): CONSPIRACY - INVOLUNTARY DEVIATE SEXUAL INTERCOURSE WITH A CHILD Acts of the accused associated with this Offense: The Defendant, with the intent of promoting or facilitating its commission, did agree with another person that they or one or more of them would engage in conduct which constitutes a crime or an attempt or solicitation to commit said crime, to wit: The defendant, with the intent of promoting or facilitating its commission, did agree with Gregory Wagner, that he or they or one of them would engage in the involuntary deviate sexual intercourse of a child, the complaintant who was aged 6 through 11 years at the time of the commission of the offense. Inchoate ☐ Attempt ☐ Solicitation ☐ Conspiracy Number of Victims Age 60 or Older Offense 18 901 A 18 902 A 18 903 П 3125 of the 18 PA CSA F1 Lead? Offense# Section Subsection PA Statute (Title) Counts Grade NCIC Offense Code UCR/NIBRS Code PennDOT Data Accident ☐ Interstate ☐ Safety Zone ☐ Work Zone (if applicable) Number Statute Description (include the name of statute or ordinance): AGGRAVATED INDECENT ASSAULT OF A CHILD Acts of the accused associated with this Offense: The Defendant engaged in penetration, however slight, of the genitals or anus of a complainant who was less than 13 years of age, with a part of the person's body for any purpose other than good faith medical, hygenic or law enforcement procedures, to wit: The defendant on numerous occassions spanning the years 2006 through 2012, did engage in aggravated indecent assault by digitally penetrating the complainants vagina. The complainant was six years through eleven years of age.

Offen		Attempt 18 901 A	☐ Solicitation 18 902 A	Conspiracy 18 903	Numt	er of Victims	Age 60 or Older	
	6	903/3125	A1	of the 18 PA CSA	1	F1		
Lead?	Offense#	Section	Subsection	PA Statute (T	itle) Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
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Statute	Descript	ion (include th	e name of statu	te or ordinance): <b>con</b>	SPIRACY - AGG	RAVATED IN	DECENT ASSAULT OF	F CHILD

Acts of the accused associated with this Offense: The Defendant, with the intent of promoting or facilitating its commission, did agree with another person that they or one or more of them would engage in conduct which constitutes a crime or an attempt or solicitation to commit said crime, to wit: The defendant, with the intent of promoting or facilitating its commission, did agree with Gregory Wagner, that he or they or one of them would engage in the aggravated indecnet assault of a child, the complaintant was aged 6 through 11 years at the time of the commission of the offense.

POLICE CRIMINAL COMPLAINT Docket Number: Date Filed: OTN/LiveScan Number Complaint/Incident Number 26/19 63-451 Middle: Last: **Defendant Name: BRENT** ROBERT **GETZ** Inchoate ☐ Attempt ☐ Solicitation ☐ Conspiracy Number of Victims Age 60 or Older Offense 18 901 A 18 902 A 18 903 7 3126 Α7 of the 18 PA CSA F3 Lead? Offense# Section Subsection PA Statute (Title) Counts Grade **NCIC Offense Code** UCR/NIBRS Code PennDOT Data Accident ☐ Interstate ☐ Safety Zone (if applicable) Number ☐ Work Zone Statute Description (include the name of statute or ordinance): INDECENT ASSAULT Acts of the accused associated with this Offense: The Defendant did have indecent contact with the complainant, caused the complainant to have indecent contact with the person or intentionally caused the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or complainant, and; the complainant is less than 13 years of age, to wit: The Defendant, on numerous occassions spanning the years 2006 through 2012, did engage in indecent assault of the complainant, who was six through eleven years of age, by touching her breasts, buttocks and groin. Inchoate ☐ Attempt ☐ Solicitation ☐ Conspiracy Number of Victims Age 60 or Older Offense 18 901 A 18 902 A 18 903 of the Lead? Offense# Section Subsection PA Statute (Title) Counts Grade NCIC Offense Code UCR/NIBRS Code PennDOT Data Accident ☐ Interstate (if applicable) Number ☐ Safety Zone ☐ Work Zone Statute Description (include the name of statute or ordinance): Acts of the accused associated with this Offense: Inchoate ☐ Attempt ☐ Solicitation ☐ Conspiracy Number of Victims Age 60 or Older Offense 18 901 A 18 902 A 18 903 of the Lead? Offense# Section Subsection PA Statute (Title) Counts Grade **NCIC Offense Code** UCR/NIBRS Code PennDOT Data Accident ☐ Interstate ☐ Safety Zone ☐ Work Zone (if applicable) Number Statute Description (include the name of statute or ordinance): Acts of the accused associated with this Offense:

