

IN THE CRIMINAL COURTS
OF THE COUNTY OF BERKS

COMMONWEALTH OF PENNSYLVANIA :

v.

: CRIMINAL ACTION NO. 2480-06
:
:

JASON MICHAEL HUMMEL

9/11/2006 9:26:42 AM

INFORMATION

THE ATTORNEY GENERAL of the Commonwealth of Pennsylvania, by this Information, charges that, on or about September 1, 2004, through January 27, 2005, the Defendant named above, in the County of Berks did commit the crimes indicated herein, to wit:

COUNT 1

CORRUPT ORGANIZATIONS

FELONY 1st DEGREE

That the Defendant, Jason Michael Hummel, during the time period set forth above, in the County set forth, while employed by or associated with an enterprise, did conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs, the trafficking of cocaine, through a pattern of racketeering activity, as defined in Title 18 Pa. C.S. § 911(h)(1), all of which is in violation of Title 18 Pa. C.S. § 911(b)(3).

PREDICATE ACTS

Delivered a Controlled Substance (Cocaine) and/or Possessed with Intent to Deliver a Controlled Substance (Cocaine)

On various dates between on or about September 1, 2004 and January 27, 2005, Jason Michael Hummel, a person not being authorized by law to deliver the controlled substance set forth herein, did deliver and/or possess with intent to deliver, Cocaine, a Schedule II controlled substance, within the County of Berks, Pennsylvania, in violation of Section 13(a)(30) of the Controlled Substance, Drug, Device, and Cosmetic Act, an Act of April 14, 1972, P.L. 233, No. 64, as amended, 35 P.S. §780-113(a)(30).

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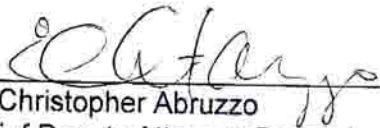
Device and Cosmetic Act, an Act of April 14, 1972, P.L. 233, No. 64, as amended, 35 P.S. § 780-113(a)(30).

ALL OF WHICH is against the Act of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.

THOMAS W. CORBETT, JR.
Attorney General of the
Commonwealth of Pennsylvania

DATED: 7-17-06

BY:



E. Christopher Abruzzo
Chief Deputy Attorney General
Drug Strike Force Section

8/11/2005 9:27:32 A

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: BERKS



POLICE
CRIMINAL COMPLAINT

COMMONWEALTH OF PENNSYLVANIA

VS.

DEFENDANT:

Magisterial District Number: 23-2-01
 District Justice Name: Hon. Stuart D. Kennedy
 Address: [REDACTED]
 Telephone: [REDACTED]
 Docket No.: CR-157-06
 Date Filed: 4/11/06
 NOTN: K 179707-3

NAME and ADDRESS
 Jason Michael Hummel
 [REDACTED]
 2480-06

Defendant's Race/Ethnicity <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Unknown		Defendant's Sex <input type="checkbox"/> Female <input checked="" type="checkbox"/> Male	Defendant's D.O.B. [REDACTED]	Defendant's Social Security Number [REDACTED]	Defendant's SID PA25221516
Defendant's A.K.A. None Known		Defendant's Vehicle Information: PLATE NUMBER STATE REGISTRATION STICKER (MM/YY) STATE PA		Defendant's Driver's License Number 25267028	
Complaint/Incident Number L01-0919342		Complaint/Incident Number if other Participants			UCR/NIBRS Code 260

District Attorney's Office Approved Disapproved because:
 (The district attorney may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. Pa.R.Cr.P. 107)

 (Name of Attorney for Commonwealth - Please Print or Type) _____
 (Signature of Attorney for Commonwealth) _____

 (Date)

