



VS.

MD 1182023

Magisterial District Number: 45-1-01

DEFENDANT:

(NAME and ADDRESS)

MDJ Hon. **GEORGE SEIG**
Address: **1 MAXSON DRIVE
OLD FORGE, PA 18518**

JUSTIN
First Name Middle Name Last Name Gen.
3 FOUNDRY ST
OLD FORGE, PA 18518

Telephone: 570-457-3320

NCIC Extradition Code Type

- 1 - Felony Full
- 2 - Felony Ltd.
- 3 - Felony Surrounding States
- 4 - Felony No Ext.
- 5 - Felony Pend.
- 6 - Felony Pend. Extradition Determ.
- A - Misdemeanor Full
- B - Misdemeanor Limited
- C - Misdemeanor Surrounding States
- D - Misdemeanor No Extradition
- E - Misdemeanor Pending
- F - Misdemeanor Pending Extradition Determ.

DEFENDANT IDENTIFICATION INFORMATION

Docket Number	Date Filed	OTN/LiveScan Number	Complaint Number	Incident Number	Request Lab Service? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
			PA0352800-C000005191	17-10012	
GENDER	DOB	POB	Add'l. DOB	Co-Defendants? <input type="checkbox"/>	
<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	01/07/1986			Gen.	
AKA	First Name	Middle Name	Last Name	Gen.	
RACE	<input checked="" type="checkbox"/> White		<input type="checkbox"/> Asian	<input type="checkbox"/> Black	<input type="checkbox"/> Native American
	<input type="checkbox"/> Hispanic		<input checked="" type="checkbox"/> Non-Hispanic	<input type="checkbox"/> Unknown	
ETHNICITY	<input type="checkbox"/> GRN (Green)		<input type="checkbox"/> Red (Red/Aubn)	<input type="checkbox"/> SDY (Sandy)	<input type="checkbox"/> BLU (Blue)
	<input type="checkbox"/> BKN (Black)		<input type="checkbox"/> Ong (Orange)	<input type="checkbox"/> WHI (White)	<input type="checkbox"/> XXX (Ink./Bald)
HAIR COLOR	<input type="checkbox"/> BLN (Blonde / Strawberry)		<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)
EYE COLOR	<input type="checkbox"/> BRO (Brown)		<input type="checkbox"/> GRN (Green)	<input type="checkbox"/> GRY (Gray)	<input type="checkbox"/> XXX (Unknown)
DNA	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	DNA Location		WEIGHT (lbs.)	
FBI Number		MNU Number		180	
Defendant Fingerprinted	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Ft. HEIGHT in.		
Fingerprint Classification			5		11

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 the complaint, arrest warrant affidavit, or both, be approved by the attorney for the Commonwealth prior to filing. See PA. R. Crim. P 507.)

M. P. Varela
DEPUTY DA SARA VARELA
(Name of the attorney for the Commonwealth - Please Print or Type)

Sara A. Varela
(Signature of the attorney for the Commonwealth)
3/31/23
(Date)

I, **DET. LISA BAUER / Det. Sheryl Turner / TROCK ALLEN**
(Name of the Affiant)
LACKAWANNA COUNTY DISTRICT ATTORNEY'S OFFICE
Of (Agency Department or Agency Represented and Political Subdivision)

2/12154 / 11/39827 /
PSP/MPOETC - Assigned Affiant ID Number & Badge #
PA0352800
(Police Agency ORI Number)

do hereby state:

- 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 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 [1] **LACKAWANNA COUNTY**
(Subdivision Code) (Political Subdivision)

511 S MAIN ST OLD FORGE
in LACKAWANNA County [35] on or about **01/25/2017 10:15 to 03/31/2023**
(County Code) (Offense Date)

Docket Number	Date Filed	OTN/LiveScan Number	Complaint Number PA0352800-C000005191	Incident Number 17-10012
Defendant Name		First JUSTIN	Middle	Last SCHUBACK

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 §§ 213. - 213.7.)

<input checked="" type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older <u>0</u>					
<input checked="" type="checkbox"/> Lead?	<u>1</u> Offense #	<u>2501</u> Section	<u>A</u> Subsection	<u>of the</u>	<u>18</u> PA Statute (Title)	<u>1</u> 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 (Include the name of statute or ordinance):
CRIMINAL HOMICIDE
 Acts of the accused associated with this Offense:
 CRIMINAL HOMICIDE - In that the said Justin F. Schuback, between January 25, 2017 and January 26, 2017, in the County of Lackawanna, did intentionally, knowingly, recklessly or negligently cause the death of another human being, to wit: Robert Scott Baron, in violation of Section 2501(a) of the Pennsylvania Crimes Code, as amended, 18 Pa.C.S. 2501(a).

<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 <u>0</u>					
<input type="checkbox"/> Lead?	<u>2</u> Offense #	<u>3701</u> Section	<u>A1I</u> Subsection	<u>of the</u>	<u>18</u> PA Statute (Title)	<u>1</u> Counts	<u>F2</u> 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 (Include the name of statute or ordinance):
Robbery-Inflict Serious Bodily Injury
 Acts of the accused associated with this Offense:
 ROBBERY - In that the said Justin F. Schuback, between January 25, 2017 and January 26, 2017, in the County of Lackawanna, did, in the course of committing a theft, inflict serious bodily injury upon Robert Scott Baron, violation of Section 3701(a)(1)(i) of the Pennsylvania Crimes Code, as amended, 18 Pa. C.S. 3701(a)(1)(i).

