

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CHESTER



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA

Magisterial District Number: 15-2-07
MDJ Non. LORI NOVAK DONATELLI
Address: 75 E. UWCHLAN AVE. STE 110
EXTON, PA 19341
Telephone: (610)524-7456

DEFENDANT: (NAME and ADDRESS)
JAMES JOHN HVIZDA
First Name Middle Name Last Name
251 BYERS RD
CHESTER SPRINGS, PA 19425

COPY

NCIC Extradition Code/Type

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

RECEIVED
MAR 26 2012
15-2-07

DEFENDANT IDENTIFICATION INFORMATION

Docket Number: CR 48-12 Date Filed: 03/26/2012 OTN/LiveScan Number: T163598-1 Complaint/Incident Number: 20120326M1915 SID: Request Lab Service? YES NO

GEN. Male Female DOB: 05/12/1966 POB: Add'l. DOB: Co-Defendants? Gen.

RACE: White Asian Black Native American Unknown

ETHNICITY: Hispanic Non-Hispanic Unknown

HAIR COLOR: Gry (Gray) Red (Red/Aubn) SDY (Sandy) BLU (Blue) PLE (Purple) BRO (Brown)
 Blk (Black) Ong (Orange) WHI (White) XXX (Ink./Bald) GRN (Green) PNK (Pink)
 Bln (Blonde / Strawberry)

EYE COLOR: Blk (Black) Blu (Blue) BRO (Brown) GRN (Green) GRY (Gray)
 HAZ (Hazel) MAR (Maroon) PNK (Pink) MUL (Multicolored) XXX (Unknown)

Driver License: State PA License Number 21133749 Expires 05/13/2012 WEIGHT (lbs.): 0

DNA: YES NO DNA Location: FBI Number: MNU Number: FT HEIGHT In.: 0

Defendant Fingerprinted: YES NO Fingerprint Classification:

DEFENDANT VEHICLE INFORMATION

Plate # HPK0419 State PA Hazmat Registration Sticker (MM/YY) 11/12 Comm'l Veh Ind. School Veh. Oth. NCIC Veh. Code: Reg. Same as Def.

VIN 1B4GP44RXVB211967 Year 1997 Make DODGE Model CARAVAN Style Color TAN

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.)
CHARLES GAZA (Name of the attorney for the Commonwealth - Please Print or Type) 03/26/2012 (Signature of the attorney for the Commonwealth) (Date)

I, DET. TOM JONES (Name of the Affiant) Act. Michael McGinnis 419
 of UPPER UWCHLAN POLICE DEPT / Chester County Detectives (Identify Department or Agency Represented and Political Subdivision) PA0152500 (Police Agency ORI Number)

do hereby state:

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 [238] UPPER UWCHLAN TWP
 1800 TICONDEROGA BLV CHESTER SPRINGS, WAWA FOOD MARKETS (Subdivision Code) (Political Subdivision)

in CHESTER County [15] on or about 25 MARCH 2012 AT 2310 HRS. (County Code)



POLICE CRIMINAL COMPLAINT

Docket Number CR48-12	Date Filed 03/26/2012	OTN/LiveScan Number T163598-	Complaint/Incident Number 20120326M1915
Defendant Name	First JAMES	Middle JOHN	Last HVIZDA

HVIZDA
COPY

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated if appropriate. When there is more than one offense, each offense should be numbered chronologically.
 (Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits 204 PA §§ 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						
Lead? <input checked="" type="checkbox"/>	1	2501	A	of the	18	1	F1		
	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 (Include the name of statute or ordinance): CRIMINAL HOMICIDE									

Acts of the accused associated with this Offense:
CRIMINAL HOMICIDE The Actor, James Hvizda, on or about March 25th, 2012, in Upper Uwchlan twp., in the County of Chester, is guilty of criminal homicide if he intentionally, knowingly, recklessly or negligently causes the death of another human being., that is to say the actor, stabbed victim Kimberly Hvizda, 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						
Lead? <input type="checkbox"/>	2	2502	A	of the	18	1	F1		
	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 (Include the name of statute or ordinance): MURDER OF THE FIRST DEGREE									