•			POLICE CRIMINAL COMPLAIN
Docket Number:	Date Filed:	OTN/LiveScan Number	
- CX - WO   - 1	5 #@/ 19     First:	Middle:	-3   63-451   Last:
Defendant Name:	BRENT	ROBERT	GETZ
I ask that a warra     made.	int of arrest or a summ	ons be issued and that the	defendant be required to answer the charges I have
belief. This verifi	acts set forth in this cor cation is made subject cation to authorities.	mplaint are true and correct to the penalties of Section	to the best of my knowledge or information and 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating
4. This complaint co	onsists of the preceding	g page(s) numbered <u>1</u> throu	gh
<ol><li>I certify that this f System of Pennsy information and do</li></ol>	<i>Ivania</i> that require filin	provisions of the <i>Case Rec</i> g confidential information a	ords Public Access Policy of the Unified Judicial and documents differently that non-confidential
of Pennsylvania and	i were contrary to the <i>i</i> of arrest can be issue	Act(s) of the Assembly, or in	inst the peace and dignity of the Commonwealth violation of the statutes cited. cause must be completed, sworn to before the
(Date) Much	26	Year) 2019	(Signature of Affiant)
AND NOW, on this dat		-19 I certify that	the complaint has been properly completed and verified.
An affidavit of probable	cause must be complet	ed before a warrant can be iss	ued.
Magisterial District Co	3.02	(Issuing Authority)	1/2

POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed:	OTN/LiveScan Number	Complaint/Incident Number
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Defendant Name:	I II 5 L.	iviluale.	Last:
Deteriorit Name.	BRENT	ROBERT	GETZ
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## **AFFIDAVIT of PROBABLE CAUSE**

Your affiant is Sean M. McGlinn, a Special Agent with the Pennsylvania Office of the Attorney General, Bureau of Criminal Investigation, Norristown, PA being duly sworn according to law deposes and says:

On 5/10/2012, ChildLine, Children and Youth Services (CYS), Carbon County, received a complaint that a child, the complainant, an eleven year old child, reported that when left alone with her uncle, Greg WAGNER, Jr., he touches her breasts and bottom and the child is afraid to go home.

As a result of CYS receiving this report, CYS notified the local police department, Franklin Township. Police Officer Franklin Lorah, the on-duty Franklin Township police officer at the time of the report, made arrangements for the child to be interviewed by the Children's Advocacy Center (CAC) in Scranton, PA.

On 5/16/2012, the complainant was interviewed at the CAC on video by Kristen Cashuric-Fetchco, a forensic interviewer. During this interview, the complainant stated that her uncle, Greg WAGNER, Jr., on multiple occasions, has touched her breasts, vagina and buttocks with his hands. Additionally, he has removed his own clothing and rubbed his groin area, which she describes on the video by demonstrating the area with her hands, on her breasts. The complainant, when asked by the interviewer, states that the contact was on her skin and not inside her. She also stated that her uncle, WAGNER, offered her five dollars to have sex with him, which she declined. He has also shown her pornography on his laptop computer, video that she describes as teenagers, with their clothes off, having sex.

Following her forensic interview, the complainant was taken to an examination area where she was given a physical examination by Sandra Federo C.R.N.P., Child Sexual Assault Nurse Examiner. During her interview with the complainant, the complainant disclosed to her that WAGNER also put his fingers into her vaginal area. She described this as painful and she had some bleeding after a few of the episodes. She reported WAGNER showed her pornography which depicted people having oral sex. WAGNER wanted her to perform oral sex on him and she did on more than one occasion. The child also described to the nurse that he would rub his penis on her vaginal area between the lips of the labia minora and this would cause burning when she urinated. The child reported that he did this on numerous occasions.

In her report that she completed as a result of her examination of the complainant, Federo states "I do not find it uncommon for a child not disclose the inappropriate oral contact during her forensic interview due to the fact that she was extremely embarrassed that she did that." In her remarks of Review of Symptoms she stated "GI: There is no history of diarrhea, constipation, or vomiting. There is a lengthy history of belly pain. GU: There is a history of urinary tract infections. There is a history of complaints of burning upon urination, especially after the coltus which she described to me". Federo concluded her remarks in the Procedure section with "Given her detailed disclosure of inappropriate sexual activity with this adult male occurring over the past several years, it is consistent with sexual abuse." "Many of the symptoms that (name redacted) experienced after this inappropriate touching is also consistent with inappropriate sexual contact and penetration of the vagina."

On 05/18/2012 Officer Lorah of the Franklin Township Police Department interviewed WAGNER at the Franklin Township Police office. WAGNER was advised of his rights, which he waived and submitted to questioning. After a few minutes WAGNER requested to stop his interview and speak with a lawyer. The officer does not have a written record of what was asked.