<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 <u>0</u>					
<input type="checkbox"/> Lead?	<u>3</u> Offense #	<u>3502</u> Section	<u>A1I</u> Subsection	<u>of the</u>	<u>18</u> PA Statute (Title)	<u>1</u> Counts	<u>F1</u> 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 (Include the name of statute or ordinance):
Burglary - Overnight Accommodations; Person Present
 Acts of the accused associated with this Offense:
 BURGLARY - In that the said Justin F. Schuback, between 01/25/2017 and 01/26/2017, in the County of Lackawanna, did, with the intent to commit a crime therein, enter a building or occupied structure, that is adapted for overnight accommodations in which at the time of the offense any person was present, and he did commit, attempt or threaten to commit a bodily injury crime therein to Robert Scott Baron, in violation of Section 3502(a)(1)(i) of the Pennsylvania Crimes Code, as amended, 18 Pa.C.S. 3502(a)(1)(i).

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Defendant Name		First JUSTIN	Middle	Last SCHUBACK

<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 <u>0</u>					
<input type="checkbox"/> Lead?	<u>4</u>	<u>3921</u>	<u>A</u>	of the <u>18</u>	<u>1</u>				
PennDOT Data (if applicable)	Accident Number		<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone					

Statute Description (Include the name of statute or ordinance):
Theft By Unlaw Taking-Movable Prop
 Acts of the accused associated with this Offense:
 THEFT BY UNLAWFUL TAKING OR DISPOSITION - In that the said Justin F. Schuback, between January 25, 2017 and January 26, 2017, in the County of Lackawanna, did unlawfully take or exercise control over movable property, to wit: Cash belonging to Robert Scott Baron, with the intent to deprive the owner thereof, in violation of Section 3921(a) of the Pennsylvania Crimes Code, Act of December 6, 1972, as amended, 18 Pa. C.S. 3921(a).

<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 <u>0</u>					
<input type="checkbox"/> Lead?	<u>5</u>	<u>5510</u>		of the <u>18</u>	<u>1</u>	<u>M2</u>			
PennDOT Data (if applicable)	Accident Number		<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone					

Statute Description (Include the name of statute or ordinance):
ABUSE OF CORPSE
 Acts of the accused associated with this Offense:
 ABUSE OF CORPSE - In that the said Justin F. Schuback, between January 25, 2017 and January 26, 2017, in the County of Lackawanna, who is not authorized by law, did treat a corpse in a way that he knew would outrage ordinary family sensibilities, by discarding the remains of the person of Robert Scott Baron in a wooded area, in violation of Section 5510 á of the Pennsylvania Crimes Code, as amended, 18 Pa.C.S. 5510. á

Docket Number	Date Filed	OTN/LiveScan Number	Complaint Number PA0352800-C000005191	Incident Number 17-10012
Defendant Name	First JUSTIN	Middle	Last SCHUBACK	

- 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.C. 4904) relating to unsworn falsification to authorities.
- This complaint is comprised of the preceding page(s) numbered 1 through 3.
- 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 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.)**

3-31, 2023
(Date)

Det. Devin Bauer / Det. Sheryl Turner
TR. J. Malley
(Signature of Affiant)

AND NOW, on this date March 31, 23 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.

45-1-01
(Magisterial District Court Number)

[Signature]
(Issuing Authority)



Docket Number	Date Filed	OTN/LiveScan Number	Complaint Number PA0352800-C000005191	Incident Number 17-10012
Defendant Name	First JUSTIN	Middle	Last SCHUBACK	

AFFIDAVIT of PROBABLE CAUSE

SEE ATTACHED AFFIDAVIT OF PROBABLE CAUSE

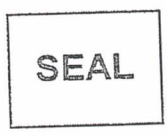
I, DET. LISA BAUER (2) / Det. Sherry Tower / TPR GREGORY ALLEN, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

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.

Det. Lisa Bauer / Det. Sherry Tower / TPR GMA
(Signature of Affiant)

Sworn to me and subscribed before me this 31 day of March 2023
Date [Signature], Magisterial District Judge

My commission expires first Monday of January, 2030



MAURI B. KELLY
LACKAWANNA COUNTY

AFFIDAVIT OF PROBABLE CAUSE
OF JUSTIN F. SCHUBACK

2023 MAR 31 P 1:55

Your affiant is Detective Lisa Bauer of the Lackawanna County District Attorney's Office. I am assigned to the Criminal Investigation Division and have been employed in this capacity for approximately thirty-five (35) years. I have personally conducted and assisted in hundreds of criminal investigations within Lackawanna County, Pennsylvania, including homicide investigations.

Your affiant is Detective Sheryl Turner of the Lackawanna County District Attorney's Office. I am assigned to the Special Victim's Unit and have been employed in this capacity for approximately nine (9) years. I am currently a member of the Pennsylvania State Police Northeast Computer Crime Unit Task Force and the Pennsylvania Internet Crimes Against Children Task Force (ICAC). I have personally conducted and assisted in hundreds of criminal investigations within Lackawanna County, Pennsylvania, including homicide investigations.

Your affiant is Trooper Gregory Allen of the Pennsylvania State Police. I am currently assigned to the Criminal Investigation Assessment Unit stationed at Troop "R" Dunmore, Pennsylvania. I have been employed as a member of the Pennsylvania State Police for approximately sixteen (16) years. I currently specialize in homicide investigations and cold case homicide investigations.

On January 26, 2017, at approximately 9:45 AM, one Maria Baron (hereinafter referred to as Mrs. Baron), appeared at the Old Forge Police Department and reported to Officer David Kimble that her husband, Robert Scott Baron (hereinafter referred to as Baron Sr.) never showed up for work at the family business, Ghigiarelli's Pizza (hereinafter referred to as Ghigiarelli's), located at 511 South Main Street, Old Forge, Pennsylvania 18518. Mrs. Baron stated to Officers that Baron Sr.'s everyday routine was consistent except that day when he neither showed up for work nor contacted anyone in the family.

