

Robert C. Bolus, Sr.
922 Sanderson Street, Throop, PA 18512
Ph: (570) 346-7659 / Fax: (570) 383-9311

Attn: House Judiciary Committee: Subcommittee on Crime and Corrections
Re: Public Hearing - House Bill 106

Dear Representatives,

I appear before you today in regards to the destructive actions and the subsequent consequences that were inflicted upon myself and my family when a person or persons deliberately and knowingly perpetrated the heinous crime of lying and providing false information as represented in Section 4906 of Title 18.

Beginning on October 30, 1990, false information (refer to Case No. 91-CR-127, Commonwealth of PA vs. Robert C. Bolus, Sr.) was provided to Sergeant Thomas Scales of the Pennsylvania State Police by informants who chose to remain anonymous (referred to as A-1 and A-2) regarding stolen truck parts. The details of this testimony can be referred to on pages 27a-35a on the Search Warrant.

I will now explain the history of the criminal actions taken against me.
I was convicted of the following:

*Two counts of receiving stolen property:
1) The Caterpillar front-end loader.
2) Autocar Tractor/Rogers low-boy trailer.

*One count of tampering with evidence.
*One count of criminal solicitation.

On September 19, 1991, on each receiving charge, I was sentenced to two months to one year, both charges to run consecutively, therefore spending four months in the Lackawanna County Work Release Program with the remaining time on probation, plus a \$1,000.00 fine for each charge. On tampering with evidence and the criminal solicitation, fines assessed were \$500.00 on each count. These fines were paid and the sentences were served satisfactorily.

To this day, I maintain my innocence. This statement, I'm sure, has been made by many convicted of a crime. However, in my particular case, information has surfaced as to the true value of the Caterpillar front-end loader with alleged perjured sworn testimony, which could possibly clear the felony charges from my record. As any lawyer knows, value is the whole basis of receiving stolen property. In my trial, values were hypothetical and far exceeded the true value of the Caterpillar front-end loader. Now that my sentence has been completed, the laws as they stand today prevent me from presenting any of this information in a court of law to clear my name. Only if I were still incarcerated would I have appeal rights. I no longer have any rights of appeal regarding new information, and unless the laws change, I must live with the felony convictions for

the rest of my life.

Moving forward, I will now explain the second set of charges precipitated by A-1 and A-2 and Sgt. Scales (refer to Case No. 93-CR-1512, Commonwealth of PA vs. Robert C. Bolus, Sr.). This second set of charges stemmed from the same search warrant executed in 1991, Case No. 91-CR-127. Wherein all my places of business located in Throop, Dunmore and Bartonsville, all in Pennsylvania, were raided by Sgt. Scales and the Pennsylvania State Police, the Internal Revenue Service, Department of Revenue, National Theft Auto Bureau and the Lackawanna County District Attorney. All my records, tractors, truck parts, trailers, and allegedly stolen vehicles and parts were confiscated in this action. On June 18, 1993, based on information of the 1991 search warrant, I was arrested on numerous criminal charges, including a charge under corrupt organizations, herein referred to as Exhibit 12 A.

Rather than all the charges being tried in one trial since all information was obtained out of the same search warrant, Sgt. Scales and the District Attorney's office were determined to deliberately separate them, extending the length of the trials, extensively causing without concern unnecessary burden of the court system at the expense of the taxpayers, and in addition, adding the burden onto myself and my family financially, emotionally, and physically. This action unquestionably aided in the deliberate and malicious destruction of my businesses, my reputation, and my credibility which took a lifetime to build. After securing an appointment to review the records along with my attorney and accountant, upon arrival we were denied any rights by Sgt. Scales to review my records. Sgt. Scales indicated the only way to obtain any of the information from the records would be through him only, denying me my constitutional right of confidentiality and self-incrimination. To this date, I have never been allowed to review my records.

From June 18, 1993, to March 20, 1997, I was never brought to trial by the District Attorney's office. After an Omnibus Pre-Trial Motion and Hearing before The Honorable Judge Donald D. Dolbin, S.J., on March 20, 1997 in The Court of Commonpleas of Lackawanna County, an order of court was entered on the 3rd day of April, 1997. Wherein Judge Dolbin stated: 'it appearing that Defendant's Constitutional rights (State and Federal) have been violated, IT IS HEREBY ORDERED that the charges in the within case are dismissed, with prejudice.' See Exhibit A-BOLUS.

The District Attorney and Sgt. Scales, dissatisfied with Judge Dolbin's decision, followed by filing an appeal from the Order April 3, 1997 in The Court of Commonpleas of Lackawanna County to The Superior Court of Pennsylvania, Case No. 1560 Philadelphia 1997, continuing their efforts to curtail my life from returning to normal. My finances would be depleted in ongoing court costs, and my personal strains would continue to take their physical and emotional toll on myself and my family.

On July 17, 1998, The Superior Court of Pennsylvania entered an order affirming Judge Dolbin's decision to dismiss the charges. Again dissatisfied with The Superior Court's decision, The District Attorney and Sgt. Scales filed a Petition for Allowance of Appeal from the Superior Court to The Supreme Court of Pennsylvania, continuing with their agenda to destroy my personal and professional life. However, the end to their malicious

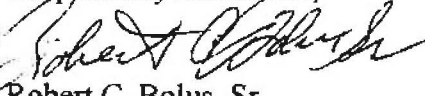
prosecution of me came to an end. On February 22, 1999, The Supreme Court of Pennsylvania denied their Petition for Allowance of Appeal.

