

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF ALLEGHENY



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA

VS

COPY

MDJ: PITTSBURGH MUNICIPAL COURT
Magisterial District Number: 05-0-03
Address: 660 FIRST AVENUE
PITTSBURGH, PA 15219

DEFENDANT:

(NAME and ADDRESS):

JOSEPH

SWIDORSKY

First Name

Middle Name

Last Name

Gen.

3230 RICHARDSON AVE. PITTSBURGH, PA 15212

Phone: 412.350.6715

NOCB tradition Code Type

Felony - Full Extradition

Distance _____

DEFENDANT IDENTIFICATION INFORMATION

Docket Number 8718-15	Date Filed 10-1-15	OTN LiveScan Number G 723857-1	Complaint/Incident Number 5266-15	SID	Request Lab Services? <input type="checkbox"/> Yes		
GENDER MALE	DOB 08/03/1985	POB	Addr DOB	Co-Defendant(s) <input type="checkbox"/>			
RACE WHITE	First Name		Middle Name	Last Name	Gen.		
ETHNOTY	AKA						
HAIR COLOR BRO (BROWN)	EYE COLOR GRN (GREEN)						
Driver License	State PA	License Number 27390214	Expires		WEIGHT (lbs)		
DNA	DNA Location				85		
FBI Number	MNUNumber			FE HEIGHT in			
Defendant Fingerprinted					5 09		
Fingerprint Classification							
DEFENDANT VEHICLE INFORMATION							
Plate #	State	Hazmat	Registration Sticker (MMYY)	Comm'l Veh Incl	School Veh	Oth NOC Veh Code	Reg Same as Def.
VIN	Year	Make	Model	Style	Color	<input type="checkbox"/>	

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.Oimp. 507).

name of the attorney for the Commonwealth _____ (Signature of the attorney for the Commonwealth) _____ (Date)

I, PATRICK MILLER 24207
(Name of the Affiant) (PSP/MPO/ETC - Assigned Affiant ID Number & Badge #)

of ALLEGHENY COUNTY POLICE PA0022800
(Identify Department or Agency Represented and Political Subdivision) (Police Agency CRI Number)

do hereby state (check appropriate box)

1. I accuse the above named defendant who lives at the address set forth above
I accuse the defendant whose name is unknown to me but who is described as _____

I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have, therefore, designated as John Doe or Jane Doe
with violating the penal laws of the Commonwealth of Pennsylvania at 474 WEST VIEW BORO
(Subdivision Code) (Place/Political Subdivision)

In Allegheny County 02 on or about 06/15/2015 11:18
(County Code)

2015 OCT -1 PM 2:04

RECEIVED

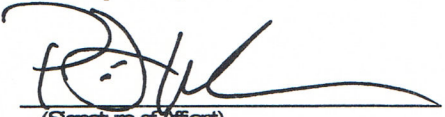


POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed:	OTNLiveScan Number G 723857-1	Complaint/Incident Number 5266-15
Defendant Name	First JOSEPH	Middle	Last SWIDORSKY

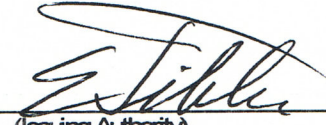
- I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
- I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties 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 _____.

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.)

OCTOBER 1 2015 
 (Date) (Signature of Affiant)

AND NOW on this date 10-1-15 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

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Defendant Name	First: JOSEPH	Middle:	Last: SWIDORSKY

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. FINS) 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.)

Indicate Offense	<input type="checkbox"/> Attempt 18901 A	<input type="checkbox"/> Solicitation 18902 A	<input type="checkbox"/> Conspiracy 18903						
X	1	2501	A	of the	18	1	H1		
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 2501A CRIMINAL HOMICIDE H1 1 COUNT The actor intentionally, knowingly, recklessly or negligently caused the death of Braelyn Swidorsky another human being, in violation of 18 Pa. C.S. §2501(a).									

Indicate Offense	<input type="checkbox"/> Attempt 18901 A	<input type="checkbox"/> Solicitation 18902 A	<input type="checkbox"/> Conspiracy 18903						
	2	4304	A1	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 4304A1 ENDANGERING WELFARE OF CHILDREN F3 1 COUNT The actor being a parent, a guardian, or a person supervising the welfare of Braelyn Swidorsky a child or children under 18 years of age, knowingly endangered the welfare of said child or children by violating a duty of care, protection or support, namely, inflicted physical injuries, which resulted in her death in violation of 18 Pa. C.S. §4304(a).									



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AFFIDAVIT of PROBABLE CAUSE

1. WHEN:

- a) Date when Affiant received information:

- b) Date when the source of information (Police Officers, Informant, Victim, Co-Defendant, Defendant, etc.) received information:

2. HOW:

- a) How Affiant knows this particular person committed crime: (personal observation, defendant's admissions, etc.):

- b) How the source of information knows this particular person committed the crime:

- c) How both Affiant and/or source of information knows that a particular crime has been committed:

3. WHAT CRIMES:

18 4304 A1 ENDANGERING WELFARE OF CHILDREN
18 2501 A CRIMINAL HOMICIDE

4. WHERE CRIME(S) COMMITTED:

255 1/2 MARTSOFF AVE. PGH. PA. 15229

5. WHY AFFIANT BELIEVES THE SOURCE OF INFORMATION:

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

Affiant and/or other Police Officers corroborated details of the information



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Your affiant is a police officer employed by the Allegheny County Police Department, currently assigned to the homicide unit. Your affiant has 19 years of police experience with the previous 9 years being involved in homicide investigations. All information contained in this affidavit was learned directly by your affiant or relayed to your affiant by other police officers, detectives or witnesses. All persons providing information contained in this affidavit will be available to testify at any /all court proceedings that arise out of the issuance of this process.