Officer David Kimble of the Old Forge Police Department responded to Ghigiarelli's, and upon arrival, he spoke with Robert Alfred Baron, (hereinafter referred to as Baron Jr.). Baron Jr. reported to Officers that he and his father, Baron Sr. worked together at Ghigiarelli's, and Baron Sr. picked Baron Jr. up for work every morning but failed to show that morning. Baron Jr. advised officers that at approximately 7:40 am, he sent Baron Sr. a text as he did every morning, to advise Baron Sr. he was awake and ready to be picked up for work, but Baron Sr. never responded. Baron Jr. stated that after receiving no response from Baron Sr., he walked to Ghigiarelli's. Upon arrival at Ghigiarellis, he discovered that the vehicle his father had been driving (a 2006 silver Hyundai Elantra) was not parked outside Ghigiarelli's, and the morning dough delivery was left outside on the sidewalk next to the Bradley Street entrance. Baron Jr. reported that he entered the establishment and Baron Sr. was neither in the Restaurant area, nor in an apartment that he maintained upstairs from the business, which was very unusual.

Officer Kimble walked through the inside of the business and discovered the presence of what he believed to be blood. Officer Kimble established a crime scene, requested assistance from the Pennsylvania State Police Forensic Services Unit, and a search warrant was issued and served at Ghigiarelli's. The Pennsylvania State Police Forensic Services Unit responded to Ghigiarelli's and processed the scene. Luminol was used at the scene which uncovered blood evidence that appeared as though a brutal attack occurred within the establishment and blood was attempted to be cleaned up by the perpetrators using household cleaners and a mop that were left at the scene. At that time, Baron Sr. was officially declared a missing person and entered into the National Crime Information Center (N.C.I.C.) database for missing persons. The Old Forge Police Department and Lackawanna County District Attorney's Office released descriptors of Baron, Sr. and the vehicle to the public via local television stations asking for information to assist in locating Baron, Sr. or the vehicle.

Further, on January 26, 2017, Lackawanna County Detectives (hereinafter referred to as Detectives) requested Baron Jr. meet them at the Old Forge Police Department for further interview, and Baron Jr. complied. During the interview, Baron Jr. was asked if he knew anyone who would want to hurt his father, and he immediately replied, "Justin Schuback" (hereinafter referred to as Schuback). Baron Jr. added that Schuback and his (Schuback's) girlfriend (later identified as Kortney Rake) unexpectedly showed up at Ghigiarelli's about two (2) weeks prior, walked into the restaurant, and Schuback asked Baron Jr. for a cigarette. Baron Jr. stated to Detectives that he gave Schuback a cigarette and he and Schuback went out back and smoked a cigarette. Baron Jr. added that Schuback only smoked about half of his cigarette, and they left because Baron Sr. was not fond of Schuback due to his heroin use and would not be receptive to Schuback's visit. Employees of Ghigiarelli's corroborated this visit to Ghigiarelli's by Schuback, one stating that Baron Sr. was never happy when Schuback would stop by and he would yell at Baron Jr.

Baron Jr. further relayed to Detectives that on January 25, 2017, Schuback met with Baron Jr. outside of Ghigiarelli's, where Baron Jr. gave Schuback \$50.00 for the purchase of crack cocaine. Baron Jr. stated that Schuback took the money and said he was going into a residence to get the crack cocaine for him, but "ripped him off" by taking his money, leaving, and never returning with the crack cocaine.

On January 26, 2017, Detectives went to 3 Foundry Street, Old Forge, Pennsylvania 18518, the residence of Schuback. Schuback answered the door and invited the Detectives into his residence. Schuback confirmed his meeting with Baron Jr, and the fact that he "ripped" Baron Jr. the \$50.00 that Baron Jr. gave Schuback to get crack cocaine for him. Schuback stated that since he "ripped" Baron Jr., he was receiving calls and text messages from Baron Jr., but he refused to answer any of Baron Jr.'s calls. Schuback further informed Detectives that he (Schuback) was at Ghigiarelli's with Rake two (2) weeks prior to January 26, 2017, and they went inside looking for Baron Jr. After this interview with Schuback, your affiant, Detective Turner, forwarded a preservation request to Verizon Wireless for telephone number ([REDACTED]) belonging to Schuback.

On January 29, 2017, at approximately 2:00 am, the 2006 Silver Hyundai Elantra bearing PA Reg. [REDACTED] VIN # [REDACTED] that was being operated by Baron Sr. was located in front of 136 Howard Street, Old Forge, Pennsylvania 18518. The front passenger seat of the vehicle had stains appearing to be blood, and there was mud on the body and tires of the vehicle. The vehicle was towed to the Old Forge Police Department's garage area, a Search Warrant was obtained for the vehicle, and the Pennsylvania State Police Forensic Services Unit processed the vehicle. Swabs were taken from various areas of the vehicle including from the steering wheel. The swabs were subsequently sent to the Pennsylvania State Police DNA Lab in Greensburg Pennsylvania.

On March 17, 2017, Detectives received a report from the Pennsylvania State Police DNA Lab indicating that the blood evidence recovered from inside Ghigiarellis and from the passenger side of the 2006 silver Hyundai Elantra contained DNA belonging to the victim, Baron Sr. The Crime Lab report further indicated that there was DNA of Baron Sr. and an unknown male recovered from the steering wheel of the silver Hyundai Elantra, but there was an insufficient amount of DNA from the unknown male for their lab to develop a profile.