But the story does not end here. Sgt. Scales and the District Attorney, following the three court decisions dismissing my case, refused to return all the confiscated property to me. Again, the vindictive prosecution at the hands of Sgt. Scales and the District Attorney continued. From the final order on February 22, 1999, and after a hearing before Judge Corbet where a verbal agreement was reached and was to have been committed to writing by the District Attorney's office to return my property, the agreement was never submitted. Subsequently a second hearing was to be held before Judge Nealon, but was continued due to his trial schedule. Finally, a third hearing was held before President Judge Walsh whereby he issued an order on January 24, 2000, ordering the return of all properties seized from me during 91-CR-127 which included the return of the Caterpillar front-end loader and all property in the 93-CR-1512 cases, forthwith. Said order is attached as Exhibit D-BOLUS. If I may add, this order, to date, has not been adhered to by the Commonwealth of Pennsylvania.

In summation, I believe the laws should be changed as stated under House Bill 106 (Bard). I also believe additional laws should be changed to give all individuals an equal right to prove their innocence, face their accusers such as unnamed informants A-1 and A-2, to be able to be proven right or wrong. Instill stiffer penalties for law enforcement members of all offices when it is proven they have lied and abused their power and have used the legal system for their own personal goals. In addition that they be made to personally pay restitution both to The Commonwealth and the individual they have unjustly acted against, which in most cases they do under the cloak of immunity. Let this immunity be removed.

I quote Sgt. Scales, "The law is the law and it's for everyone", yet this is not so. Sgt. Scales has been recently charged with a DWI involving a crash and rolling over a state police cruiser while intoxicated and off-duty. In addition, he has been charged with assaulting his wife. He was involved in another accident in the private development where he lives, yet no charges were filed. While Sgt. Scales is under suspension, he is still a member of The Pennsylvania State Police and entitled to all its benefits. The District Attorney became a Lackawanna County judge and his Assistant District Attorney Jack Brier as well as others have and continue to enjoy their status and secure positions of power assuming they will never be called upon to be made accountable for their actions perpetrated against myself and my family, and possibly countless others. And I ask you members of this committee, if the law is the law, is it really for everyone?

Respectfully Submitted,



Robert C. Bolus, Sr.

EXHIBIT
A - BOLUS

FILED FOR RECORD

APR 4 3 31 PM '97

COMMONWEALTH OF PENNSYLVANIA
WILLIAM F. RINALDI
CLERK OF
JUDICIAL RECORDS

IN THE COURT OF COMMON PLEAS
OF LACKAWANNA COUNTY

v.

CRIMINAL

ROBERT C. BOLUS,

Defendant : 93-CR 1512

ORDER OF COURT

AND NOW, this 3rd day of April, 1997, it appearing that Defendant's
Constitutional rights (State and Federal) have been violated, IT IS HEREBY ORDERED
that the charges in the within case are dismissed, with prejudice.

BY THE COURT:

Donald D. Holbin S. J.

COMMONWEALTH OF PENNSYLVANIA	:	IN THE COURT OF COMMON PLEAS
	:	OF LACKAWANNA COUNTY
	:	
v.	:	CRIMINAL
	:	
ROBERT C. BOLUS,	:	
Defendant	:	93-CR 1512

OPINION OF COURT

The matter before the court is Defendant's Omnibus Pre-Trial Motion. Both Commonwealth and Defendant have filed Briefs, a hearing and argument were had, and the matter is now before the court for disposition.

It is instructive to note the protracted chronological history of this case commencing with June 18, 1993 (the date of filing the Criminal Complaint) and continuing to March 20, 1997 (the date of hearing and argument). Needless to say, the passage of almost four years indicates a delay in bringing the Defendant to trial. Both the Commonwealth and the Defendant have each argued most vigorously that the delay is not to be ascribed to them within the purview of Pa. Rule of Criminal Procedure 1100.

However, over and above the controversy involving Rule 1100 and whether the Commonwealth exercised due diligence in bringing the Defendant to trial and whether the circumstances occasioning the delay were beyond the control of the Commonwealth, is a more fundamental question as to whether the Defendant's constitutional right to a speedy trial was compromised and violated. The Sixth Amendment to the United States

Constitution and Article I, Section 9 of the Pennsylvania Constitution guarantee a criminal defendant a right to a speedy trial. These guarantees are set forth and analyzed in Barker v. Wingo, 407 U.S. 514 (1972).

In determining the speedy trial question, Barker sets forth the following four requirements:

- (1) Whether the pre-trial delay was uncommonly long;
- (2) Whether the government or the Defendant is more to blame for the delay;
- (3) Whether the Defendant has asserted his right to a speedy trial; and
- (4) Whether the Defendant has suffered prejudice because of the delay.

We must conclude after a fair distillation of the chronology that all of the above requirements have been satisfied. Without ascribing any sinister or Machiavellian motives to the Commonwealth (and we do not believe they have been proved), it must reasonably be concluded that the Commonwealth had within its power to bring this case to trial in a more prompt and timely manner.

We are mindful, moreover, of additional delay in the filing of an Omnibus Pre-Trial Motion on December 6, 1993 which was not decided until April 13, 1995, as well as the time for disposing of an appeal by our Superior Court, i.e. from May 11, 1995 until August 29, 1996. The delay has been costly to this Defendant, who has suffered prejudice as a result of the nearly four years since he was first arrested. Among his losses are involved the deaths of 12 witnesses allegedly possessing testimony exculpatory of the Defendant.

