

△ no priors.

Marie Zientlewicz 89 yo.

PH date: 2/28/13
9am

COMMONWEALTH OF
PENNSYLVANIA
COUNTY OF BUCKS

Magisterial District Number: 07-1-09

MDJ: Hon. DANIEL J FINELLO JR
567 NEWTOWN ROAD

Address: WARMINSTER, PA. 18974

Telephone: (215) 672-5853



POLICE CRIMINAL COMPLAINT

COMMONWEALTH OF PENNSYLVANIA

VS.

(NAME and ADDRESS):

DEFENDANT:

ANDREW

GRAHAM

CAIRNS

First Name

Middle Name

Last Name

Gen

675 E STREET RD

WARMINSTER

PA

2004 JEFFERSON ON THE CRE
18974

NCIC Extradition Code Type

1-Felony Full 4-Felony No Ext
 2-Felony Ltd. 5-Felony Pend.
 3-Felony Surrounding States A-Misdemeanor Full

B-Misdemeanor Limited
 C-Misdemeanor Surrounding States
 D-Misdemeanor No Extradition

E-Misdemeanor Pending
 Distance:

DEFENDANT IDENTIFICATION INFORMATION

Docket Number	Date Filed 02/20/13	OTN/LiveScan Number L 7466 758-6	Complaint/Incident Number WT-13-03577	SID:	Request Lab Services? <input type="checkbox"/> YES <input type="checkbox"/> NO	
GENDER	DOB 08/13/1963	POB	Add'l DOB	Co-Defendant(s) <input type="checkbox"/>		
<input checked="" type="checkbox"/> Male	First Name	Middle Name	Last Name	Gen.		
<input type="checkbox"/> Female	AKA					
RACE	<input checked="" type="checkbox"/> White	<input type="checkbox"/> Asian	<input type="checkbox"/> Black	<input type="checkbox"/> Native American	<input type="checkbox"/> Unknown	
ETHNICITY	<input type="checkbox"/> Hispanic			<input type="checkbox"/> Non-Hispanic	<input type="checkbox"/> Unknown	
HAIR COLOR	<input type="checkbox"/> GRY (Gray)	<input type="checkbox"/> RED (Red/Aubn.)	<input type="checkbox"/> SDY (Sandy)	<input checked="" type="checkbox"/> BLU (Blue)	<input type="checkbox"/> PLE (Purple)	<input type="checkbox"/> BRO (Brown)
	<input type="checkbox"/> BLK (Black)	<input type="checkbox"/> ONG (Orange)	<input type="checkbox"/> WHI (White)	<input type="checkbox"/> XXX (Unk/Bald)	<input type="checkbox"/> GRN (Green)	<input type="checkbox"/> PNK (Pink)
	<input type="checkbox"/> BLN (Blonde / Strawberry)					
EYE COLOR	<input type="checkbox"/> BLK (Black)	<input type="checkbox"/> BLU (Blue)	<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)	<input type="checkbox"/> XXX (Unknown)	
Driver License State	PA	License Number 20649413	Expires: 08/14/16	WEIGHT (Lbs) 0		
DNA Sampled	<input type="checkbox"/> YES <input type="checkbox"/> NO	DNA Location				
FBI Number		MNU Number		HEIGHT 0 0		
Defendant Fingerprinted	<input type="checkbox"/> YES <input type="checkbox"/> NO					
Fingerprint Classification						

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

(Name of the attorney for the Commonwealth-Please Print or Type) (Signature of the attorney for the Commonwealth) (Date)

I, _____ (Name of the Affiant-Please Print or Type) PSP/MPOETC-Assigned Affiant ID Number and Badge #
 of WARMINSTER TWP POLICE PA0092100
 (Identify Department or Agency Represented and Political Subdivision) (Police Agency ORI Number)

do hereby state: (check appropriate box)

- 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 226 WARMINSTER TWP

(Subdivision Code)

(Place/Political Subdivision)

675 EAST STREET ROAD, APT 2004, WARMINSTER TWP, PA 18974

in BUCKS County 09 on or about 1942 HOURS FEB. 19, 2013

(County Code)

Bail: \$10,000,000/10% ⁶ forfeit all weapons. ³ No contact w/
Arrestment (marked)



POLICE CRIMINAL COMPLAINT

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Defendant Name	First: ANDREW	Middle: GRAHAM	Last: CAIRNS

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 P.A.C.S. §4904) relating to unsworn falsification to authorities.
4. This complaint is comprised of the preceding page, as well as the attached pages that follow, 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.