I, Trooper Troy S. Greenawald / 6790
 (Name of Affiant - Please Print or Type) (Officer Badge Number/I.D.)
 of, the Pennsylvania State Police PAPSP7200
 (Identify Department or Agency Represented and Political Subdivision) (Police Agency ORI Number) (Originating Agency Case Number (OCA))

do hereby state: (check the 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 is unknown to me and whom I have therefore designated as John Doe
 with violating the penal laws of the Commonwealth of Pennsylvania at
various locations in and around the City of Reading
 in Berks County on or about September 1, 2004 through January 27, 2005
 Participants were: (if there were participants, place their names here, repeating the name of the above defendant)
Jason Michael Hummel, Peter Frank Borelli, Alfredo Alicea and Tomasso Sculco

2. The acts committed by the accused were:
 (Set forth a summary of the facts sufficient to advise the defendant of the nature of the offense charged. A citation to the statute allegedly violated, without more, is not sufficient, in a summary case, you must cite the specific section and subsection of the statute or ordinance allegedly violated.)
Section 780-113a30: POSSESSION WITH INTENT TO DELIVER: In that the above named Defendant did manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance and was not licensed by the appropriate State board, or did knowingly create, deliver or possess with intent to deliver, a counterfeit controlled substance. **TO WIT:** The Defendant did deliver and did possess with the intent to deliver quantities of cocaine, a Schedule II Controlled Substance between the dates of September 1, 2004 and January 27, 2005.

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(Continuation of No. 2)

Defendant's Name:	Jason Michael Hummel
Docket Number:	CR-157-06



**POLICE
CRIMINAL COMPLAINT
2480-06**

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911(b)(3) - CORRUPT ORGANIZATIONS - PA CRIMES CODE - F1--In that, on or about the dates between September 1, 2004 through January 27, 2005, THE DEFENDANT, being employed by or associated with an enterprise, within Berks County and elsewhere, did conduct or participate, directly or indirectly in the conduct of such enterprise's affairs through a pattern of racketeering activity, that is during the periods as set forth herein, DEFENDANT was associated with an enterprise constituting a group of individuals associated in fact, although not a legal entity, engaged in commerce and consisting of Peter Frank Borelli, Alfredo Alicea, Tommaso Sculco, and/or others and DEFENDANT did conduct or participate, directly or indirectly, in the conduct of the affairs of the enterprise through a pattern of racketeering activity as defined in 18 Pa.C.S. 911 (h)(1) consisting of multiple violations of the Controlled Substances, Drug, Device and Cosmetic Act, 35 P.S. 780-113 (a)(30), in violation of Section 911(b)(3) of the Crimes Code, 18 Pa.C.S. 911(b)(3).

911(b)(4) - CORRUPT ORGANIZATIONS - PA CRIMES CODE -F1--In that, on or about the dates between September 1, 2004 through January 27, 2005, THE DEFENDANT did, within Berks County, Pennsylvania and elsewhere, conspire to violate the provisions of Section 911(b)(3) of the Crimes Code, 18 Pa.C.S. 911(b)(3), pertaining to Corrupt Organizations, that is, during the periods of time set forth herein, DEFENDANT, with the intent of promoting or facilitating the commission of the crime of Corrupt Organizations, did conspire and agree with Peter Frank Borelli, Alfredo Alicea, Tommaso Sculco, and/or others, that they, or one or more of them, while employed by or associated with the enterprise set forth herein, would conduct or participate directly or indirectly, in the conduct of the affairs of the enterprise through a pattern of racketeering activity as defined in 18 Pa.C.S. 911 (h)(1), in violation of Section 911(b)(4) of the Crimes Code, 18 Pa.C.S. 911(b)(4).

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of

1.	<u>780-113</u> (Section)	<u>a30</u> (subsection)	of the	<u>Title 35</u> (PA Statute)	<u>1</u> (Counts)
2.	<u>911</u> (Section)	<u>b3</u> (Subsection)	of the	<u>Title 18</u> (PA Statute)	<u>1</u> (Counts)
3.	<u>911</u> (Section)	<u>b4</u> (Subsection)	of the	<u>Title 18</u> (PA Statute)	<u>1</u> (Counts)
4.	<u> </u> (Section)	<u> </u> (Subsection)	of the	<u> </u> (PA Statute)	<u> </u> (Counts)

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. **(In order for a warrant of arrest to issue, the attached affidavit of probable cause must be completed and sworn to before the issuing authority.)**

3. 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.S.A 4904) relating to unsworn falsification to authorities.