As a result of our conclusion that Defendant's Constitutional (Federal and State) right to a speedy trial has been violated which must result in a dismissal of the charges against him, it becomes unnecessary to address the other issues raised in Defendant's Brief, i.e., whether the District Attorney's Office be recused from prosecution because of a conflict of interest, whether Rule 1100 of the Pa. Rules of Criminal Procedure was violated and whether the Commonwealth's filing an Amended Criminal Information shortly before trial so prejudiced Defendant as to preclude the amendment.

Accordingly, we enter the following Order:

- 11/1/11
B - BOLUS

J. A50035/97

COMMONWEALTH OF PENNSYLVANIA,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellant	:	
	:	
v.	:	
	:	
ROBERT C. BOLUS,	:	
	:	
Appellee	:	No. 1560 Philadelphia 1997

Appeal from the Order April 3, 1997.
In the Court of Common Pleas of Lackawanna County
Criminal No. 93-CR-1512

BEFORE: HUDOCK, MONTEMURO*, and BECK, JJ.

J U D G M E N T

*ON CONSIDERATION WHEREOF, it is now here ordered and
adjudged by this Court that the judgment of the Court of
Common Pleas of LACKAWANNA County be, and the same
is hereby AFFIRMED.*

BY THE COURT:


PROTHONOTARY

C - BOLUS

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 920 M.D. Allocatur Docket 1998
	:	
Petitioner	:	
	:	Petition for Allowance of Appeal from the
v.	:	Superior Court
	:	
ROBERT C. BOLUS,	:	
	:	
Respondent	:	


ORDER

PER CURIAM:

AND NOW, this 22nd day of February, 1999, the Petition for Allowance of Appeal is hereby DENIED.

TRUE & CORRECT COPY

ATTEST: FEB 23 1999



 JOAN L. STEHULAK, ESQUIRE
 DEPUTY PROTHONOTARY



Sgt. Thomas R. SCALES Pennsylvania State Police Troop R Dunmore, Dunmore, Pa. 717-963-3156

WARRANT CONTINO: E 25563 DATE OF APPLICATION: 01-30-91 INVENTORY NO: R1-188699

being duly sworn (or affirmed) before me according to law, deposes and says that there is probable cause to believe that certain property is evidence of or the fruit of a crime or is contraband or is unlawfully possessed or is otherwise subject to seizure, and is located at particular premises or in the possession of particular person as described below.

IDENTIFY ITEMS TO BE SEARCHED FOR AND SEIZED (be as specific as possible):

See Exhibit A

SPECIFIC DESCRIPTION OF PREMISES AND/OR PERSONS TO BE SEARCHED (Street and No., Apt. No., Vehicle, Safe Deposit Box, etc.):

See Exhibit B Photo attached. Borough of Dunmore, Lackawanna County, Pa.

NAME OF OWNER, OCCUPANT OR POSSESSOR OF SAID PREMISES TO BE SEARCHED (If proper name is unknown, give alias and/or description):

Robert C. BOLUS

VIOLATION OF (Describe conduct or specify statute) Pa. Crimes Code-Title 18: Theft sec 3921, Receiving stolen prop. sec 3925, Criminal conspiracy sec 903 and Tampering w/evidence sec 4910. Pa. Veh Code-Title 75: Chapter 11-Titles (generally), Chapter 71: sec 7101 through 7124, Id#'s - Stolen vehicles - Misuse of Documents. DATE OF VIOLATION: Jun 89 thru present

PROBABLE CAUSE BELIEF IS BASED ON THE FOLLOWING FACTS AND CIRCUMSTANCES (See special instructions below):

Your affiant, Thomas R. SCALES, is a sergeant in the Pennsylvania State Police, Troop R Dunmore, Dunmore, Pa. I have been employed by the Pennsylvania State Police since March of 1975. During my employment I spent approximately 3 years as a patrol officer, 7 years in the criminal investigations field (illicit drug, theft, insurance fraud, assault, sexual crimes and murder investigations) and 6 years as a supervisor in a Patrol Unit.

During my approximately 7 years in the Criminal Investigations field I obtained myself a participated in the service of in excess 25 search warrants seeking illicit drugs, evidence of a crime and stolen property. All of those search warrants resulted in the seizure of illicit/illegal drugs, desired evidence and stolen property. The and results of those particular warrant services resulted in the arrest and conviction of persons for crimes related to the items seized. Most all of those instances took place in an area covered by the Pennsylvania State Police, Troop F - Montourville, a roughly central area of the State.

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ATTACH ADDITIONAL PAPER (5) COPIES IF NECESSARY [X] CHECK HERE IF ADDITIONAL PAPER IS USED.

PLEASE READ AND FOLLOW THESE INSTRUCTIONS CAREFULLY

- 1. If information was obtained from another person, e.g., an informant, a private citizen, or a fellow law officer, state specifically what information was received, and how and when such information was obtained. State also the factual basis for believing such other person to be reliable.
2. If surveillance was made, state what information was obtained by such surveillance, by whom it was obtained, and state date, time and place of such surveillance.
3. State other pertinent facts within personal knowledge of affiant.
4. If "nighttime" search is requested (i.e., 10 P.M. to 6 A.M.) state additional reasonable cause for seeking permission to search in nighttime.
5. State reasons for believing that the items are located at the premises and/or on the person specified above.
6. State reasons for believing that the items are subject to seizure.
7. State any additional information considered pertinent to justify this application.