Acts of the accused associated with this Offense:
MURDER OF THE FIRST DEGREE The Actor, James Hvizda on or about March 25th, 2012, in Upper Uwchlan Twp., in the County of Chester, Murder of the first degree. - A criminal homicide constitutes murder of the first degree when it is committed by an intentional killing., that is to say the actor, stabbed Kimberly Hvizda, in violation of Section 2502 (A) of the Pennsylvania Crimes Code, as amended, 18 Pa.C.S. 2502 (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						
Lead? <input type="checkbox"/>	3	2502	C	of the	18	1	F1		
	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 (Include the name of statute or ordinance): MURDER OF THE THIRD DEGREE									

Acts of the accused associated with this Offense:
MURDER OF THE THIRD DEGREE The Actor, James Hvizda, on or about March 25th, 2012, in the County of Chester, Murder of the third degree. - All other kinds of murder shall be murder of the third degree. Murder of the third degree is a felony of the first degree., that is to say the actor, stabbed Kimberly Hvizda, in violation of Section 2502 (C) of the Pennsylvania Crimes Code, as amended, 18 Pa.C.S. 2502 (C)



POLICE CRIMINAL COMPLAINT

Docket Number CR 48-12	Date Filed 03/26/2012	OTN/LiveScan Number T/63598-1	Complaint/Incident Number 20120326M1915
Defendant Name	First JAMES	Middle JOHN	Last HVIZDA
Inchoate Offense <input type="checkbox"/>	Attempt <input type="checkbox"/> 18 901 A	Solicitation <input type="checkbox"/> 18 902 A	Conspic <input type="checkbox"/> 18 903
<input type="checkbox"/> Lead?	4 Offense #	2504 Section	A Subsection
	of the	18 PA Statute (Title)	1 Counts
		M1 Grade	18 903 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): INVOLUNTARY MANSLAUGHTER			
Acts of the accused associated with this Offense:			

COPY

Inchoate Offense <input type="checkbox"/>	Attempt <input type="checkbox"/> 18 901 A	Solicitation <input type="checkbox"/> 18 902 A	Conspiracy <input type="checkbox"/> 18 903
<input type="checkbox"/> Lead?	5 Offense #	907 Section	A Subsection
	of the	18 PA Statute (Title)	1 Counts
		M1 Grade	18 907 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): POSS INSTRUMENT OF CRIME W/INT			
Acts of the accused associated with this Offense: POSS INSTRUMENT OF CRIME W/INT The Actor, James Hvizda, on or about, March 25th, 2012, in the County of Chester, commits a misdemeanor of the first degree if he possesses any instrument of crime with intent to employ it criminally., that is to say the actor, stabbed with a knife Kimberly Hvizda, in violation of Section 907 (A) of the Pennsylvania Crimes Code, as amended, 18 Pa.C.S. 907 (A)			



POLICE CRIMINAL COMPLAINT

Docket Number <u>CP48-12</u>	Date Filed <u>03/26/2012</u>	OTN/LiveScan Number <u>T16359811</u>	Complaint/Incident Number <u>20120326M1915</u>
Defendant Name	First <u>JAMES</u>	Middle <u>JOHN</u>	Last

**HVIZDA
COPY**

- 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.

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.)

MARCH 26, 2012
(Date)

Det. Thomas Jones / M.M.A. CC047
(Signature of Affiant)

AND NOW, on this date 3/26/12 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.