(Signature of Affiant)

AND NOW, on this date 4/11/2006, I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed in order for a warrant to issue.

23-2-01

(Magistral District)



(Issuing Authority) **SEAL**

Defendant's Name: Jason Michael Hummel
Docket Number:

2480-06

SEIZURE
STATISTICS

AFFIDAVIT OF PROBABLE CAUSE

Your Affiant, Trooper Troy S. Greenawald is an investigative and law enforcement officer of the Commonwealth of Pennsylvania within the meaning of 18 Pa. C.S.A. 5702, namely an officer in the Commonwealth who is empowered by law to conduct investigations and make arrests for offenses enumerated in 18 Pa. C.S.A. 5708.

Trooper Troy S. Greenawald has participated in the investigation of all types of criminal activity including the investigation of persons violating the Controlled Substance, Drug, Device and Cosmetic Act, 35 C.S. Section 780-101 *et. seq.*. In March 2000, Trooper Troy S. Greenawald was assigned to the Pennsylvania State Police, Troop L-Reading barracks. Trooper Troy S. Greenawald is presently stationed with the Pennsylvania State Police, Troop L-Reading, Vice/Narcotics Unit.

Trooper Troy S. Greenawald has received training related to gambling, organized crime investigations, the preparation of search and arrest warrants, covert surveillance techniques, and the use of informants as taught by the Pennsylvania State Police. In his present position as an investigator, Trooper Troy S. Greenawald is responsible for conducting undercover and covert investigations of Corrupt Organizations relating to illegal narcotics, vice, gambling and organized crime activities throughout the Commonwealth, in particular, Berks, Lebanon and Schuylkill Counties.

Trooper Troy S. Greenawald has also assisted in the preparation of and has served numerous search and seizure warrants for violations of the Controlled Substance, Drug, Device and Cosmetic Act and various crimes enumerated in the Pennsylvania Crimes Code.

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3 INDEXED

Defendant's Name: Jason Michael Hummel
Docket Number:

2480-06

INVESTIGATIVE FACTS

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1. In the fall of 2004, your Affiant Trooper Troy S. Greenawald of the Pennsylvania State Police began an investigation into a drug trafficking organization which included Peter Borelli, Alfredo Alicea, Jason Hummel and others in the Reading, Berks County area. Your Affiant Trooper Greenawald has been actively engaged in a criminal investigation into Violations of the Controlled Substance, Drug, Device and Cosmetic Act, and the Crimes Code, including Corrupt Organizations, Criminal Conspiracy and Criminal Use of a Communication Facility. Evidence developed during Your Affiant Trooper Greenawald's investigation led back to an ongoing investigation into the murder of Harvey Harris on November 16, 2004, being conducted by Criminal Investigator Andrew Shearer of the Reading Police Department.

2. The combined investigations have resulted in the development of evidence relative to the allegations specified. That evidence was submitted to the Twenty-Second Statewide Investigating Grand Jury in Harrisburg, Pennsylvania. On April 5, 2006, the Twenty-Second Statewide Investigating Grand Jury issued Presentment Number Twenty-Four (24) recommending the arrest, among others, of Jason Hummel for Violations of the Controlled Substance, Drug, Device and Cosmetic Act, and Corrupt Organizations under the Crimes Code.

3. The aforementioned presentment was accepted by the Honorable Alex Bonavitacola, Supervising Judge of the Twenty-Second Statewide Investigating Grand Jury, by Order dated April 6, 2006. Copies of the Order Accepting the Presentment and the Presentment are attached hereto and incorporated herein by reference.

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INDEXED
FILED
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CLERK OF COURTS

Defendant's Name: Jason Michael Hummel
Docket Number:

2480-06

SENTINEL

SENTINEL

4. Having read and reviewed this Presentment, having participated in this investigation, and considering all the facts and circumstances, your Affiant is adopting the Presentment and incorporating it fully into the Affidavit of Probable Cause.