Signature of Affiant: [Signature] Address of Private Affiant: [Address] Badge No.: 3615 District/Unit: RSP

Sworn to and subscribed before me this 10 day of 1 1991. Office Address: (SEAL) Mag. Dist. No. 45-3-02

TO LAW ENFORCEMENT OFFICER: WHEREAS, facts have been sworn to or affirmed before me by written affidavit(s) attached hereto from which I have found probable cause, I do authorize you to search the above described premises or person, and to seize, secure, inventory, and make return according to the Pennsylvania Rules of Criminal Procedure, the above described items.

This Warrant should be served as soon as practicable but in no event later than 10:00 A.M. P.M. 01-31 1991 and shall be served only during daytime hours of 6 A.M. to 10 P.M. Issued under my hand this 30 day of JAN 1991 at 7:00 P.M. o'clock.

Signature of Issuing Authority: [Signature] Title of Issuing Authority: DISTRICT JUSTICE Mag. Dist. No. 45-3-02 Office Address: HOLLAND PA Phone No. Date Commission Expires: 1-4-94

*The issuing authority should specify a date not later than two (2) days after issuance, PA. R. Crim. P. 2005(d). **If issuing authority finds reasonable cause for issuing a nighttime warrant on the basis of additional reasonable cause set forth in the accompanying affidavits and wishes to issue a nighttime search warrant, only this section shall be completed, P.S. R. Crim. 2006(b).

Probable cause belief (cont'd):

On October 30, 1990 Sgt. SCALES and Cpl. Gary SHOENER (Pa. State Police Dunmore) recovered a stolen Auto Car Truck Tractor in combination with a Rogers "Low Body" semi-trailer at the Robert C. BOLUS property on 1445 East Drinker Street, Dunmore, Pa. On October 31, 1990 Cpl SHOENER recovered a stolen Caterpillar Track Loader which had been in the possession of Robert C. BOLUS at his Dunham Street property which parallels I-81 and is across from the Keystone Landfill (generally), borough of Dunmore. Investigation revealed this Track Loader had also been used at the BOLUS East Drinker Street property. The above truck tractor/semi-trailer combination and track loader had been stolen from the Gateway Demolition Corp., College Point Queens, N.Y. property on or about June 10-11, 1989. The combined value of those vehicles/equipment is approximately \$198,734.15. During that portion of the investigation David GREER, a casual employee of BOLUS, gave Cpl. SHOENER a written statement about BOLUS and the Caterpillar track loader. He told Cpl. SHOENER that BOLUS had solicited him to take the track loader to the BOLUS' property in Bartonsville, Pa. (I-80 & SR 611 interchange exit 46 N). BOLUS had supplied the necessary truck/trailer combination for the transportation of the track loader. Refer to Exhibit C, Arrest Warrant Affidavit and Exhibit D, Arrest Warrant, PSP incident number RI-185956. Robert C. BOLUS was arrested on 01-09-91 for crimes connected with that portion of this investigation.

A month or so prior to the arrest of BOLUS, Sgt. SCALES was contacted by a person who wished to remain anonymous. This person will be referred to as A-1. A-1 told Sgt. SCALES that BOLUS had approximately 6 (six) stolen truck tractors in his possession. A-1 indicated it was the intent of BOLUS to obtain "clean paperwork" (titles), change the "vin" plates and sell the vehicles. It was alleged by A-1 that BOLUS did not have the "clean paperwork" at that time and was hiding the vehicles. A-1 did not know where the vehicles were and had no further description or information. Sgt. SCALES believed A-1 but took no action since there was no additional information to corroborate what A-1 had stated.

A few days prior to the arrest of BOLUS (01-09-91) Sgt. SCALES had another conversation with A-1. A-1 told Sgt. SCALES that there was a semi-trailer in the possession of BOLUS which contained 3 (three) or 4 (four) stolen truck tractor cabs and "other stuff" (truck parts). A-1 further stated that this semi-trailer (no description) was in the immediate area of the PSP Barracks (Keystone Industrial Park Road) which is also in the general area of the BOLUS properties on Sanderson street, Throop, Dunham drive and East Drinker street, Dunmore. A-1 could not provide a description of the semi-trailer nor its exact location. A-1 also alluded to Sgt. SCALES that there were other persons involved with this semi-trailer loaded with stolen truck tractor cabs and other truck parts. Again, no action was taken by Sgt. SCALES due to the lack of corroborating information and no specific location of this semi-trailer. A-1 did indicate to Sgt. SCALES that BOLUS wanted to move the semi-trailer containing the stolen items but was worried about being caught.

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AFFIANT:

Sgt. Frank R. ...