Detectives attempted to speak with Schuback at his residence on two additional occasions when they knew he was at home, and Schuback refused to answer the door. On one of those occasions, after knocking on the front door, Detectives saw the side window of the residence being closed by either Schuback himself or his brother Keith Schuback.

On March 20, 2017, Detectives Bauer and Turner interviewed Rake at the Lackawanna County District Attorney's Office. Rake stated that she was the current live-in girlfriend of Schuback, and that she resides with Schuback at Schuback's mother Gayle Piccolini's house located at 3 Foundry Street, Old Forge, Pennsylvania 18518. Rake stated that she moved from North Carolina to Taylor, Pennsylvania in April 2016, and at some point, she began dating Schuback, and eventually moved into his mother's house with him.

Detectives then asked Rake about Rake and Schuback's whereabouts on January 25, 2017, and January 26, 2017. Rake stated that on January 25, 2017, Schuback and Rake were at the 3 Foundry Street residence and sometime between 9:00 pm and 10:00 pm Schuback told Rake he was going to his friend Pat Boyle's house (hereinafter referred to as Boyle), work on Boyle's mother's vehicle, and Schuback informed Rake he would be back home when he was done. Rake stated that around 11:30 pm on January 25th or 12:00 am on January 26th, Schuback still was not home, so Rake called and sent text messages to Boyle questioning him about Schuback's whereabouts. Rake stated that Boyle told her Schuback was not at his house, and that Schuback was lying to her when he told her he was going to his (Boyle's) house to work on Boyle's mother's vehicle. Rake stated that Boyle informed her that he talked to Schuback for a few minutes around 12:30 am and then Schuback left. Rake stated that sometime between 1:45 am and 2:45 am, Schuback finally sent her a text message telling her not to text or call him anymore because he does not want the phone to go off where he is. Rake stated that she sent a text message back to Schuback asking him why he did not want his phone to go off where he was, and Schuback texted Rake not to worry about it and informed her he will explain when he gets home.

Rake stated Schuback arrived home somewhere around 3:00 a.m. on January 26th, and when he arrived home, he came into the residence through his bedroom window and was out of breath like he was running, and his shoes were covered in mud. Rake asked Schuback where he was all night, and he told her not to worry about it. Rake stated that Schuback never told her of his whereabouts during the night of January 25, 2017, into the early morning hours of January 26th, and this was the first and only time Schuback ever left the residence without her for any period without her knowing his whereabouts.

On March 30, 2017, at approximately 6:30 am, Detectives served two (2) Search Warrants at Schuback's residence at 3 Foundry Street, Old Forge, Pennsylvania 18518. One warrant was for the residence, and the other to obtain DNA buccal swabs, hair samples, and fingerprints from the Schuback. Schuback was present at the residence at the time of the search and he was transported to the Dunmore State Police Barracks for the purpose of obtaining buccal swabs for DNA comparison, hair samples, and rolled fingerprints from Schuback. Troopers at the State Police Barracks obtained said samples from Schuback.

On April 20, 2017, Boyle came into the Lackawanna County District Attorney's Office for an interview with your affiant, Detectives Bauer and Detective Kelly and Boyle stated that he had information that may be related to the disappearance of Baron Sr.

Boyle relayed to the Detectives that he (Boyle) has a bad past and has been in trouble for selling and using drugs, but he was currently on a methadone program, and has been clean from using heroin. Boyle stated that he sold heroin to Schuback in the past, and a few weeks before Baron Sr. went missing, Schuback kept calling and telling Boyle he was sick and needed heroin badly. Boyle stated that Schuback didn't have a job or money, so Schuback used his grandmother's credit card as payment for drugs and paid \$200.00 on Boyle's January 2017 electric and gas bills. Boyle added that around January 13th, Schuback's grandmother stopped payment on the credit card and Boyle's bills were not paid. Boyle stated to the Detectives that Schuback then gave Boyle a sawzall to hold as collateral until he was able to pay him, but Schuback couldn't come up with the money. Boyle stated that he called and texted Schuback for two (2) weeks looking for his money, and Boyle even threatened to beat Schuback up if he didn't get his money.

Boyle stated that on the day before Baron Sr. went missing (January 25, 2017), between around 12:00 pm and 4:00 or 5:00 pm, Boyle was calling and texting Schuback because Schuback still owed Boyle \$60.00. Boyle stated that Schuback replied around 5:00 PM, and Schuback said "I'll have it for you later tonight, I have to do some work". Boyle stated he knew Schuback was unemployed and was not working at the time.

Boyle stated that between January 25, 2017, at approximately 10:00 pm and January 26, 2017, at approximately 12:20 am, Schuback texted Boyle various times saying he would have the money in a little bit. Boyle stated that at approximately 12:15 am on January 26, 2017, Schuback told Boyle "yo, I wanna stop by" and they agreed they would meet behind the UPS Store located on Drake's Lane in Old Forge. Boyle stated that Schuback told Boyle he had the money he owed Boyle and Schuback wanted an additional eleven (11) bags of heroin from Boyle. Schuback told Boyle he would be there in five or ten minutes. Boyle stated that he

(Boyle) walked out to the rear of the UPS building and saw Schuback walking towards him coming from the direction of Ghigiarelli's. Boyle thought it was strange because Schuback always walks south to north to meet Boyle because Schuback's house is south of Boyle's house and the area of the UPS Store. Boyle stated that he (Boyle) lives at 839 South Main Street, Old Forge, PA 18518 which is only a few blocks south of Ghigiarelli's.