5. Your Affiant avers that the testimony before the Twenty-Second Statewide Investigating Grand Jury is consistent with the information contained in Presentment Number Twenty-Four (24) and with the information developed within the course of this investigation.

6. Furthermore, Presentment Number Twenty-Four (24) shows it is based upon evidence which the Twenty-Second Statewide Investigating Grand Jury reviewed and evaluated. The evidence included sworn testimony and other evidence. The Grand Jury findings comport with the findings of the general investigations conducted by the Pennsylvania State Police and the Reading Police Department.

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5 CLERK OF COURTS


Defendant's Name: Jason Michael Hummel
Docket Number:

2480-06

5/13/2006 12:34:15

7. Notice is hereby given pursuant to the provisions of Section 5720 of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. Section 5720, that some oral conversations have been electronically intercepted by the Pennsylvania State Police. The Commonwealth intends to use transcripts and/or recordings of these conversations as evidence against you at any trial, hearing or other adversary proceeding before any court of the Commonwealth which may result.

Your Affiant, Trooper Troy S. Greenawald, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Affidavit are true and correct to the best of his knowledge, information and belief.


Tpr. Troy S. Greenawald

Sworn to me and subscribed before me this 11 day of April, 2006

 District Justice

My commission expires first Monday of January, 2010 SEAL

6 CLERK OF COURTS

IN THE COURT OF COMMON PLEAS
DAUPHIN COUNTY, PENNSYLVANIA

2480-06

IN RE: : SUPREME COURT OF PENNSYLVANIA
 : 108 E.D. MISC. DKT. 2004
 THE TWENTY-SECOND STATEWIDE :
 : DAUPHIN COUNTY COMMON PLEAS
 INVESTIGATING GRAND JURY : NO. 355 M.D. 2004
 :
 : NOTICE NO. 48

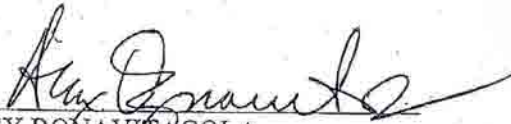
ORDER ACCEPTING PRESENTMENT NO. 24

1. The Court finds Presentment No. 24 of the Twenty-Second Statewide Investigating Grand Jury is within the authority of said Grand Jury and is in accordance with the provisions of the Investigating Grand Jury Act, 42 Pa.C.S. § 4541, et seq. Accordingly, this Presentment is accepted by the Court.

2. The County for conducting the trial of all charges pursuant to this Presentment shall be Berks County.

3. The Attorney General of the Commonwealth of Pennsylvania, or his designee, is hereby authorized to prosecute as recommended in this Presentment by instituting appropriate criminal proceedings in the aforesaid County.

SO ORDERED this 6th day of April, 2006.


 ALEX BONAVITACOLA
 Supervising Judge
 The Twenty-Second Statewide Investigating
 Grand Jury

BERKS COUNTY
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 CLERK OF COURTS

IN THE COURT OF COMMON PLEAS
DAUPHIN COUNTY, PENNSYLVANIA

5/31/2009 12:34:15

IN RE: : SUPREME COURT OF PENNSYLVANIA
: 108 E.D. MISC. DKT. 2004
THE TWENTY-SECOND STATEWIDE :
: DAUPHIN COUNTY COMMON PLEAS
INVESTIGATING GRAND JURY : NO. 355 M.D. 2004
:
: NOTICE NO. 48

TO THE HONORABLE ALEX BONAVIDACOLA, Supervising Judge:

PRESENTMENT NO. 24

We, the Twenty-Second Statewide Investigating Grand Jury, duly charged to inquire into offenses against the criminal laws of the Commonwealth, have obtained knowledge of such matters from witnesses sworn by the Court and testifying before us. We find reasonable grounds to believe that various violations of the criminal laws have occurred. So finding with not fewer than twelve concurring, we do hereby make this Presentment to the Court.