ISSUING AUTHORITY:

[Signature]

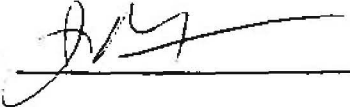
28a

Probable cause belief (cont'd):

On 01-18-91 Sgt. SCALES had a conversation with Tpr. George ASTOLFI, PSP Dunmore. Tpr. ASTOLFI has been a member of the Pa. State Police for 24 years. For the past 12 (twelve) years he has been assigned the duties of "Garage Inspector". During that time Tpr. ASTOLFI has examined the records of numerous garages, dealerships and inspection stations. He has also inspected the premises of those businesses. Tpr. ASTOLFI has also investigated Title violations, Title Laundering schemes, fraudulent dealer business practices and auto theft rings. Tpr. ASTOLFI is assisting Sgt. SCALES in his investigation of Robert C. BOLUS. Tpr. ASTOLFI told Sgt. SCALES he had been contacted by an informant. This person, according to Tpr. ASTOLFI, had provided information in the past which proved accurate and assisted Tpr. ASTOLFI in his duties as a "Garage Inspector" for the Pa. State Police. This person will be referred to as A-2. Tpr. ASTOLFI told Sgt. SCALES that A-2 had contacted him on 01-18-91. A-2 told Tpr. ASTOLFI that between 01-14-91 and 01-16-91 a Truck Tractor/Semi-trailer combination arrived at the BOLUS property in Throop (Sanderson street). The semi-trailer was alleged to be loaded with stolen engines (possibly CUMMINS) and transmissions. At this time there was a marked Pa. State Police vehicle parked at the Sanderson street property (Unit/assignment/trooper unknown). The driver of the Truck Tractor/ semi-trailer combination, seeing the State Police vehicle, turned around and drove to the BOLUS Bartonsville, Pa. property. The driver allegedly left the semi-trailer (with stolen parts) at this location. Tpr. ASTOLFI reported this information to Sgt. SCALES on 01-18-91 in the late afternoon. Tpr. ASTOLFI had been contacted by A-2 at 0900 hrs., 01-18-91.

On 01-22-91 Sgt. SCALES was notified that PSP Tunkhannock had recovered a stolen semi-trailer which contained 3 (three) stolen truck tractor cabs, an axel and a truck radiator. The semi-trailer was owned by Strick Leasing and leased to a company by the name of Saber. Saber has gone out of business (filed for bankruptcy August '90). Sgt. SCALES contacted the Strick Leasing company and spoke to Terry TRATANI, company representative who is attempting to track some of their leased semi-trailer which have been reported missing or stolen. TRATANI confirmed for Sgt. SCALES that the semi-trailer in question had been leased to Saber, that Saber was very co-operative and was returning all equipment leased by them with the exception of this particular semi-trailer ('89 Strick trl, white in color, vin # 1S112E8535KE314657). This semi-trailer had been entered into NCIC as a stolen vehicle. It's last known location was Carrollton, Tx. The theft was reported on 03-14-90. The three truck tractor cabs were: 1. Peterbilt stolen on 01-27-90 from Elizabeth, N.J.; 2. International stolen on 02-07-90 from North Bergen, N.J.; 3. White stolen on 01-11-90 from New York City. All were entered into NCIC as stolen vehicles. The whereabouts of the rest of the component parts in presently unknown. This investigation (recovery) was conducted by Tpr. Robert FRISCO, Pa. State Police Tunkhannock Station.

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AFFIANT: ISSUING AUTHORITY: 

Probable cause belief (cont'd):

Tpr. FRISCO has been a member of the Pa. State Police for 25 years. For the past 14 years he has been assigned as a Criminal Investigator. During this time he has been involved in all aspects of criminal investigations including auto theft. In addition, Tpr. FRISCO had attended a course in auto theft. Sgt. SCALES spoke with Tpr. FRISCO about his investigation (P6-234285) and read a copy of the report. Tpr. FRISCO told Sgt. SCALES that his preliminary investigation into these stolen vehicles and statements obtained there-in are true and correct to the best of his knowledge. Basically, the circumstances are as follows: George STANTON and George NIKOLOFF are associates. STANTON has a vehicle repair and produce stand. NIKOLOFF is a truck driver and owns his own truck. STANTON has a large area which he allows acquaintances to park their vehicles (trucks and semi-trailers). NIKOLOFF purchased a wrecked truck tractor from BOLUS. BOLUS promises NIKOLOFF he would find him a cab for the vehicle. Sometime around 01-10-91 BOLUS contacts NIKOLOFF and informs him he has found a cab for the truck. NIKOLOFF looks at the cab. A discussion takes place concerning price. BOLUS tells NIKOLOFF the cab is not his, he is selling it for a "guy" in Allentown (Pa.). BOLUS tells NIKOLOFF he will present the offer made to this unidentified person. On 01-11-91 BOLUS contacts NIKOLOFF and advises him "they" have a deal (agreed price). On 01-12-91 BOLUS contacts NIKOLOFF and asked him to "pick up the trailer" (semi-trailer containing 3 stolen truck cabs, one of which NIKOLOFF has agreed to purchase).

NIKOLOFF subsequently meets with BOLUS. They then go to a service station and NIKOLOFF fuels his truck. After filling the truck BOLUS points out the semi-trailer to NIKOLOFF and directs him to hook up to it. BOLUS tells NIKOLOFF his (NIKOLOFF) cab is inside. BOLUS then directs NIKOLOFF to take the semi-trailer and store it on the STANTON property. (Note: The STANTON property is located along SR 92 at the intersection of SR 292, Exter twp., Wyoming county). STANTON suspects something is wrong (no registration on the semi-trailer) and contacts PSP Tunkhannock. It is subsequently discovered the semi-trailer is stolen as are the contents. The registration plate that should have appeared on the semi-trailer is V69236, Tn. (Note: Neither the previously mentioned Auto-car TT and Rogers STRL displayed registration plates when recovered; the registration plates that were issued to those vehicles are TR2283 and 64208Z).