Boyle stated that Schuback met him at the UPS Store at approximately 12:25 am on January 26, 2017, and Schuback reached into his pants pocket and pulled out "a large wad of cash that was kind of in a ball, and in no certain order". Schuback peeled off and handed Boyle three (3) twenty-dollar bills for the \$60.00 that he owed Boyle, and then Schuback gave Boyle an additional \$180.00 in twenties, tens, fives, and one-dollar bills in return for the eleven (11) additional bags of heroin. Boyle stated that after Schuback paid him the money, Schuback had a lot more cash left in his pocket. Boyle stated that in the past, Schuback would only have money to buy that many bags of heroin on a pay day when he was working, and since Schuback had not been working, Boyle knew he had to be up to no good to get that much money. Boyle stated that he asked Schuback what he was up to that night, and Schuback said he was going home. Boyle stated that Schuback did not want to talk that night and seemed in a real rush to get away from Boyle. Boyle added that it was odd because Schuback would always hang out with Boyle and talk for a while when they would meet up, but that night, Schuback seemed quick with Boyle and in a real hurry to leave. Boyle stated that Schuback paid Boyle, Boyle gave him the eleven (11) bags of heroin, and Schuback immediately left. At approximately 12:30 am, Boyle watched Schuback walk down Drake's lane in the direction of (Schuback's) residence.

Boyle further advised Detectives that at approximately 1:15 am on January 26, 2017, (approximately forty-five minutes after Schuback left him and headed towards his (Schuback's) house, Rake called Boyle and asked if Schuback was still at Boyle's house working on Boyle's mother's car. Boyle told Rake that Schuback was not at his house, and nobody was working on Boyle's mother's car that night. Boyle stated that he informed Rake that Schuback met him around 12:25 am, Schuback gave Boyle \$50.00 he owed him and left a few minutes later. Rake asked Boyle where Schuback got the money because they were both broke and didn't even have enough money to buy cigarettes, and Boyle told Rake he didn't know where Schuback got the money. Boyle stated that he did not tell Rake that Schuback gave him the \$60.00 he owed him, plus another \$180.00 for the additional eleven (11) bags of heroin because he didn't want to get in the middle of their problems, so he lied to her and only said \$50.00. Boyle stated that Rake called Boyle about every twenty (20) minutes looking for Schuback and Rake told Boyle she was worried because Schuback still wasn't home.

Boyle stated that at approximately 1:25 am on January 26, 2017, Boyle sent a text to Schuback, and Schuback didn't answer him. Boyle stated he thought that was strange because whenever Boyle called or sent texts to Schuback, Schuback always answered him immediately. Boyle stated that at approximately 2:00 am or 2:15 am on the 26th, Rake called Boyle again and said she was worried because Schuback wasn't answering her calls or texts. Boyle stated that at some point, Rake told him that she received a text from Schuback that said "shhhhhh, I can't talk, I'll explain later." Boyle stated that when Schuback sent that text, Boyle somehow received the same text. Boyle stated he continued to try to get in touch with Schuback until around 2:30 am on January 26, 2017, when Schuback finally called Boyle back and said, "what do you want, I'm

busy!" Boyle told Schuback that Rake "was blowing his phone up". Schuback told Boyle that he talked to Rake already and everything was fine. Boyle stated that even after Schuback told Boyle he talked to Rake, Rake continued to call Boyle looking for Schuback. Boyle stated that around 3:30 am on January 26, 2017, Rake finally informed Boyle that Schuback just texted her and said he was almost home. Boyle stated that at around 3:45 am on January 26, 2017, Rake told Boyle that Schuback arrived home. Boyle stated Rake told him that Schuback climbed through his bedroom window to enter his house and was out of breath with his shoes covered in mud. Boyle stated that Rake told him that there was so much mud on Schuback's shoes that Rake had to put a towel on the floor under Schuback's bedroom window, and Schuback climbed inside so he didn't get mud all over the bedroom. Boyle stated that when he met with Schuback earlier that night, Boyle didn't notice mud on Schuback's shoes.

Boyle stated that a few days later, Schuback called or texted Boyle trying to buy more heroin and Boyle told Schuback he was not selling heroin because police were all over Old Forge looking for Baron Sr. Boyle stated that about a week later, Boyle ran into Schuback and asked Schuback why his name was coming up as a suspect in the Baron case, and why the police wanted to talk to Schuback. Schuback told Boyle it was because the day before Baron Sr. went missing, Schuback was seen on a camera at Ghigiarelli's with Baron Jr., Schuback told Boyle that day he also ripped Baron Jr. off for \$50.00.

Boyle Stated that Schuback told him that Baron Jr. sent Schuback a text on January 26, 2017, asking Schuback if he knew where his father was. Boyle asked Schuback where he was until 3:45 am on January 26, 2017, and Schuback told Boyle the cops were following him, and he went into the woods to get away from them and was getting high. Boyle stated that he doesn't believe that Schuback went into the woods to get high that night because when he did call him around 2:00 am and Schuback said he was busy, Schuback didn't sound "messed up" from heroin. Boyle added that Schuback would never send a text that said shhhhh, I'll explain later, to him unless he was up to no good, and he's never done that before. Boyle stated that he has not sold heroin to Schuback since his meeting with him on January 26, 2017, and Schuback no longer owed him money.

Boyle added that if anyone knows the movement of Baron Sr., it's Schuback and Baron Jr. because Schuback and Baron Jr. were inseparable. Boyle added that Schuback knew that Baron Sr. kept money upstairs in his apartment above Ghigiarelli's because Baron Jr. told Boyle and Schuback that his dad kept all his money upstairs because he didn't believe in using banks. Boyle stated that Schuback used to tell Boyle that Baron Jr. would just go upstairs in the apartment above the restaurant and take his dad's money without asking. Boyle added that Schuback knew as much about where Baron Sr.'s. money was, and the times that Baron Sr. came and went at the Restaurant as Baron Jr. knew. These Detectives asked Boyle how much heroin Schuback would use on a regular basis, and Boyle stated usually four or five bags at a time, but he has used more in the past.