Patricia L. Cecese
Foreperson - The Twenty-Second Statewide
Investigating Grand Jury

DATED: April 5, 2006

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INTRODUCTION

We, the members of the Twenty-Second Statewide Investigating Grand Jury, having received and reviewed evidence pursuant to Notice of Submission of Investigation No. 48, pertaining to alleged violations of the Pennsylvania Crimes Code and the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act in Berks County, Pennsylvania, hereby make the following findings of fact and recommendation of charges:

FINDINGS OF FACT

The grand jury has heard evidence about the activities of a corrupt organization led by Peter Borelli ("Borelli") that distributed cocaine in Reading, Berks County, Pennsylvania. The organization's activities resulted in the murder of Harvey Harris, (a.k.a. "Face"), on November 16, 2004, in the area of Sixth and Chestnut Streets, Reading. Members of the organization involved in Harris' murder include Borelli, Alfredo Alicea (a.k.a. "Image," "Fuego" and "Fresh"), and Tommaso Sculco. Evidence was presented through the testimony of both law enforcement and lay witnesses, including eyewitnesses to Harris's murder. Evidence received by the grand jury also included: recorded telephone conversations; telephone records; admissions by some of the conspirators; and the report of the autopsy performed on Harris.

Jason Hummel testified that he began buying drugs from Borelli in 2000, which he then distributed to his own customers. Sculco also bought drugs from Borelli during this time period, both for his personal use and for distribution to customers. Eventually, Hummel began to work for Borelli by picking up money and delivering narcotics to Borelli's customers, including Sculco. Hummel also continued to sell drugs to his own customers. In the summer of 2004, Sculco introduced Alicea to Borelli and Hummel. Alicea began to buy drugs from Borelli to

CLERK OF COURTS
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BERKS COUNTY

5/13/09 10:05:15 AM
5/13/09 10:05:15 AM

deliver to Alicea's customers. Over time, Alicea began delivering drugs for Borelli to Borelli's customers. The drug that Borelli distributed to Hummel, Alicea, Sculco and others was cocaine.

Hummel testified that on September 1, 2004, he, Borelli and Alicea moved into an apartment together at the Silk Mill Apartments in Reading. At least two witnesses testified that Borelli began to use Alicea as an enforcer. For example, if a customer owed money, Borelli would send Alicea to collect it. Hummel would sometimes accompany Alicea on these excursions. Frequently, Alicea carried a gun. Several witnesses testified that Borelli was the one giving instructions to Alicea and Hummel.

The Pennsylvania State Police ("PSP") obtained authorization to wiretap the three telephones used by Borelli, Alicea and Hummel, beginning on January 28, 2005. In a call intercepted on February 11, 2005, Borelli laid out the structure and operating practices of the organization for Theodore Simmons, (a.k.a. "Black"), who had just been released from prison and whom Borelli had hired to work for the organization during the conversation. He told Simmons that he was still with Hummel and that Alicea was his "young boy . . .," saying that "you need a little bit of a gun . . . somebody gets on your nerves . . . he goes and handles that . . . so we can just do business." He added that "everybody in town know who he is . . . he headlined the paper a couple times this year . . . with shit that he did, if you feel me."

Other intercepted telephone calls showed the way the organization worked. For example, numerous intercepted conversations established that Borelli had great animosity toward another cocaine dealer named Jamar Obryant who worked at a barbershop called "Double Platinum" in Reading, Pennsylvania. On several occasions, Borelli indicated that he would have Alicea shoot Obryant. For example:

- On February 11, 2005, Borelli told Simmons " . . . my young boy'll put two between his [Jamar's] eyes . . . ;"

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CLERK OF COURTS

- On March 5, 2005, Borelli told Simmons “ . . . I have my little young young go right inta that fuckin’ Platinum and do the cap cap;”
- On March 5, 2005, Peter Borelli told his brother Frank: “ . . . I just need an excuse to put that nigger [Jamar] in his place. Walk right in the Platinum, bro, and put that fuckin’ pussy right in his place.” During the same call, Alicea inquired of Peter Borelli: “ . . . did you say you want me to go ahead in the Platinum real quick . . . I’ll have to go stand outside . . . and I didn’t wanna go right there inside the Platinum.” Peter Borelli replied: “Fuego . . . relax . . . I don’t want you goin’ to shoot up nobody . . . just chill till we know what’s going on”