Sgt. SCALES, in furtherance of his investigation, made with Sgt. Donald GOOD, Pa. State Police, BCI, Harrisburg, Pa. Sgt. GOOD has been employed by the Pa. State Police for over 20 years. He is a supervisor and specializes in auto theft and fraudulent vehicle title practices. Sgt. GOOD ran what is known as a vehicle title history on Robert C. BOLUS. The first inquiry revealed approximately 93 vehicle transactions in which the last owner of those vehicles is Robert C. BOLUS. Copies of those title histories were delivered to Tpr. ASTOLFI by Sgt. GOOD and Cpl. DATESMAN. They were examined by Tpr. ASTOLFI and Sgt. SCALES and revealed the following information: 57 passenger cars (imports, luxury/sport type); 49 of those were "reconstructed" vehicles; there were 36 commercial vehicle title, 19 of which were truck tractors (2 of the truck tractors were reconstructed) and an assortment of others. It appears there are some irregularities in some of the titles including a possible forgery on a title transfer from LaBAR to BOLUS. This truck when obtained by LaBAR was a 1968 Peterbilt (owned by Mr. KEHOE) and transferred as such. The paperwork was changed when BOLUS made application showing the vehicle now to be a 1977 *Model*. (Note: Sgt. GOOD *has* *been* *employed* *by* *the* *Pa.* *State* *Police* *for* *over* *20* *years* *and* *is* *a* *supervisor* *and* *specializes* *in* *auto* *theft* *and* *fraudulent* *vehicle* *title* *practices* *and* *has* *run* *what* *is* *known* *as* *a* *vehicle* *title* *history* *on* *Robert* *C.* *BOLUS* *and* *the* *first* *inquiry* *revealed* *approximately* *93* *vehicle* *transactions* *in* *which* *the* *last* *owner* *of* *those* *vehicles* *is* *Robert* *C.* *BOLUS* *and* *copies* *of* *those* *title* *histories* *were* *delivered* *to* *Tpr.* *ASTOLFI* *by* *Sgt.* *GOOD* *and* *Cpl.* *DATESMAN* *and* *they* *were* *examined* *by* *Tpr.* *ASTOLFI* *and* *Sgt.* *SCALES* *and* *revealed* *the* *following* *information* *:* *57* *passenger* *cars* *(imports,* *luxury/sport* *type);* *49* *of* *those* *were* *"reconstructed"* *vehicles;* *there* *were* *36* *commercial* *vehicle* *titles,* *19* *of* *which* *were* *truck* *tractors* *(2* *of* *the* *truck* *tractors* *were* *reconstructed)* *and* *an* *assortment* *of* *others* *and* *it* *appears* *there* *are* *some* *irregularities* *in* *some* *of* *the* *titles* *including* *a* *possible* *forgery* *on* *a* *title* *transfer* *from* *LaBAR* *to* *BOLUS* *and* *this* *truck* *when* *obtained* *by* *LaBAR* *was* *a* *1968* *Peterbilt* *(owned* *by* *Mr.* *KEHOE)* *and* *transferred* *as* *such* *and* *the* *paperwork* *was* *changed* *when* *BOLUS* *made* *application* *showing* *the* *vehicle* *now* *to* *be* *a* *1977* *Model* *and* *the* *registration* *plates* *that* *should* *have* *appeared* *on* *the* *semi-trailer* *is* *V69236,* *Tn.* *(Note: Neither the previously mentioned Auto-car TT and Rogers STRL displayed registration plates when recovered; the registration plates that were issued to those vehicles are TR2283 and 64208Z).*

Probable cause belief (cont'd):

and confirmed that when he sold the truck to LaBAR it was a 1968 model and it was transferred to LaBAR as such). There was distinctive typewriter printing on this title (top portion of the letters not striking paper as hard as the bottom portion of the letters. This left the print very faint on the upper half of the letters and numbers) on this title and department form MV-1 (application for title). This distinctive typewriter printing appears on other documents originating from BOLUS related to titles. This particular title transfer also appears to have a forged signature on it.

Sgt. SCALES learned that BOLUS was operating under various names and at diverse locations. Sgt. GOOD was asked to examine department records using other BOLUS business names. Sgt. GOOD reported he discovered approximately 70 additional titles of vehicles which included trucks and trailers, which had been titled to BOLUS under the name of BOLUS-EASTERN Truck LEASING Inc. There was an address of P.O. Box 367, White Haven, Pa., no street number was listed for the business nor is there a known location. Sgt. GOOD also reported to Sgt. SCALES that he discovered the same BOLUS company name in Moorestown, N.J. Of interest is this New Jersey address uses the P.O. Box number of 367. Sgt. GOOD contacted the New Jersey State Police and requested a check of that BOLUS corporation. They reported that their preliminary inquiry failed to show that Bolus-Eastern Truck Leasing was a listed corporation in their State. At this writing there is no indication there exists such a corporation in Pa. The information provided by Sgt. GOOD indicates that the vehicle titles passed through the Sumi Corporation, 1139 E. Broad St., Elizabeth, N.J. This is a registered corporation in New Jersey (code 84823 10000 72010). Sumi is a used vehicle dealer, ID # 42600U. The business is situated on an irregular shaped lot 175' by 175' with a block building 30' by 45'. The building has a two bay repair/body shop and a 12' by 12' office. The principles of the corporation are: Carlos, Maria and Juan MIRANDA all residing at 820 Linden Ave., Elizabeth, N.J. and a Jose D. SUREZ residing at 909 Crowe Ave., Elizabeth, N.J. MIRANDA is originally from Argentina and SUREZ is from Cuba.