15-2-07
(Magisterial District Court Number)

Jon Moral Donut
(Issuing Authority)

SEAL



Co-Defendant Data Sheet

Docket Number CR-48-12	Date Filed 03/26/2012	OTN/LiveScan Number 7163598-1	Complaint/Incident Number 20120326M1915
Defendant Name	First JAMES	Middle JOHN	Last

WYDA
COPY
Co-Defendant # 0

Complaint/Incident Number
20120326M1915

(Name)

(Home Street Address)

City, State & ZIP Code

(Telephone #)



POLICE CRIMINAL COMPLAINT

Docket Number CR-48-10	Date Filed 03/26/2012	OTN/LiveScan Number T163598-1	Complaint/Incident Number 20120326M1915
Defendant Name	First JAMES	Middle JOHN	Last HVIZDA

**HVIZDA
COPY**

AFFIDAVIT of PROBABLE CAUSE

Your affiant is Detective Thomas Jones of the Upper Uwchlan Police Department in Chester County, Pennsylvania. Your affiant has been employed by Upper Uwchlan Police Department since 1992. Your affiant is assigned to criminal investigations for the agency. In the past 20 years your affiant has received extensive training in criminal investigations including homicide investigations.

á Your Affiant, Detective Michael McGinnis, is a Chester County Detective employed by the Chester County District Attorney's Office located at 201 West Market Street, West Chester, Pennsylvania. Detective McGinnis has been a sworn law enforcement officer in the Commonwealth of Pennsylvania for over twenty five years. Detective McGinnis has been employed as a Chester County Detective since 2000 and as such, is a sworn police officer in the Commonwealth of Pennsylvania. Detective McGinnis is empowered to conduct criminal investigations and make arrests for violations enumerated in the Pennsylvania Crimes Code (Title 18, Pennsylvania Consolidated Statutes as amended). In 1986, prior to employment as a Chester County Detective, Detective McGinnis began his law enforcement career as a patrolman with the West Chester Police Department located in West Chester Borough, Chester County, Pennsylvania. Detective McGinnis education and training include graduation from Saint Joseph's University (BS), West Chester University (MS), and the Pennsylvania State Police Academy in Hershey Pennsylvania. During his twenty five years as a law enforcement officer, Detective McGinnis conducted over one thousand homicide, sexual assault, robbery, narcotics and financial investigations, which included preparing arrest and search warrant affidavits. Detective McGinnis arrested and/or participated in the felony arrests and convictions of approximately five hundred defendants during his law enforcement career including over sixty charged with homicide and related offenses. On 3/26/2012 at approximately 0030 hrs, your affiant was advised by Upper Uwchlan Township Police, Cpl. Joseph Carr of the following events. On 3/25/2012 at approximately 23:10 hrs, Cpl. Carr stated to your affiant he was on station at the Upper Uwchlan Police Department, at 140 Pottstown Pike (Rt. 100), and a subject rang the doorbell. The subject was buzzed into the vestibule and he was asked by Corporal Carr "how can I help you?" The subject stated "I just killed my wife". The Corporal replied "what?" and the subject repeated "I just killed my wife." The Corporal asked him "where?" and the subject replied "at your WAWA." The Corporal asked "is she alive?" and he replied "no she is dead." The Corporal asked "how did you kill her" and he replied "with a knife." The Corporal asked "what's your name?" and he replied "Jim Hvizda." Cpl. Carr asked Hvizda a few more questions concerning the location of his children to which the subject responded that he did not know where they were. Cpl. Carr advised that he knew of Hvizda through prior domestic-related incidents between the defendant and his wife Kimberly, at their residence and knew they had children together. Cpl. Carr advised your affiant, that the subject was taken into custody and placed in a holding cell at the Upper Uwchlan Police Department. Cpl. Carr obtained Hvizda's PA driver's license and he was positively identified as James Hvizda, herein known as defendant. The Upper Uwchlan Police Department is located approximately one half mile from the Wawa store located at 1800 Ticonderoga Blvd. Cpl. Carr advised your affiant that Officer Kyle Sherman responded to the Wawa located at 1800 Ticonderoga Blvd., and located a female lying face down in the parking-lot. The female victim was motionless and a check of her vital signs revealed that she had no pulse. The officer observed that the female victim had a knife protruding from her

I, DET. TOM JONES (4), 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.