In another intercepted telephone call, Borelli recounted that he had had an argument with Obryant on the afternoon of March 16, 2005. A few hours after this argument, Alicea, using a gun provided by Cesar Fernandez, another member of the Borelli organization, shot and killed Obryant on a Reading street in the presence of Borelli and his brother Frank, and Simmons. This series of events corroborated the testimony of Hummel and other witnesses who were familiar with the structure and operation of the organization as it existed since September of 2004. Borelli directed its actions and Alicea was his enforcer, in Borelli’s words, the “little bit of a gun” who handles the situation when “somebody gets on your nerves,” whose actions had made headlines in the year preceding the above-described phone call Borelli had had with Simmons in February of 2005.

One of the headline-making things that Alicea had done in the past year was to shoot and kill Harris, a.k.a. “Face,” on November 16, 2004. On that day, Alicea had been dispatched to Harris’s location by Borelli after Sculco phoned him complaining that Harris was causing problems for him [Sculco]. Sculco testified that, during the fall of 2004, he managed a boarding house located at on the corner of Sixth and Chestnut Streets, Reading, the address of which was 148 South Sixth Street, for Troy Damiano. Several witnesses testified that most of the persons who lived in this boarding house used, bought and sold cocaine. Others, including Harris, would

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come to the house to buy cocaine and would stay to use it. Some of those who were closely associated with Sculco and involved in the drug trade with him, and who also frequented the boarding house, were Rene Bonilla (a.k.a. "Chino" and "Jose Rodriguez"), Dany Lopez (a.k.a. "Little D") and David Lopez (a.k.a. "Gualdo"). Both Alicea and Hummel delivered cocaine to Sculco during this time period for Borelli.

Several witnesses testified that, on November 16, 2004, Harris was in and out of the boarding house that Sculco ran. Harris, who often used drugs with some of the people who lived there, had the reputation of stealing drugs and money. In his testimony, Sculco acknowledged that he did not want Harris at the house because Harris had told him that he wanted to rent a room and sell drugs from the building. Other witnesses testified that Sculco had told them that he did not want Harris in the building anymore. Sculco was very angry about Harris and said that Harris was nothing but "bad business." On November 16, 2004, Sculco had a telephone conversation with someone and a witness to Sculco's end of it heard him arguing that the things that were going on in the building were not his fault. The Lopezes and Bonilla, among others, were present in Sculco's room during this telephone call. Sculco was cursing during this conversation and told one of the boarders not to let Harris in the building again. Shortly after the conversation ended, Sculco told one of the boarders that "they did not want him [Sculco] in the building no more, they blamed him [Sculco] for all of the problems going on in the building." According to Sculco, the owner was going to close the building and renovate it.

Sculco was trying to call Borelli all day on November 16, 2004. A witness who was with Borelli that afternoon testified that Borelli was not answering the phone because he knew that it was Sculco trying to call him. Records of Sculco's telephone number, 610-507-4814, show that before Harris was murdered, fourteen telephone calls were made to 484-529-3049, one of the

CLERK OF COURTS
JUL 11 2009 10:58 AM

5/11/2009 10:24:42 AM

telephone numbers identified as used by Borelli. The last call of those calls was at 7:27 p.m. Ultimately, Peter Borelli answered the telephone. After Borelli listened for a moment, he told the caller: "Well, I will send the guys." Borelli told Hummel that Sculco said he was being harassed down where he lived. Borelli then went into the bedroom where Alicea was sleeping. They came out of the bedroom and Borelli told Alicea and Hummel to go down to Sculco's house and make sure that he was okay. Borelli gave them a description of what the guy who was harassing Sculco was wearing.