A random sampling of vehicle identification numbers obtained from the title information was checked through the bureau of motor vehicles via UNISCOPE. Fifteen such vin's were entered by region. In all instances where there was a reply (12) the last listed owner was the subject of this investigation, Robert C. BOLUS, operating under various company names. The title information thus far indicates that BOLUS should have in his possession approximately 163 vehicles consisting of passenger cars, trucks and trailers. The title information also indicates that the vehicles/titles originated from the following states: Virginia, Alabama, New Jersey, New York, North Carolina, South Carolina,

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AFFIANT: _____

ISSUING AUTHORITY: _____

Probable cause belief (cont'd):

Florida, Texas and Massachusetts. Most all of the salvaged vehicles were from New Jersey. A large portion of those titles indicate that there were no registration plates issued for those vehicles. 9 (nine) of the passenger vehicles went through the Sumi corporation. On 01-29-91 Sgt. GOOD faxed Sgt. SCALES additional information. He reported that Greene Auto Sales, Mayfield, Pa. appeared on some BOLUS title information. This dealership was operated by Mark GREENE. GREENE was investigated by Tpr. ASTOLFI and other PSP members for "Laundering Titles". He was convicted on 08-13-90. GREENE admitted to "laundering" approximately 600 titles in about a years time. He stated he made approximately \$100.00 on each title. GREENE was obtaining Pa. reconstructed titles for a vehicle dealership in New York. He would first locate a vehicle that was junked or purchased for salvage. He supplied the 3 required photographs of a vehicle (any vehicle that met the description of the salvaged vehicle), some documentation the vehicle had been repaired and presented it to an inspection mechanic (co-conspirator) who signed the documents verifying the vehicle was roadworthy, vin # was right and photos were that of the vehicle so reconstructed (when in fact the vehicle was never touched). GREENE would then take the title application documents to BMV in Harrisburg and obtain a reconstructed title for the car. He would then mail or deliver the Pa. reconstructed title (and public vin # plate) to the dealer in New York). This person would remove the vin # from a similar stolen vehicle and replace it with one obtained from GREENE.

The procedure used by GREENE to launder titles is a common method. It is also quite common to see the salvaged vehicles (titles of same) entering Pennsylvania from New York or New Jersey. In numerous instances no vehicle ever changes hands, just the vin # plate and salvage title. This information was provided to Sgt. SCALES by Tpr. ASTOLFI, Sgt. GOOD and Cpl. DATESMAN, a co-worker of Sgt. GOOD. Sgt. SCALES also spoke with Agent Ronald KOCHER (NATB) who is also assisting in this investigation. Agent KOCHER is a retired Delaware State Trooper having been employed by the State of Delaware for 20 years. Approximately 10 of those years were in the criminal investigation field, with 5 to 7 years specializing in auto theft. Upon his retirement in 1989 he became employed by the National Auto Theft Bureau as an investigator. He confirmed the Title Laundering scheme explained above as a frequently used means to provide "good paperwork" (clean titles) for stolen vehicles of all types. Agent KOCHER also told Sgt. SCALES that most car thieves do not bother to touch the hidden vin especially when in a hurry. The location of those numbers is quite confidential and hard to find. It is done however and on trucks sometimes elaborate means are used to make the vehicle appear "right".

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AFFIANT: ISSUING AUTHORITY: 

Probable cause belief (cont'd):

Some of the company names BOLUS uses and various addresses are as follows: Bolus Truck Parts & Towing, Bolus Truck Sales & Parts, both using 922 Sanderson St., Throop, Pa.; Bolus Truck Parts & Towing, Key Brockway Inc., Center Bolus Trucking (from his personal vehicle registration information) all using 1445 E. Drinker St., Dunmore, Pa.; Bolus-Eastern Truck Leasing inc., P.O. Box 367 White Haven, Pa. and P.O. Box 367 Moorestown, N.J.; Bolus towing , Exit 46 N, inter of I-80 and SR 611, Bartonsville, Pa.; Bolus also has a truck tractor registered in Illinois. The name he uses there (registration information and painted on the side of the truck) is B & B Trucking. The address is 1301 Aurora Ave., Aurora, Il. Sgt. SCALES contacted Det. Steve WENNMACHER of the Aurora Police Department. He checked this address and business and reported that a business by the name of TRI-IT-OIL is located there. The business is apparently operated by a Joseph Steve NARINKAS, it is a deisel repair shop. Robert C. BOLUS is not known to Det. WENNEMACHER. Robert C. BOLUS is a licensed vehicle dealer in Pennsylvania. His dealer identification number is 85-5014 EO; lot license is VD-007707-L. It is not presently known what property is listed for that lot number.