(Magisterial District Court Number)

(Issuing Authority)

SEAL



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 02/20/2013	OTN/LiveScan Number	Complaint/Incident Number WF-13-03577
Defendant Name	First: ANDREW	Middle: GRAHAM	Last: CAIRNS

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) 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.)

<input checked="" type="checkbox"/> Inchoate Offense	<input checked="" type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903				
<input type="checkbox"/>	2501	(a) of the PA Crimes Code	1	F-1		01A	09A
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 (Include the Name of the Statute or Ordinance): PACC 2501(a) CRIMINAL HOMICIDE (Criminal Attempt)							

Acts of the accused associated with this Offense:

PACC 2501(a) CRIMINAL HOMICIDE (Criminal Attempt)

IN THAT, on or about said date, THE DEFENDANT did intentionally, knowingly, recklessly, or negligently cause the death of Officers Jeremy Cole and/or Chris O'Neill and/or Sean Harold and/or Robert Schwarting and/or Lt. James Donnelly and/or Lt. Dominic Varacallo , another human being, in violation of Section 2501(a) of the PA Crimes Code. (18 Pa.C.S. 2501(a)).

<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				
<input type="checkbox"/>	2702.1	A of the PA CRIMES CODE	1	F-1			
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 (Include the Name of the Statute or Ordinance): Assault of Law Enforcement Officer							

Acts of the accused associated with this Offense:

Defendant did knowingly attempt to cause bodily injury to Officers Jeremy Cole and/or Chris O'Neill and/or Sean Harold and/or Robert Schwarting and/or Lt. James Donnelly and/or Lt. Dominic Varacallo, law enforcement officers, while in the performance of their duties, investigating a report of shot being fired in an apartment complex. Defendant did discharge a firearm at law enforcement officers.



POLICE CRIMINAL COMPLAINT

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Defendant Name	First: ANDREW	Middle: GRAHAM	Last: CAIRNS

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) 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.)

<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					
<input type="checkbox"/>	2702	(a)(3)	PA Crimes Code	1	F-2		04A	13A
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 (Include the Name of the Statute or Ordinance): PACC 2702(a)3 Aggravated Assault F2								

Acts of the accused associated with this Offense:

PACC 2702(a)3 Aggravated Assault F2

IN THAT, on or about said date, THE DEFENDANT did attempt to cause or did intentionally and knowingly cause bodily injury to Officers Jeremy Cole and/or Chris O'Neill and/or Sean Harold and/or Robert Schwarting and/or Lt. James Donnelly and/or Lt. Dominic Varacallo, who was in the performance of duty as an officer, agent, employee or other person enumerated in subsection (c), that is to say THE DEFENDANT did discharge a firearm at up to six police officers in the performance of their duties, investigating the report of shots being fired in the complex, in violation of Section 2702(a)(3) of the PA Crimes Code. (18 Pa.C.S. 2702(a)(3) Felony 2nd)

<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					
<input type="checkbox"/>	2707.1	A	PA CRIMES CODE	1	F-3			
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 (Include the Name of the Statute or Ordinance): Discharge of a Firearm into an Occupied Structure								

Acts of the accused associated with this Offense:

Defendant did knowingly, intentionally or recklessly discharge a firearm into an occupied structure a seperate house on Concord Road, Warminster Township, Bucks County, Pa.



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed:	OTN/LiveScan Number	Complaint/Incident Number
	02/20/2013		WT-13-03577
Defendant Name	First:	Middle:	Last:
	ANDREW	GRAHAM	CAIRNS

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) 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.)