On 06/15/2015 at 11:18 a.m. the West View Police responded to 255 ½ Martsolf Ave for a report of an unresponsive child. Also responding were medics from West View EMS. The child was identified as Braelyn Swidorsky. Swidorsky was transported to Allegheny General Hospital then transferred to UPMC Children's Hospital. When EMS arrived on scene Officer Connolly was carrying the child down the steps while performing CPR. He transferred custody of the child the EMS for additional live saving measures.

Officer Connolly found the child in a second floor bedroom in the sole custody of the father, Joseph Swidorsky. Swidorsky told the police that he was bathing his daughter and she was crying so hard that she stopped breathing. He was asked about why the child had a diaper on when she was bathing and Swidorsky told the police that he placed a diaper on the child before he began CPR on her. Det. Ganster was then contacted by Dets. Mark Restori and Paul Ewin of the Allegheny County Police General Investigations Section. They were to be assigned the case from Sgt. Ken Ruckel.

Dets. Ewin and Restori conducted an interview of Ashley Cain, the mother of Braelyn. Cain stated that on 06/14/2015 she fed Braelyn at 7:00 and 10:00 p.m. Cain reported that on the day of the incident the baby woke and was fed around 1:30 and 5:30 and 8:00 a.m. Braelyn took a nap and woke again around 11:00 a.m. Cain asked Swidorsky to bathe the child as the child had an odor of stale milk on her. This was confirmed by Swidorsky when interviewed by Restori and Ewin.

While Swidorsky bathed Braelyn Cain remained with her other daughter. Cain went to the second floor to dress her other child when she entered the bathroom to find Braelyn unresponsive and turning blue. Cain instructed Swidorsky to call 911. Cain stated that at the time of the incident Swidorsky was alone with Braelyn and in sole control of the child. On 06/18/2015 at 7:20 p.m. Braelyn was pronounced dead at UPMC Children's Hospital. Cain reported no adverse medical history for Braelyn after undergoing routine health exams.

Braelyn's remains were transferred to the Allegheny County Medical Examiner's Office for a postmortem examination. The examination was performed by Dr. Xu. Dr. Xu concluded that Braelyn died as a result of blunt force trauma to the head and that the manner of death is homicide. Braelyn's injuries consisted of a subdural hematoma and fractured skull, which were also noted in her medical records and confirmed at autopsy.

Dets. Restori and Ewin also interviewed Swidorsky at Children's Hospital. Swidorsky informed the detectives that he was with Braelyn in the bathroom bathing her when she became "jiggly" and went "limp". Swidorsky further stated that Braelyn took a deep gasp of breath after crying and became unresponsive. Swidorsky admitted numerous times that he was alone in the bathroom with Braelyn at the time.

Dr. Janet Squires a Physician at UPMC Children's Hospital, authored a report detailing Braelyn's injuries. Dr. Squires noted that Braelyn did suffer head trauma with a brain injury. She described the symptoms to be acute and their onset would be immediate. The injuries sustained by Braelyn were injuries that would be inflicted by another and not by anything Braelyn could or would do to herself accidentally. With the fact that the only other persons residing in the home and admittedly in a different room it is unlikely that either Cain or her 2 year old daughter Sophia inflicted the injuries to Braelyn ultimately causing her death.

During the course of the investigation, other witnesses provided information. Those witnesses' true identities were ascertained



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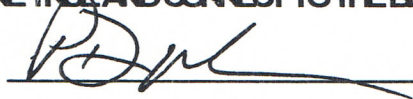
by your affiant by proof positive means. To protect those witnesses and preserve future investigation those witnesses will named as witness 1, 2, 3, etc. for the purpose of this affidavit.

Witness 1 reported that he/she had a conversation with Swidorsky while at the hospital. Swidorsky told witness 1 four versions of what may have happened to Braelyn. He stated that (1) she may have been injured in a fall, (2) he may have injured her while doing CPR, (3) the older sibling didn't like the baby so she may have injured her and (4) the injuries may have happened over a week ago. All of these accounts would directly conflict with both Dr. Squires and Dr. Xu's findings and observations.

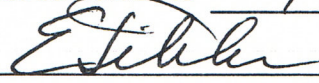
Witness 2 reported that he/she had overheard Swidorsky make comments that "Braelyn is a psycho baby and does nothing but cry all the time." He/she also noted inconsistencies of Swidorsky's version of events surrounding Braelyn's injuries. During a conversation with Swidorsky and witness 3, Swidorsky reported that Braelyn was crying incessantly and then she gasped for air and stopped breathing. Witness 2 asked if he dropped her and Swidorsky stated that "maybe I put her down too hard when I did CPR or maybe the medics did something to her when they arrived as she was fine before they arrived."

Based upon the aforementioned facts and circumstances, your affiant believes probable cause exists to charge Joseph Swidorsky with one count of criminal homicide and endangering the welfare of a child and that he be bonded accordingly.

I, PATRICK MILLER, 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.



(Signature of Affiant)

Sworn to me and subscribed before me this 1 day of OCT 2015
10-1-15 Date , Magisterial District Judge

My commission expires first Monday of January,