Docket Number:

Date Filed:

OTN/LiveScan Number

Complaint/Incident Number

63-451

Defendant Name:

Date Filed:

OTN/LiveScan Number

Complaint/Incident Number

63-451

Last:

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On 6/20/2013 Officer Lorah again questioned WAGNER at the Franklin Township Police office in the presence of his attorney. During the interview WAGNER denied ever having shown the complainant any pornography, asking the complainant to perform oral sex on him or showing her his genitals. When asked if he ever touched her breasts he replied "not in a sexual way".

Thereafter, the Carbon County District Attorney's Office referred this investigation to the PA Office of Attorney General in September 2018 (Getz) and January 2019 (Wagner).

The complainant, was interviewed inside the Nesquehoning Police Department interview room by your Affiant and Special Agent James Smith, on November 7, 2018 at 1:00PM. The Complainant stated the following:

In May, 2012, she told a substitute school teacher of her fifth grade class at Lehighton Area Middle School, who she believes is named Klein-Newton, that she had been raped by her uncle, Greg WAGNER. After she reported this, Children and Youth of Carbon County became involved.

The complainant stated that she had been repeatedly raped orally, vaginally and anally by both her uncle, Greg WAGNER and a co-defendant, Brent GETZ. She stated that it happened several times a week from approximately age four (4) through age eleven (11), ending shortly before the report in May, 2012. The complainant stated that WAGNER began his assaults when she was approximately four years old and WAGNER would come to her bedroom and take her to his bedroom. Wagner would touch the complainant's vagina and had her perform oral sex on him. The complainant stated that at approximately age six WAGNER began having vaginal and anal sex with her as well as GETZ becoming a participant in the rapes. GETZ was a friend of WAGNER's who participated in the assaults when he was at WAGNER's home. The rapes took place several times a month for approximately six years. Complainant stated that during the assaults WAGNER would have pornography on in his room.

A brief cell phone video was provided to your Affiant by way of text message, from a relative of the complainant. Complainant stated she took the video a few months after the initial complaint was made against WAGNER, because nobody believed her and she wanted to show people proof. She sent the video to her uncle, Jose Burgos Perez, who retained the video on his cell phone and then sent it to your Affiant in 2018. In the video, which was viewed by your Affiant, WAGNER had his computer tablet and was showing the complainant pornography so she decided to take a video of it with her cell phone to prove he was doing these things. The video depicts a white male, approximately early 20's, seated on a chair, canted to the view of the camera, with a computer tablet on his lap. The tablet appears to depict a video of two people engaged in a sexual act with what sounds like moaning in the background. The white male in the cell phone video, who the complainant identified as WAGNER, appears to be looking at the complainant and positioning the tablet so she can view the tablet video.

On March 26, 2019, a search warrant was executed at WAGNER's residence at 350 Union Hill Road, Lehighton, PA 18235. Agents obtained several electronic devices, including a cell phone from WAGNER. A preliminary review of the phone showed that numerous search terms indicative of child pornography searches were entered into "google."

WAGNER was read his Miranda warnings, waived his rights, and agreed to be interviewed by your Affiant. Your Affiant and SA James Smith interviewed WAGNER at the Franklin Township Police Department. WAGNER admitted to having sexual contact with the complainant on at least three occasions, including vaginal, oral and anal sexual intercourse. WAGNER also stated that on one occasion, Brent GETZ, also engaged in oral and anal sex with the complainant while WAGNER played video games in the room.

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Docket Number:	Date Filed:	OTN/LiveScan Numl		int/Incident Number
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Defendant Name:	First:	Middle:	Last:	
	BRENT	ROBERT	GETZ	
I, SEAN M. MCGLIN	IN, BEING DULY SWO	ORN ACCORDING TO THI	E LAW, DEPOSE AND	SAY THAT THE FACTS
SET FORTH IN THE INFORMATION AND	FOREGOING AFFID	AVIT ARE TRUE AND CO	RRECT TO THE BEST	OF MY KNOWLEDGE,
INFORMATION AND	J DELIEF.			
I CERTIFY THAT TH	IIS FILING COMPLIE	S WITH THE PROVISIONS	OF THE CASE RECO	RDS PUBLIC ACCESS
POLICY OF THE UN	IIFIED JUDICIAL SYS	STEM OF PENNSYLVANIA	THAT REQUIRE FILIN	G CONFIDENTIAL
INFORMATION AND	DOCUMENTS DIFF	ERENTLY THAT NON-CO	NFIDENTIAL INFORMA	TION AND DOCUMENTS.
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			(Signa	ature of Affiant)
Sworn to me and sub	scribed before me this	a 21 of day of	Marsh	2010
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3-210-19 Da	ite ///		—— Manisteri	al District Judge
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My commission expir	es first Monday of Jar	nuary/ 12224		
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