<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					
<input type="checkbox"/>	907	(a)	PA Crimes Code	1	M-1		260	90Z
Lead?	Offense #	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
<input type="checkbox"/> PennDOT Data (If Applicable)	<input type="checkbox"/> Accident Number				<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone		
Statute Description (Include the Name of the Statute or Ordinance): PACC 907(a) Possessing Instrument of Crime M1								

Acts of the accused associated with this Offense:

PACC 907(a) Possessing Instrument of Crime M1

IN THAT, on or about said date, THE DEFENDANT did possess an instrument of crime, namely, believed to be a .44 caliber magnum handgun, with intent to employ it criminally, in violation of Section 907(a) of the PA Crimes Code (18 P.S. 907(a) - Misd. 1st)

<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					
<input type="checkbox"/>	2705	of the	PA Crimes Code	6	M-2		04E	90Z
Lead?	Offense #	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
<input type="checkbox"/> PennDOT Data (If Applicable)	<input type="checkbox"/> Accident Number				<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone		
Statute Description (Include the Name of the Statute or Ordinance): PACC 2705 Recklessly Endangering Another Person M2								

Acts of the accused associated with this Offense:

PACC 2705 Recklessly Endangering Another Person M2

IN THAT, on or about said date, THE DEFENDANT did recklessly engage in conduct which placed or may have placed Officers Jeremy Cole, Chris O'Neill, Sean Harold, Robert Schwarting, Lt. James Donnelly and Lt. Dominic Varacallo in danger of death or serious bodily injury by discharge a firearm at police officers investigating a report of shots being fired in an apartment complex, in violation of Section 2705 of the PA Crimes Code. (18 Pa.C.S. 2705 - Misd. 2nd).

CONFIDENTIAL**Confidential Information Form
Criminal Complaint**

Complete the defendant's SSN Information if known. If this form is submitted as part of a Criminal Complaint, the NCIC Cautions/Medical Conditions and Scars/Marks/Tattoos should also be completed if known.

Docket Number:	Date Filed: 02/20/2013	OTN/LiveScan Number	Complaint/Incident Number WT-13-03577	
Defendant Name	First: ANDREW	Middle: GRAHAM	Last: CAIRNS	
NCIC Cautions and Medical Conditions (Check up to 9)				
<input type="checkbox"/> 00	<input type="checkbox"/> 20	<input type="checkbox"/> 50	<input type="checkbox"/> 70	<input type="checkbox"/> 01
<input type="checkbox"/> 05	<input type="checkbox"/> 25	<input type="checkbox"/> 55	<input type="checkbox"/> 80	_____
<input type="checkbox"/> 10	<input type="checkbox"/> 30	<input type="checkbox"/> 60	<input type="checkbox"/> 85	_____
<input type="checkbox"/> 15	<input type="checkbox"/> 40	<input type="checkbox"/> 65	<input type="checkbox"/> 90	

Name: CAIRNS, ANDREW GRAHAM		Confidential Information
<input checked="" type="checkbox"/> Defendant	<input type="checkbox"/> Other: _____	Social Security Number: _____
		Financial Information: _____



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 02/20/2013	OTN/LiveScan Number	Complaint/Incident Number WT-13-03577
Defendant Name	First: ANDREW	Middle: GRAHAM	Last: CAIRNS

AFFIDAVIT OF PROBABLE CAUSE

Your affiant is Michael Walp, a certified police officer in the Commonwealth of Pennsylvania since 1977. Your affiant is employed by the Bucks County District Attorney's Office. He holds the rank of Detective and is tasked with the duty to investigate violations of Title 18, the Pennsylvania Crimes Code.

Your second affiant is David Hanks, a certified police officer in the Commonwealth of Pennsylvania since 1989. Your affiant is employed by the Bucks County District Attorney's Office. He holds the rank of Detective and is tasked with the duty to investigate violations of Title 18, the Pennsylvania Crimes Code.

On February 19, 2013, at approximately 1942 hours members of the Warminster Police Department responded to a report of shots being fired in apartment 2004 of the Jefferson on the Creek Apartment Complex located at 675 East Street Road, Warminster Township, Bucks County, Pennsylvania 18974.