Further on April 20, 2017, at approximately 11:45 am, Boyle's girlfriend, Lorrie Harris, (hereinafter referred to as Harris) who traveled to the District Attorney's Office with Boyle, came into the interview room, and met with Detectives. Harris stated that she accepts calls for Boyle from people who want to buy heroin from Boyle if Boyle's not available, and that

Schuback would call Boyle for heroin. Harris stated that she was present with Boyle on the early morning hours of January 26, 2017, while Schuback's girlfriend was calling and texting Boyle looking for Schuback, and she heard Boyle tell Schuback's girlfriend that Schuback lied to her because nobody was working on Boyle's mother's car that night. Harris stated that both she and Boyle had a gut feeling that night that Schuback was up to no good, and when they saw the police cars at Ghigiarelli's the next morning, they both had a gut feeling that Schuback and Baron Jr. did something bad to Baron Sr. Harris stated that Baron Jr. made it known that his father kept money upstairs in the apartment above the Restaurant, and Schuback knew that Baron Sr. kept money in the apartment.

On June 14, 2017, your affiant, Detective Bauer, viewed video surveillance obtained from Ben Damiano Optical, 817 S. Main Street, Old Forge, PA 18518. This surveillance footage is from January 26, 2017, at 12:10:29 AM. Damiano Optical rear camera footage shows Pat Boyle walking from the direction of his residence (839 S. Main Street, Old Forge, PA 18518) towards the rear of the UPS Store (815 S. Main Street, Old Forge, PA 18518). Boyle is wearing shorts and a hoodie and is looking at his cell phone. Also captured on the Damiano Optical rear camera angle on January 26, 2017, at 12:11:54 is Boyle walking from the direction of the UPS Store and heading back towards his residence. (This video is consistent with Pat Boyle's April 20, 2017, that Schuback texted him around 12:15 am on January 26, 2017, to meet with him and did meet Boyle behind the UPS Store, and that their meeting was quick). The actual meeting place between Boyle and Schuback is not in an area where Schuback could be captured on the video cameras, but Boyle is captured on his way to and from the meeting. (Boyle subsequently confirmed that this was Boyle in the video on his way to and from the meeting with Schuback behind the UPS Store.)

On March 1, 2017, at approximately 9:20 pm, Detectives interviewed one Jason Cistola regarding the disappearance of Robert Baron. Cistola stated that his cousin, Justin Schuback may know something about Mr. Baron's disappearance because Schuback told him he was at Ghigiarelli's on January 25, 2017, with Baron, Jr. Cistola further stated to Detectives that Boyle told him that Schuback was missing on the night of January 25, 2017, and into the early morning hours of January 26, 2017. Cistola further stated that Boyle told him that Schuback's girlfriend Kortney (Rake) called Boyle looking for Schuback because Schuback told Rake he was at Boyles house working on a car and Boyle and his girlfriend denied that Schuback was at their residence that night. Cistola stated to Detectives that Boyle told him that Schuback finally arrived home in the early morning hours of July 26, 2017, covered in mud.

Cistola further told Detectives that on January 26, 2017, Schuback purchased \$300.00 worth of heroin from Cistola which is much more than Schuback ever purchased from Cistola in the past. Cistola stated that Schuback paid him with \$5.00 bills and \$1.00 bills and a few days later Schuback called Cistola and wanted to purchase more heroin, and paid Cistola another \$150.00 in \$5.00 bills and \$1.00 bills. Cistola stated that he knows Schuback wasn't working at the time and thinks it is strange that Schuback had money. Cistola stated that he later confirmed with Boyle that Schuback was also buying heroin from Boyle.

On March 24, 2017, your affiant, Detective Bauer interviewed one Kevin Snyder. Snyder stated that on January 26, 2017, at approximately 6:45 am, he saw a silver Hyundai Elantra

parked by his residence on Connell Street. He stated he thought nothing of it until he saw on the news that police were looking for a silver Hyundai Elantra with a license plate number that started with the letter "J". Snyder stated that the vehicle parked by his house that morning was a silver Hyundai Elantra that had a license plate number that started with the letter "J". Snyder stated that he then called his sister-in-law Kristen Snyder who lives next door to him and who was off work that day and asked her if she saw the vehicle parked there on the morning of January 26, 2017. Kristen Snyder told him that when she took the dogs out around 9:00 am that morning, the vehicle was not there. Kristen Snyder was subsequently interviewed by your affiant, Detective Bauer and she confirmed that the vehicle was not outside on January 26, 2017, at 9:00 am when she took the dogs outside. Detectives determined that this location is approximately three tenths (.3) of a mile from Schuback's 3 Foundry Street residence.

On May 31, 2018, the silver Hyundai Elantra (PA Reg. [REDACTED], VIN # [REDACTED], Property # LDA-0794 was removed from the custody of the Old Forge Police Department's evidence and into custody of the Lackawanna County Detectives to transport the vehicle to the Pa State police Barracks in Dunmore, for further examination. The vehicle was placed on a flatbed and covered by tarps and towed from the Old Forge Police Department to the State Police Barracks by AJ's Towing with Detectives following right behind. Once at the Barracks, the vehicle was placed into a garage bay and Detectives provided Trooper James Hitchcock with a copy of the Consent to Warrantless Search that was signed by Davis. An inspection of the vehicle was conducted, and several swabs were taken from the vehicle including a swab from the inner driver's door panel grab handle. Upon completion of the inspection, the vehicle was towed by AJ's Towing to the Lackawanna County District Attorney's Office impound.