During the course of this investigation Tpr. ASTOLFI reported to Sgt. SCALES that he is investigating a complaint made by James R. EASTMAN, 1621 Ash St., Scranton, Pa. Apparently EASTMAN purchased a truck from BOLUS in 1988. After the purchase it was discovered the frame of the vehicle lacked a vehicle identification number(s) (frame numbers should correspond to that on the public vin plate). EASTMAN brought the truck to BOLUS at the 1445 East Drinker street property in Dunmore, Pa. EASTMAN told BOLUS about the lack of frame numbers and a discussion took place. BOLUS then directed his son to get the number stamping tools and "punch" the vin on the frame anywhere "he" wants it - to satisfy EASTMAN. This incident took place on 01-22-88 and was witnessed by Richard PAZZALIA and William ALAIMO.

Sgt. SCALES reviewed the investigation into BOLUS' illegal and suspected illegal activity thus far with: Sgt. GOOD, Cpl. DATESMAN, Tpr. ASTOLFI and Agent Ronald KOCHER (NATB). This included reports, title information, various business addresses, irregularities in some of the titles, apparent forgery on one title, the GREENE name (convicted of fraudulantly dealing in vehicle titles) and the lack of passanger cars on any of BOLUS' properties with the exception of employee/customer vehicles and a few wrecked/stripped vehicles. The opinion was formed that Robert C. BOLUS was possibly fraudulantly dealing in vehicle titles and vin plates (laundering titles). It was without question that he has had stolen vehicles in his possession (stored on his property for more than a year) and used by him for a like manner of time. It is also apparent that he has attempted to sell stolen parts (truck tractor cab) on at least one well documented occassion. These vehicles were kept at diverse locations

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AFFIANT: RD

ISSUING AUTHORITY: _____



Probable cause belief (cont'd):

require a close examination of the diverse properties of BOLUS to check for stolen vehicles/parts, records of purchases/sales (legitimate or otherwise), vin plates/titles, registration plates that had been on stolen vehicles at the time of their theft, vehicles themselves, tax records, evidence to aid in the identification of other involved persons (co-conspirators) and indicia of ownership of the various vehicles/businesses. Such a search warrant shall have to encompass the business premises, out buildings, storage sheds, trailers/semi-trailers and commercial/passanger vehicles parked on those various properties or under the immediate control of BOLUS. The search warrant would also include the Ford Bronco, red in color, Pa. registration YE09590 used as a personal vehicle of BOLUS (registered in the name of Center Bolus Trucking, 1445 E. Drinker St., Dunmore, Pa. This vehicle is equipped with a mobil phone and Sgt. SCALES knows personally that BOLUS used that phone to contact his office in the course of his business. Sgt. SCALES is not suggesting to go out and seek this vehicle but to examine it if found on any of the BOLUS properties so being searched. Telephonic communication records are an important aspect of the investigation. BOLUS is operating on an inter state basis. He therefore must have communication with others with whom he is conducting both normal and illicit business. His personal vehicle and businesses most probably have records of such calls, note books, phone records, names and addresses (phone numbers) etc. In addition, typewriter and tools.

Taken the information contained in this Probable cause belief, exhibits and attachments Sgt. SCALES respectfully requests a Search Warrant be approved for execution upon the various premises so indicated and to search for and seize those items requested in furtherence of the investigation into Robert C. BOLUS' suspected illicit activities and to verify that he is or is not operating as a vehicle dealer in accordance with laws and regulations promulgated by various departments and agencies within the State of Pennsylvania. The search warrant should also permit the search of the person of BOLUS only for notebook(s) address book(s) or records of a nature that could easily be carried by a person.

BOLUS - EXHIBIT D

ROBERT C. BOLUS, SR.
pro se
922 Sanderson Street
Throop, Pennsylvania 18512
(570) 346-7659

FILED FOR RECORD

JAN 24 2 14 PM '00

WILLIAM P. RINALDI
CLERK OF
JUDICIAL RECORDS

Certified from the records this
Day of Jan A.D. 2000
WILLIAM P. RINALDI
CLERK OF JUDICIAL RECORDS

Per *[Signature]*

IN THE COURT OF COMMON PLEAS
FORTY-FIFTH JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA, LACKAWANNA COUNTY

COMMONWEALTH OF PENNSYLVANIA :

Plaintiff :

v. :

ROBERT C. BOLUS, SR. :

Defendant :

: 91 CRIMINAL 227
: 93 CRIMINAL 1512

ORDER

AND NOW, this 24 day of January, 2000, upon consideration of
the Defendant's, Robert C. Bolus, Sr., Petition for Return of Property,
and after considering the objections raised by the Plaintiff,
Commonwealth of Pennsylvania, it is hereby ORDERED and DECREED
as follows:

The Commonwealth of Pennsylvania is ordered to return the
following property to the Petitioner, Robert C. Bolus, Sr.:

- a) a Caterpillar track loader bearing identification number
90L00556;
- b) Miscellaneous, tractors, trailers and/or parts previously seized
by the Plaintiff, Commonwealth of Pennsylvania, on October 30,
1990 and October 31, 1990.
- c) All file cabinets and financial records contained therein with
regard to the operation of Defendant's businesses;
- d) Tractor trailer parts and/or pieces;
- e) Two (2) Tractors bearing fleet number 718 and 973;
- f) Trailer loaded with new and used truck parts and certain
firearms; and
- g) Any and all other personal property previously seized by the
Plaintiff, Commonwealth of Pennsylvania, on October 30, 1990
and October 31, 1990.

SAID property to be returned to the Defendant, Robert C. Bolus,
Sr., forthwith.

BY THE COURT:


Walter R. J.