Witnesses testified that Bonilla had an argument with Harris directly outside of Sculco's apartment door. Sculco and David Lopez were inside the apartment at that time. After the argument, Bonilla entered Sculco's apartment and reported that Harris had gone outside. About five minutes later, Sculco and Bonilla left the apartment. Before they did, Sculco made a telephone call which appears from telephone records to be the call to Borelli discussed above. Sculco asked the other party to the conversation for "some love." Sculco and Bonilla told Lopez to lock the apartment door when he left. Lopez left the apartment about a minute and a half later and walked down to the sidewalk on the Chestnut Street side of the building.

Hummel testified that, at Borelli's direction, he drove himself and Alicea to the area of Sixth and Chestnut Streets in his black Jeep Cherokee. The drive took about five minutes. They were in contact with Borelli *via* direct connect calls during the drive. These contacts are reflected in subpoenaed telephone records. Alicea told Borelli when they were about a block and a half away from the boarding house. Hummel parked on Chestnut Street and they both got out of the car. Alicea started walking toward the corner where Sculco had just started talking to the man that Borelli had described to them. As he was passing the back of the Jeep, Hummel realized that he had left his lights on and returned to the front of the car to turn them off. When

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5/13/2009 10:32:42 AM

he came back around the Jeep, Hummel saw Alicea standing on the corner with Sculco and the other individual. Hummel noticed two young adults standing right by his car and, as he was looking at them, he heard gunshots. Hummel looked towards the corner and, on the Sixth Street side, saw Alicea shooting the man standing with Sculco. The man fell to the ground and Alicea kept shooting. The shooting occurred at 7:38 p.m. and the man who fell to the ground was identified as Harris. Harris later died. The medical examiner, Dr. Sarah Lee Funke, determined the cause of death to be multiple gunshot wounds and the manner of death to be homicide.

After shooting Harris, Alicea ran back to the Jeep and got inside. Hummel, too, got inside and drove to his brother's house. Two witnesses were standing on the sidewalk near the area where the Jeep Cherokee had parked on Chestnut Street, about ten feet away from where the shooting occurred. They testified that the shooting took place on the Sixth Street side of the building. After the shooting, the witnesses saw two people get into the Cherokee and drive away.

Shortly after the shooting, Sculco came around the corner from Sixth Street onto Chestnut Street toward the witnesses, who heard him say: "Let's go." Sculco, Bonilla, and another individual then walked away from the murder scene. Sculco testified that he made a telephone call asking to be picked up around Fourth and Spruce Streets. Borelli arrived in a white Avalanche and picked up Sculco and Bonilla. Sculco's telephone records show that a call was made from his telephone to the number previously identified as a telephone used by Borelli at 7:48 p.m. Borelli then drove with Sculco and Bonilla to pick up Alicea.

The morning after Harris was killed, Borelli told one witness to watch the news and that his "people take care of business . . . they don't play." On occasion, he would mention the incident indirectly by saying that what happened on Sixth Street could happen again. Borelli

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also told someone that his young boy did some work on the south side and took care of some problems for Sculco.

Alicea disposed of the gun used to kill Harvey Harris. Borelli gave him another gun for Christmas 2004.

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CLERK OF COURTS
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RECOMMENDATION OF CHARGES

Based on the foregoing, which establishes a *prima facie* case, the Twenty-Second Statewide Investigating Grand Jury recommends that the Attorney General, or his designee, institute criminal proceedings for violations of the following criminal statutes against the individuals listed below:

PETER BORELLI, TOMMASO SCULCO and ALFREDO ALICEA, (a.k.a. "Image, "Fuego" and "Fresh"):

Corrupt Organizations, 18 Pa.C.S. §§ 911(b)(3) and (4)

Criminal Homicide, 18 Pa.C.S. § 2501

First Degree Murder, 18 Pa.C.S. § 2502(a)

Third Degree Murder, 18 Pa.C.S. § 2502(c)

Aggravated Assault, 18 Pa.C.S. §§ 2702(a)(1) and (4)

Criminal Conspiracy, 18 Pa.C.S. § 903

Violations of the Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-113(a)(30)

JASON HUMMEL

Corrupt Organizations, 18 Pa.C.S. §§ 911(b)(3) and (4)

Violations of the Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-113(a)(30)