

Commonwealth of Pennsylvania



THE FOURTH DAUPHIN COUNTY INVESTIGATING GRAND JURY

IN RE: : IN THE COURT OF COMMON PLEAS OF
: DAUPHIN COUNTY, PENNSYLVANIA
:
: NO. CP-22-MD-000452-2006
THE FOURTH DAUPHIN COUNTY :
INVESTIGATING GRAND JURY : **NOTICE NUMBER: 04-2006-09**

TO THE HONORABLE TODD A. HOOVER, SUPERVISING JUDGE:

PRESENTMENT NO. 3

We, the Fourth Dauphin County Investigating Grand Jury, duly charged to inquire into offenses against the criminal laws of the Commonwealth, have obtained knowledge of such matters from witnesses sworn by the Court and testifying before us. We find reasonable grounds to believe that a violation of the criminal laws has occurred. So finding with not fewer than twelve concurring, we do hereby make this presentment to

the Court.

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Foreperson - Fourth Dauphin
County Investigating Grand Jury

Certified: A True Copy

DATED: Dec. 22, 2006

DEC 21 2006

(Clerk of the Court)

INTRODUCTION

We, the members of the Fourth Dauphin County Investigating Grand Jury, having received evidence pertaining to a possible violation of the Pennsylvania Crimes Code, pursuant to Notice of Submission of Investigation 04-2006-09, do hereby make the following findings of fact and recommendation of charges.

FINDINGS OF FACT

Jonathan Andrew Clouser (hereinafter "Clouser") is 27 years old with a date of birth of October 10, 1979. He resides in a garage behind his parent's home, 39 West Main Street, Elizabethville. For a period of over a year he has supplied a large number of young people in upper Dauphin County with marijuana, cocaine and other illicit drugs. He has repeatedly delivered controlled substances to juveniles within a Drug-free School Zone (hereinafter "School Zone"). The entirety of Clouser's residence and the area around it is well within 1000 feet of the real property of Upper Dauphin High School.

In October 2006, Clouser sold a gram of cocaine for \$60 to Robert Aduleit, age 20, in the alley behind Clouser's home. This delivery occurred within the School Zone. Aduleit subsequently used the substance and recognized it as cocaine. Aduleit shared some of the cocaine with two female juveniles, S.S., age 15 years, and C.I., age 15 years.

At a time when Amanda Briner was 18 years old, Clouser supplied both cocaine and marijuana to her at his residence and within the School Zone. Briner witnessed Clouser supply marijuana, cocaine and alcohol to juveniles, S.Z., T.N., and V.S. at his family's cabin in Carsonville. Clouser sold marijuana to M.R.B., age 17 years, on at

least 5 occasions within the School Zone. M.R.B. witnessed Clouser sell marijuana to juvenile S.Z. within the School Zone. Clouser supplied marijuana to M.K.B., age 17 years, in quantities of 1/8 ounce approximately five times within the School Zone. Clouser sold marijuana in quantities of 1/8 ounce to D.Z., age 17 years, at \$25 per 1/8 ounce on at least ten occasions within the School Zone.

Clouser sold marijuana in quantities of 1/8 ounce to M.R., age 17 years, on several occasions within the School Zone. On another occasion within the last year, Clouser sold marijuana to juveniles, M.M., age 17 years, and B.D., age 17 years at Clouser's residence and within the School Zone.

T.N. turned age 18 in November 2006. Clouser supplied her with marijuana on at least 100 occasions within the School Zone prior to her 18th birthday. Clouser supplied her with cocaine on at least 20 occasions prior to her 18th birthday. T.N. witnessed Clouser supply marijuana to other juveniles, including S.Z. and V.S.

S.Z. turned 18 years old in October 2006. On at least 25 occasions prior to her 18th birthday, Clouser supplied S.Z. with quantities of marijuana within the School Zone. At first, he charged her \$25 per 1/8 ounce, but later he gave it to her for free. In September 2006, Clouser delivered an ounce of cocaine to S.Z. in his residence within the School Zone. On one occasion in 2005, Clouser gave S.Z. a quantity of Ecstasy. On October 14, 2006, police seized a quantity of marijuana from S.Z. That marijuana had been delivered to her by Clouser at a time when she was 17 years old.