On June 4, 2018, Detectives took Jason Cistola and Amanda McCullon into custody for being involved in illegal drug activity. McCullon agreed to speak with Detectives and stated she and Cistola live together in an apartment in Old Forge. McCullon added that she remembers the night Baron Sr. went missing (January 25, 2017) because while at work, she had an argument with her boss and quit her job. McCullon stated that the very next day (January 26, 2017), Schuback came to their apartment with a "wad" of cash which looked to her to be between a few hundred and several hundred dollars in mostly ones and five-dollar bills. McCullon said she remembers thinking it was strange because Schuback never had money, and he had a lot of money on him this day. McCullon stated that Schuback paid off all his heroin debts owed to Cistola and bought more heroin from Cistola at that time. McCullon stated she remembers it was the day after Baron Sr. went missing (January 26, 2017) that Schuback had all the money on him because it was the day after she quit her job.

On July 5, 2018, your affiant, Detective Turner applied for and was issued a search warrant for Range to Tower information for Verizon account number ([REDACTED]), registered in the name of Justin Schuback. This information had been previously preserved by Detective Turner. Range to Tower information creates a band that provides the approximate distance that an electronic cellular device is from a cell tower on a 1/3 sector of the entire tower. (1/3 of a circle). The device can be anywhere within the band and will always search for the strongest cell tower signal, sometimes hitting neighboring towers creating an "X" in the band as they intersect. The

longer a device remains in the area, the darker red the band appears because Range to Tower is duplicated in the records.

On September 11, 2018, your affiant Detective Turner and Detective Steve Kelly met with Pennsylvania State Police Trooper James Welch who is assigned to the Bureau of Emergency and Special Operations (BESO) division of the State Police in the Hershey, Pennsylvania Office. Trooper Welch reviewed the Verizon Range to Tower Records received from Verizon as a result of your affiant, Detective Turner's search warrant for telephone number ([REDACTED]) registered to Justin Schuback. Trooper Welch focused on the dates surrounding January 25, 2017, and January 26, 2017 and was able to determine that Schuback was in the general location of Ghigiarellis restaurant at 11:08 pm on January 25, 2017. This was determined by reviewing the SMS records received by Schuback during that time frame, and Schuback received a text message at that time from Patrick Boyle. The records reviewed by Trooper Welch provide Tower information along with an approximate distance the digital device (in this case, Schuback's cell phone) was from the tower at the time the message was received. Throughout the evening of January 25, 2017, into the early morning hours of January 26, 2017, Schuback's Range to Tower records reflect he was in the vicinity of Ghigiarelli's and did not travel outside the immediate Old Forge area.

In May of 2019, Tim Gavel (Forensic DNA Scientist II for PSP Greensburg suggested Detective Kelly have the Lackawanna County District Attorney contact Cybergenetics to review the DNA profile data information recovered from the swab from the inner driver's door panel grab handle from the 2006 silver Hyundai Elantra and use their technology to develop a more specific DNA profile. This swab is listed on PSP lab report as item Q29, and this sample was already examined by the PSP DNA lab, and there was an insufficient amount of DNA for a specific profile to be developed as per their standards. A formal request was made to Cybergenetics by the Lackawanna County District Attorney's Office for this information as per the protocol of the Greenburg Lab, and Detective Kelly forwarded the DNA profile electronic data developed by the PSP Greensburg DNA lab to Cybergenetics via certified US mail.

On October 24, 2019, a report was prepared by William P. Allan, of the DNA Evidence Interpretation Unit for Cybergenetics Corporation, indicating that the DNA submitted for Justin F. Schuback was a match to the DNA from the inner door panel grab handle (Item Q29). In detail, the report indicated that a match between the inner driver's door panel grab handle (Item Q29) and Justin F. Schuback (K10) is 39.9 billion times more probable than a coincidental match to an unrelated African American person, 536 million times more probable than a coincidental match to an unrelated Caucasian person, and 290 million times more probable than a coincidental match to an unrelated Hispanic person. (For a match strength of 290 million, only 1 in 1.38 million people would match as strongly).

In July of 2020, Detective Kelly submitted DNA electronic data information received from PSP Greensburg Lab for the DNA recovered from the swab from the steering wheel of the 2006 silver Hyundai Elantra to Cybergenetics. This swab is listed on PSP lab reports as item Q8, and this sample was already examined by the PSP DNA lab, and there was an insufficient amount of DNA for a specific profile to be developed as per their standards. A formal request was made to Cybergenetics by the Lackawanna County District Attorney's Office for this information as per the protocol of the Greensburg Lab.

On November 25, 2020, a report was prepared by William P. Allan, of the DNA Evidence Interpretation Unit for Cybergenetics Corporation, indicating that the DNA submitted for Justin F. Schuback was a match to the DNA from the steering wheel (Item Q8). In detail, the report indicated that a match between the steering wheel (Item Q8) and Justin F. Schuback (K10) is 5.53 thousand times more probable than a coincidental match to an unrelated African American person, 8.7 thousand times more probable than a coincidental match to an unrelated Caucasian person, and 5.74 thousand times more probable than a coincidental match to an unrelated Hispanic person. (For a match strength of 5.53 thousand, only 1 in 675 thousand people would match as strongly).

On March 23, 2023, Special Agent Michael Sabric of the Federal Bureau of Investigation (FBI) Cellular Analysis Survey Team (CAST) division met with Detectives. Special Agent Sabric had previously conducted Beta testing of the investigative area, conducted historical tower research, and integrated the Range to Tower information from Schuback's cell phone into Google Maps thereby illustrating the movement of Schuback's device from January 25, 2017, through January 26, 2017. The results received by Agent Sabric indicate that Schuback's device travelled to the following areas:

1/25/2017

11:01:11 pm – Schuback's device begins to travel north from the vicinity of his residence.

