

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: WAYNE



POLICE CRIMINAL COMPLAINT  
COMMONWEALTH OF PENNSYLVANIA  
VS.

Magisterial District Number: 22-3-04  
MDJ Name: Hon. RONALD EDWARDS  
Address: 1065 CREAMTON TPKE  
HONESDALE, PA 18431  
Telephone: (570)448-2061

DEFENDANT: (NAME and ADDRESS):  
TRISTEN KURILLA  
First Name Middle Name Last Name Gen.  
232 SWENDSEN RD  
DAMASCUS, PA 18415  
570-224-5088

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

DEFENDANT IDENTIFICATION INFORMATION

Docket Number: / /  
Date Filed: 10/13/14  
OTN/LiveScan Number: / /  
Complaint/Incident Number: R03-0944382  
SID: / /  
Request Lab Services?  YES  NO

GENDER:  Male  Female  
DOB: 7/14/04  
POB: PA  
Add'l DOB: / /  
Co-Defendant(s):   
AKA: First Name: / Middle Name: / Last Name: / Gen: /

RACE:  White  Asian  Black  Native American  Unknown

ETHNICITY:  Hispanic  Non-Hispanic  Unknown

HAIR COLOR:  GRY (Gray)  RED (Red / Auburn.)  SDY (Sandy)  BLU (Blue)  PLE (Purple)  BRO (Brown)  
 BLK (Black)  WHI (White)  XXX (Unk. / Bald)  
 BLN (Blonde / Strawberry)  ONG (Orange)

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: / License Number: / Expires: / WEIGHT (lbs.): /

DNA:  YES  NO DNA Location: / 130

FBI Number: / MNU Number: / Ft. HEIGHT In: /

Defendant Fingerprinted:  YES  NO 5 0

Fingerprint Classification: /

DEFENDANT VEHICLE INFORMATION

Plate #: / State: / Hazmat:  Registration Sticker (MM/YY): / Comm'l Veh. Ind.:  School Veh.:  Oth. NCIC Veh. Code: / Reg. same as Def.:   
VIN: / Year: / Make: / Model: / Style: / Color: /

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 Pa.R.Crim.P.507.)

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

I, TPR. JOHN DECKER / TPR. GREG ALLEN 00495842/08287 649672/10759  
(Name of Affiant - Please Print or Type) (PSP/MPOETC - Assigned Affiant ID Number & Badge #)

of the Pennsylvania State Police, Troop R, Honesdale (Identify Department or Agency Represented and Political Subdivision) PAPSP4000 (Police Agency ORI Number)

do hereby state: (check appropriate box)

- 1.  I accuse the above named defendant who lives at the address set forth above
- 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 or Jane Doe.

with violating the penal laws of the Commonwealth of Pennsylvania at: 206 (Subdivision) 349 SKYLAKE RD TYLER HILL, PA 18469 / DAMASCUS TWP (Place-Political Subdivision) Code)

in WAYNE County (County Code) 63 on or about 10/11/14 AT APPROX. 1000-1030HRS



# POLICE CRIMINAL COMPLAINT

Docket Number	Date Filed / /	OTN/LiveScan Number	Complaint/Incident Number R03-0944382
Defendant Name	First: TRISTEN	Middle:	Last: KURILLA

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.

(Set forth a *brief* summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 - 213.7.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/> Lead?	1	2501 (a)	of the	Title 18 , PA Crimes Code	1	F1	01A	/01A
	Offense #	Section Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance):  
**CRIMINAL HOMICIDE**

Acts of the accused associated with this Offense:  
(a)OFFENSE DEFINED.-A person is guilty of criminal homicide if he intentionally, knowingly, recklessly, or negligently cause the death of another human being. (1E) the defendant did put a wooden cane against the throat of the victim (90 year old Helen NOVAK), and push it up against her throat for 4-5 seconds, and did strike her five times with his fist in the throat, causing the victims death.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/> Lead?	2	2702 (a)(1)	of the	Title 18 , PA Crimes Code	1	F1		04( )/13A
	Offense #	Section Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance):  
**Aggravated Assault**

Acts of the accused associated with this Offense:  
IN THAT, on or about said date, THE DEFENDANT did attempt to cause or did intentionally, knowingly or recklessly cause serious bodily injury to (Helen NOVAK) under circumstances manifesting extreme indifference to the value of human life, that is to say THE DEFENDANT did (put a wooden cane against the throat of the victim (90 year old Helen NOVAK), and push it up against her throat for 4-5 seconds, and did strike her five times with his fist in the throat, and did strike the victim with his fist five times in the abdomen, these strikes caused severe hemoraging in the victim throat and swelling which caused the victims death), in violation of Section 2702(a)(1) of the PA Crimes Code.