Det. Thomas Jones / *CCD # 9*
(Signature of Affiant)

Sworn to me and subscribed before me this _____ day of _____, _____ Date _____, Magisterial District Judge

My commission expires first Monday of January, _____

SEAL



POLICE CRIMINAL COMPLAINT

Docket Number CR-48-12	Date Filed 03/26/2012	OTN/LiveScan Number 7163598-1	Complaint/Incident Number 20120326M1915
Defendant Name	First JAMES	Middle JOHN	Last

AFFIDAVIT of PROBABLE CAUSE CONTINUATION

HVIZDA COPY

stomach. The female victim was later pronounced dead at the scene by EMTs of the Uwchlan Ambulance Corps. The female victim found deceased in the Wawa parking lot was subsequently identified as Kimberly Hvizda (victim). On 3/26/12 at 0038 hrs, your Affiant and Detective Michael McGinnis of the Chester County Detectives, interviewed James Hvizda at the Upper Uwchlan Police Department in an interview room. The interview was audio recorded. The defendant was advised of his Miranda Rights and advised he understood the rights read to him, after having his rights explained to him, the subject agreed to speak with police regarding the stabbing of his wife Kimberly Hvizda. The defendant stated to detectives that he had spoken to victim by his personal cell phone on Wednesday 3/21/12, and they agreed to meet on Sunday 3/25/12, at the Wawa store where she was employed. The defendant stated he was meeting her at 11:00 PM just prior to her shift. The defendant stated that the purpose of the meeting was so the victim could give the defendant two letters. The defendant stated he had no contact with the victim from Wednesday 3/21/2012 until the meeting at the Wawa store. The defendant stated that he went to the Wawa store and parked on the West side of the store not knowing that his wife parked on the opposite side. The defendant stated he went to the front door of the Wawa and prior to going inside met her at the front doors. The defendant stated that the victim approached him and she advised that she had the two letters in her van and victim and defendant walked to victim's parked vehicle. The defendant stated the victim reached into the van and obtained the two letters. The defendant stated he brought a knife with him and the knife was secured in the waistband of his pants. The defendant stated he then pulled the knife and stabbed the victim in the stomach. The defendant then stated he placed the knife at her throat and pressed it. The defendant stated he left the two letters, the knife and the sheath in the Wawa parking lot on the ground and fled driving directly to the Upper Uwchlan Police Department.

The defendant stated he advised the officer at the door that he stabbed his wife. Investigation of the crime scene revealed that the letters, the knife and the sheath were in the location that the defendant generally described. During the interview, the defendant stated that on or about March 17th of this year he started to keep a handwritten journal in which he wrote about his intentions to kill his wife. The defendant stated this written journal is a blue binder, which is located in his office at his home in his desk in the top right hand drawer. The defendant referred to his home as 251 Byers Rd in Chester Springs PA 19425, which is located in Upper Uwchlan Township. The defendant advised that he had three cellphones in his van which the defendant stated he drove to the Upper Uwchlan Police Department. The 1997 Dodge van was located by Cpl. Carr in the police department parking lot. The van displayed PA tag HPK0419. The tag is registered to Mary L. Hvizda of 914 Hidden Forest Ct. Fairless Hills, PA 19030.

The defendant stated that when he agreed to meet with the victim on Sunday 3/25/2012 it was his intention to kill her during that Sunday meeting. The defendant stated that on Saturday 3/24/12 he purchased a knife from Dick's Sporting Goods in Langhorne PA. The defendant stated that he purchased the knife with the intent of using it to kill his wife. The defendant stated that the victim had an active PFA (Protection from Abuse) against him. Your affiant checked the CLEAN system and located an active PFA which was issued on 11/4/11 and was set to expire on 11/3/14. Based on the facts and circumstances, your affiant requests that the above named defendant be made to come forth and answer to the charges brought before him.

Det. [Signature]
(Signature of Affiant)