11:08:52 pm – Schuback's device arrives in the vicinity of Ghigiarelli's Restaurant.

11:28:03 pm - 2 towers intersect at Ghigiarelli's placing Schuback's device in the direct vicinity of Ghigiarelli's Restaurant.

1/26/2017

12:25 am – Schuback meets Pat Boyle at UPS Store – Corroborated by the phone records where Schuback tells Boyle, "Yo, I wanna stop by". They agreed to meet behind UPS Store which was corroborated by Boyle interview and Domiano Optical video.

01:45 am – Schuback's device is in the direct vicinity of Ghigiarelli's at the same time as there are text messages between Rake and Schuback. The content of the text messages is as follows:

RAKE

01:14:17 am – WTF

01:20:23 am – Why are you not answering me!

01:20:52 am – Your pissing me off

01:21:04 am – Ughhhh

SCHUBACK

01:27:03 – Shhhh

01:27:51 – I'll explain when I get there

1:56 am – Schuback's device is moving south from from the vicinity of Ghigiarelli's

2:01 am – 2:15 am – Schuback's device in the vicinity of the wooded area off of Connell Street and in the area of the pole lines by Pagnotti Park

2:22 am – Schuback's device in the area of Connell Street where the car was first abandoned and seen by Kevin Snyder and then leaves the area

2:26 am – 6:09 am – Schuback's device is in the vicinity his residence at 3 Foundry Street

6:26 am – 8:26 am – Schubacks device is in the vicinity of the same wooded area off Connell Street and in the area of the pole lines by Pagnotti Park as it was from 2:01 am to 2:15 am

8:31 am – 8:33 am – Schuback's device in the vicinity of where car was first abandoned on Connell Street

8:39 am – Schuback's device in the area on Howard Street where car was ultimately found.

Also, on 01/26/2017, the following text message conversation between Schuback and Rake took place:

-SCHUBACK - 08:53:43 – Hey

-RAKE - 08:53:42 – Hey

-SCHUBACK – 08:54:11 – I fell down another hill

-RAKE – 08:54:27 – What the hell whu

-RAKE – 08:54:29 – Why

-SCHUBACK: 08:54:57 – I slide

-RAKE – 08:55:05 – Which hill

-SCHUBACK – 08:55:15 – I’m all dirty again

-SCHUBACK – 08:55:23 – Not as bad

-SCHUBACK – 08:55:28 – My hands

-RAKE – 08:55:38 – Well you can’t go threw the door so oh well

On March 24, 2023, your affiants Detective Turner and Trooper Allen went to Schuback’s residence and spoke with Schuback. During this interview, Schuback denied ever being inside the 2006 Hyundai Elantra. Schuback further places himself at the UPS Store meeting Boyle around midnight and then confirms that he was out until approximately 2:30 am or 3:00 am on January 26, 2017. Schuback places himself in completely different areas on the night of January 25, 2017, into the morning hours of January 26, 2017, than the actual area his device’s Range to Tower location places his device he used during this time frame to text Rake and Boyle.

Furthermore, during the interview, Schuback advised your affiants Detective Turner and Trooper Allen that he would see Baron Jr. get into the Restaurant without a key by leaving a second-floor window unlocked, climbing up a ladder that was in the rear of the building to that second-floor window, and climbing inside. Schuback further stated he would see Baron Jr. go upstairs at Ghigiarelli’s in the past and he would come back downstairs with large amounts of cash, and that Baron Jr. would take small bills like \$10.00 bills or \$5.00 bills from the register, and he stated that Baron Jr. had access to unlimited amounts of cash, thereby demonstrating that Schuback was well aware of cash that Baron Sr. had kept in the establishment or in the upstairs apartment. During the interview, Schuback denied any involvement in the disappearance and/or homicide of Baron, Sr.

On March 28, 2023, and March 29, 2023, Police Officers from several law enforcement agencies searched the area of the pole lines near Pagnotti Park where Schuback’s device was located from 2:01 am to 2:15 am and again from 6:26 am to 8:26 am on January 26, 2017. Specially trained cadaver dogs from the New York State Police were deployed with their handlers, and alerted on an initial bone, and then various other bones were discovered in that area that were determined to be of human origin by Mercyhurst Anthropology Team. A femur bone was subsequently sent to the Pennsylvania State Police DNA Laboratory at Greensburg for the purpose of a comparison to the DNA of Baron Sr., and the Laboratory confirmed that the DNA from the femur bone was that of Baron Sr.

On March 31, 2023, contact was made with Lackawanna County Coroner Timothy Rowlands to discuss an amendment to the current Court Ordered Death Certificate. Rowlands stated that there will be a forthcoming amendment to the Death Certificate with the Cause of Death listed as “Trauma” and Manner of Death listed as “Homicide”.

Based on the above information, your affiants have established Probable Cause and ask that a Warrant For Arrest be issued for Justin F. Schuback.

WE, DETECTIVE LISA BAUER, DETECTIVE SHERYL TURNER, AND TROOPER GREGORY ALLEN 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 OUR KNOWLEDGE, INFORMATION, AND BELIEF.

3/31/2023
DATE

Det. Lisa Bauer
Detective Lisa Bauer

3/31/2023
DATE

Det. Sheryl Turner
Detective Sheryl Turner

3/31/2023
DATE

Trooper Gregory Allen
Trooper Gregory Allen

3.31.23
DATE

(SEAL)
ISSUING AUTHORITY