# POLICE CRIMINAL COMPLAINT

Docket Number	Date Filed / /	OTN/LiveScan Number	Complaint/Incident Number R03-0944382
Defendant Name	First: TRISTEN	Middle:	Last: KURILLA

2. 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.

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.§4904) relating to unsworn falsification to authorities.

4. This complaint consists 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.)**

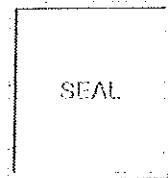
(Date)

(Signature of Affiant)

AND NOW, on this date, \_\_\_\_\_ 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.

(Magisterial District Court Number)

(Issuing Authority)





# POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: / /	OTN/LiveScan Number:	Complaint/Incident Number R03-0944382
Defendant Name:	First: Tristen	Middle:	Last: KURILLA

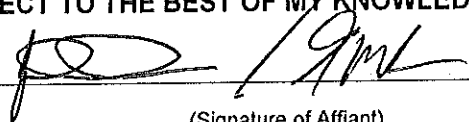
## AFFIDAVIT of PROBABLE CAUSE

You affiant is Trooper John D. DECKER of the Pa State Police Troop R Honesdale. I have been a trooper for the last 16 years. I am currently assigned to the criminal investigations unit. I have had this assignment for the last eight years. Part of that assignment is to investigate and make arrests for crimes such as Criminal Homicide.

On 10/11/14 at approximately 1115hrs myself and Wayne County Deputy Coroner, Carol LEINERT arrived at PSP Honesdale. We had just finished another call. Upon our arrival PCO Dave AULISIO received a call from the Wayne County Communications Center advising that there was a deceased 94 year old woman at a personal care home on Skylake Rd. Tyler Hill, PA. LEINERT advised that she would go to the location and would advise PSP Honesdale should she need any assistance. LEINERT responded to the scene. The female, Helen NOVAK (90 years old), was located by LEINERT at the home (349 Skylake Rd. Tyler Hill, PA / Damascus Twp / Wayne County). NOVAK was subsequently transported to Wayne Memorial Hospital Morgue.

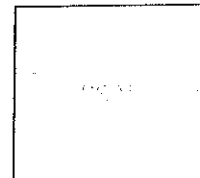
On 10/11/14 at approx. 1520hrs I was notified that there was a female in the lobby of PSP Honesdale that advised that she had information relative to the death of NOVAK. I went to the lobby and identified myself. The female identified herself as Martha VIRBITSKY. Martha advised that her son, Tristen KURILLA (DOB 7/14/04 / 10 years old) had told her that he had killed NOVAK. I then asked her what he said. Martha advised that her son had gone to his grandfather's house (Anthony VIRBITSKY) on the morning of 10/11/14. She advised that Anthony takes care of NOVAK because he used to run a personal care home there. Martha continued that her son had said that he had went into NOVAK's room and asked her a question and then she yelled at him to get out. Her son then advised that he got mad and lost his temper and grabbed a cane and put it around NOVAK's throat. He then pulled NOVAK down on the bed and held the cane on her throat. He then punched her repeatedly.