Prior to police dispatch, the Bucks County Police Radio received a phone call from a Deborah Silva using cellular telephone number 267-265-2098. She reported that her husband/boyfriend, Andrew Cairns DOB 8-13-1963 was trying to shoot himself in apartment 2004 and that two shots had been fired so far. She reported that Cairns has a .44 magnum handgun and has other weapons in the apartment.

Warminster Township Police arrived on scene at the Jefferson on the Creek Apartments and they heard what they believed to be gunfire coming from the direction of the 2000 building. As officers moved toward the 2000 building the gunfire continued and they could hear projectiles hitting trees and bushes in their vicinity as they were positioned near the pool area of the complex.

Officers Jeremy Cole, Chris O'Neill, and Sean Harold, Robert Schwarting and Lt. James Donnelly, of the Warminster Township Police Department heard rounds hitting near their location as they attempted to get closer to the 2000 building and realized they were being shot at while only approximately 100 yards away from the building. Lieutenant Dominic Varacallo also a member of the Warminster Police Department, was in the apartment complex assisting with the investigation when he heard a shot and felt the air disturbed next to his head as the bullet passed him. He advised that he believed he was being shot at. Officers were able to determine that the shots were being fired at them from the area of Apartment 2004, which was consistent with the location provided to Bucks County Police Radio by complainant Deborah Silva.

Detective John Bonargo, of the Warminster Police Department, checked with Bucks County Police Radio and found that several weapons are registered to Cairns. These weapons include a .44 Magnum, 12 gauge Winchester, several .22 caliber firearms, several .380 caliber firearms and a 9mm firearm.

Resident records provided by the Jefferson on the Creek Apartment complex identified the occupants of apartment 2004 as Andrew Cairns and Deborah Silva.

Police set up a perimeter around the 2000 building in an effort to secure apartment 2004 and monitor any activity in and around the apartment. No one was observed leaving apartment 2004.



POLICE CRIMINAL COMPLAINT
AFFIDAVIT CONTINUATION PAGE

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AFFIDAVIT OF PROBABLE CAUSE CONTINUATION

At approximately 0230 hrs. on Wednesday, February 20, 2013 police took Andrew Cairns into custody at apartment 2004 of the Jefferson on the Creek apartment complex.

Your affiants interviewed complainant, Deborah Silva at Warminster Police Headquarters at approximately 0510 hrs. on Wednesday, February 20, 2013. She confirmed that she resides at Jefferson on the Creek Apartments, in apartment # 2004, in Warminster Township with Andrew Cairns. Additionally she provided information that Cairns owns numerous handguns and rifles, one of which is a Llama .44 magnum.

Deanna Gorman of 574 Concord Rd. in Warminster Township reported to police that at approximately 2000 hrs. on the evening of Tuesday, February 19, 2013 she heard the sound of breaking glass while in her home. Closer examination revealed that a projectile had entered her residence via the rear of her home, which faces the Jefferson on the Creek Apartment complex. The projectile passed through the rear bedroom and then passed through a mirror on the opposite wall as well as the wall behind the mirror. A large projectile was recovered by the homeowner laying on the floor of the second bedroom near the upstairs hallway.

Your affiants request the issuance of an arrest warrant for the defendant, Andrew Graham Cairns DOB 08/13/1963 for discharging a firearm or firearms in the apartment complex and at police officers, in violation of Title 18, the Pennsylvania Crimes Code, specifically Sec: 901 Criminal Attempt Homicide, Sec: 2702.1 (a) Assault of Law Enforcement Officer, Sec: 2702 (a) (3) Aggravated Assault, Sec: 907 (a), Sec: 2707.1 (a) Discharging Firearm Into an Occupied Structure, Sec: 907 (b) Possessing Instrument of Crime and Sec: 2705 Recklessly Endangering Another Person.



**POLICE CRIMINAL COMPLAINT
AFFIDAVIT CONTINUATION PAGE**

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AFFIDAVIT OF PROBABLE CAUSE CONTINUATION

I, _____, BEING DULY SWEORN 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 _____, 19____.

Date _____, Magisterial District Judge

My commission expires first Monday of January,

SEAL