Brian Snyder has known Clouser since they were in grade school together. Within the last year, Snyder has purchased marijuana from Clouser on at least five occasions. All of those sales occurred at Clouser's residence within the School Zone

On the afternoon of March 30, 2006, Clouser was operating a 2000 Pontiac Grand Am on Mattis's Mill Road in Washington Township, Dauphin County. Joshua A. Adams, age 18 years, and Victoria H. Shadle, age 17 years, were rear passengers. T.N., age 17 years at the time, was the front passenger. Clouser removed a bag of marijuana from the center console and supplied marijuana and a pipe for its ingestion to the three passengers. As the four traveled on Mattis's Mill Road, they were passing around the pipe and ingesting marijuana.

Mattis's Mill Road is a rural township road with one lane of travel in each direction, but no center line. The road has a number of hills and blind spots. There is a slight crown in the road and no speed signs. Clouser crested a hill on Mattis's Mill Road at an excessive rate of speed, he veered to the right to avoid a school bus that was entering the road from a dirt path. Clouser's vehicle struck the bus, then entered the field to the right of the roadway, and ended up on its side. Adams and Shadle were ejected from the vehicle and died at the scene from injuries caused by the wreck. Toxicological testing on the blood of both Shadle and Adams obtained at autopsy showed the presence of marijuana. At the time of the wreck, T.N. was 24 weeks pregnant. As a result of the wreck, T.N. required an emergency Caesarian delivery of the child. T.N. suffered a fractured tibia and a lacerated spleen.

In the period immediately prior to the fatal collision, Clouser was operating the vehicle at an excessive rate of speed. The speed caused the occupants of the vehicle, all of whom were unrestrained, to bounce out of their seats within the vehicle. Minutes prior to the fatal collision, Clouser passed the point of the collision in the opposite direction. He commented at that point that, "this is a good place to get air," suggesting

that traveling at high speed at this point would cause the car to become airborne.

About five minutes before the fatal impact, both T.N. and Victoria Shadle asked Clouser to slow down. According to T.N., if Clouser slowed down at all in response to these entreaties, it was only to an insignificant degree. Recklessness on the part of Clouser was the cause of the fatal wreck.

Deborah K. Shadle was the mother of Victoria Shadle. She has been an associate of Jonathan Clouser in drug activities. This drug-related association continued even after Clouser criminally caused the death of Shadle's daughter. Deborah Shadle resides at 16 East Main Street, Elizabethville, Dauphin County. This residence is within a Drug-free School Zone. She was born in 1965 and is presently 41 years old. Both before and after her daughter's death, she allowed juveniles to congregate in her residence and use illegal drugs there. She has allowed juveniles to ingest marijuana, cocaine, and ecstasy in her home while she was present and participating in the drug use. She supplied marijuana and cocaine to the following juveniles: S.Z., at a time when she was 17 years old, T.N., at a time when she was 17 years old, and her daughter Victoria Shadle, when she was 17 years old.

RECOMMENDATION OF CHARGES

Based upon the evidence we have obtained and considered, which establishes a prima facie case, we, the members of the Fourth Dauphin County Investigating Grand Jury, recommend that the District Attorney or his designee, institute criminal proceedings against Jonathan Clouser and charge him with four counts of unlawful delivery of cocaine, 35 P.S. §780-113(a)(30) (relating to deliveries to Robert Aduleit, Amanda Briner, and the juveniles T.N. and S.Z.), ten counts of unlawful delivery of marijuana, 35 P.S. §780-113(a)(30) (relating to deliveries to Amanda Briner, and the juveniles, M.R.B., M.K.B., D.Z., M.R., T.N., S.Z., Brian Snyder, Joshua A. Adams, and Victoria H. Shadle, and a consolidated count relating to M.M. and B.D.), nine counts of corruption of minors, 18 Pa. C.S. §6501 (with separate counts relating to M.R.B., M.K.B., D.Z., M.R., T.N., M.M., B.D., S.Z. and Victoria H. Shadle), two counts of homicide by vehicle, 75 Pa. C.S. §3732 (with the separate counts relating to Joshua A. Adams, and Victoria H. Shadle), careless driving, 75 Pa. C.S. §3714, and safe speed, 75 Pa. C.S. §3361.

Based upon the evidence we have obtained and considered, which establishes a prima facie case, we further recommend that the District Attorney or his designee, institute criminal proceedings against Deborah Shadle and charge her with three consolidated counts of unlawful delivery of a controlled substance, 35 P.S. §780-113(a)(30)(relating to deliveries of marijuana and/or cocaine to S.Z., T.N., and Victoria Shadle); two counts of possession of a controlled substance (with separate counts for marijuana and cocaine) and three counts of corruption of minors, 18 Pa. C.S. §6501 (with separate counts relating to S.Z., T.N., and Victoria Shadle).