I, TPR. JOHN DECKER, 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 \_\_\_\_\_ day of \_\_\_\_\_  
 \_\_\_\_\_ Date \_\_\_\_\_, Magisterial District Judge

My commission expires first Monday of January,





# POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: //	OTN/LiveScan Number:	Complaint/Incident Number R03-0944382
Defendant Name:	First: Tristen	Middle:	Last: KURILLA

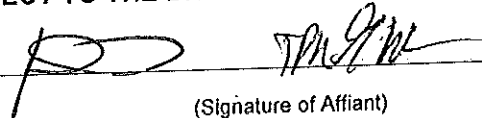
## AFFIDAVIT of PROBABLE CAUSE

Martha advised that she has had a lot of trouble with Tristen and that he has had some mental difficulties. She advised that Tristen has been violent in the past and tells lies all the time. Martha then asked me to talk with Tristen. I informed her that Tristen could get into a lot of trouble for something like this and that he could face criminal charges. Martha advised that she understood and still wanted me to speak with him. Martha then advised that she did not want to be in the room and that she wanted me to talk with Tristen alone. I advised her that I typically do not do that when the individual is 10 years old. She advised that she understood that but felt that Tristen would be more honest if she was not there. I then advised Martha that she was allowed to have an attorney in with Tristen or to be in the room herself. She advised that she understood that and still wanted me to talk to Tristen without an attorney present or her in the room.

I then walked back out to the lobby with Martha and identified myself to Tristen. Martha then told Tristen that she wanted him to go into the barracks and speak with me. I then asked Tristen if he wanted his mother in the room with us and he advised that he did not. As we walked to the interview room I told Tristen that he did not have to talk with me and that he was welcomed to have his mother in the room with us if he wanted. Tristen advised that he wanted to speak with me and did not want his mother in the room. I then told him if at any time he wanted to leave the room and or have his mother in the room that I would go get her or take him back to the lobby. Tristen advised that he understood and would let me know if he changed his mind. I made sure that Tristen understood what the truth meant and he confirmed that he understood the concept. I then asked Tristen if he had ever lied before. Tristen responded, "Yes, a lot." I then asked him if he was going to lie to me, and he responded that he was not going to tell me any lies.

I then asked him to tell me what had happened. Tristen then said, "I killed that lady." I then said, "How did that happen?"

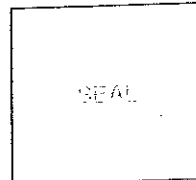
I, TPR. JOHN DECKER, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

  
(Signature of Affiant)

Sworn to me and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_, Magisterial District Judge

My commission expires first Monday of January,





# POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: //	OTN/LiveScan Number:	Complaint/Incident Number R03-0944382
Defendant Name:	First: Tristen	Middle:	Last: KURILLA

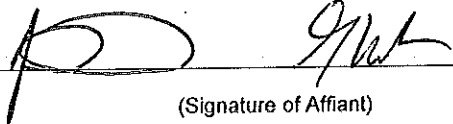
## AFFIDAVIT of PROBABLE CAUSE

Tristen advised that he was at his grandfather's house. He advised that 10 am he went into NOVAK's room and she yelled at him to get out of her room. Tristen advised that this made him very mad and he lost his temper. He continued that he ran out of the room and grabbed a wooden cane and came back into the room. He advised that NOVAK was seated upright at the end of her bed. He advised that he came up behind her and put the cane around her throat and pulled back. Tristen advised that he pulled NOVAK down on the bed and pushed the cane into her throat for four to five seconds. He advised that he then took it off her and she sat up. He advised that when she sat up he punched her in the throat five times and then in the stomach five times. Tristen advised that he was standing in front of NOVAK when he did this. I then said, "Where you trying to kill her?". To which Tristen replied, "No, I was only trying to hurt her." I then asked Tristen where he got the cane from and what it looked like. I then asked Tristen if he had told me the truth. He advised that he had told me that whole truth. I then asked him to come to the lobby with me to be with his mother.

I spoke with Anthony VIRBITSKY (grandfather of Tristen KURILLA). I asked Anthony to tell me what had happened. Anthony advised that Tristen had come to his house earlier in the morning so that he could watch him because his mother had to work. Anthony advised that at approx. 1030hrs Tristen came to him and told him that Helen (Novak) was bleeding from her mouth. Anthony advised that he went into her room to check on her, but found no blood. He advised that NOVAK was breathing heavy and looked scared.

Anthony advised that he asked NOVAK if she was OK and she said, "Yes". He advised that he then asked her if she wanted to go to the hospital, and she replied that she did not. Anthony advised that he asked Tristen what had happened to NOVAK and had he done anything to her and Tristen denied having done anything to her. Anthony then advised that he told Tristen to go into another room and he did not go back near NOVAK after that.

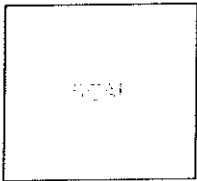
I, TPR. JOHN DECKER, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

  
 \_\_\_\_\_  
 (Signature of Affiant)

Sworn to me and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_, Magisterial District Judge

My commission expires first Monday of January,





# POLICE CRIMINAL COMPLAINT

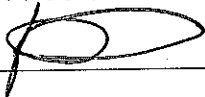
Docket Number:	Date Filed: //	OTN/LiveScan Number:	Complaint/Incident Number R03-0944382
Defendant Name:	First: Tristen	Middle:	Last: KURILLA

## AFFIDAVIT of PROBABLE CAUSE

Anthony advised that at approx. 1100hrs he went back in to check on NOVAK and she was not responsive. Anthony advised that he did speak with Tristen further at which time Tristen advised him that he had punched the victim and put a cane around her neck.

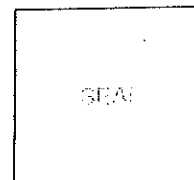
I then spoke with Martha VIRBITSKY and advised her that I would like to get a statement from her son. She advised that Tristen does not write that well. I then advised Martha that I could audio record the statement. She advised that she would like to have the statement done that way. I then brought Martha VIRBITSKY and her son, Tristen KURILLA into the interview room. I immediately informed both Tristen and Martha that the conversation was being recorded. They both advised that they understood. I then asked Martha if she understood the rights I read, She replied, "Yes". I then asked Martha if having these rights in mind now she wanted the juvenile to talk with me now without an attorney present, she replied, "Yes". I then asked Tristen if he had opportunity to privately discuss this matter with his mother. Tristen appeared to be having trouble answering the questions so I asked him if he would like more time to discuss the matter with him mother and he advised that he did. I then advised him that I would stop recording and step out of the room so he could talk with his mother. I then stopped recording and stepped out of the room. Shortly thereafter Martha VIRBITSKY came out of the interview room and advised me that Tristen was ready to continue with the interview. I then went back into the room. Tristen subsequently provided very similar information to what he provided earlier. Except he now advised that after he had assaulted NOVAK she screamed that she could not eat when she was trying to eat a cracker that he had given to her earlier. Tristen also advised that NOVAK was having trouble breathing after he had assaulted her. Tristen insisted that he was telling the truth about having assaulted NOVAK even after I told him repeatedly that he could get into trouble for what he was saying and that he could get arrested.

I, TPR. JOHN DECKER, 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 \_\_\_\_\_ day of \_\_\_\_\_  
 \_\_\_\_\_ Date \_\_\_\_\_, Magisterial District Judge

My commission expires first Monday of January,





# POLICE CRIMINAL COMPLAINT

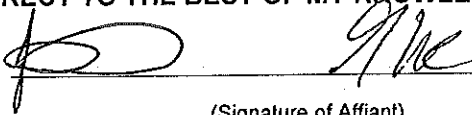
Docket Number:	Date Filed: / /	OTN/LiveScan Number:	Complaint/Incident Number R03-0944382
Defendant Name:	First: Tristen	Middle:	Last: KURILLA

## AFFIDAVIT of PROBABLE CAUSE

Your affiant subsequently obtained consent to search the residence of Anthony VIRBITSKY located at 349 Skylake Rd. Tyler Hill, PA. At that search a wooden cane (walking stick) was located in the room next to the victim's room. Tristen looked at the cane and identified that as being the cane that he had used to assault the victim.

On 10/13/14 at approx. 1230hrs an autopsy was performed by Dr. ROSS.. Also present at the autopsy were Al HUGHES , Wayne County Coroner, Edward HOWELL, Tpr. Gerald GUSTAS, and myself. Dr. ROSS reported that his findings for the autopsy were the following: The victim died from blunt force trauma to her neck. His ruling on the death was Homicide. Dr. ROSS also advised that the account provided by Tristen KURILLA was consistent with the injuries that he observed on the victim. He also advised that one of the blows to the victim's neck was definitely the cause of her death.

I, TPR. JOHN DECKER, 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 \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_, Magisterial District Judge

My commission expires first Monday of January,

