

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: BLAIR



POLICE CRIMINAL COMPLAINT  
COMMONWEALTH OF PENNSYLVANIA  
VS.

Magisterial District Number: 24-3-02  
MDJ: Hon. Steven D. Jackson  
Address: 5929 California Avenue  
Altoona, PA 16602  
Telephone: (814) 944-4371

DEFENDANT:

Joshuaa S Brubaker  
First Name Middle Name Last Name Gen.  
3132 Colonial Drive  
Duncansville, PA 16635

(NAME and ADDRESS):

NCIC Extradition Code Type

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

DEFENDANT IDENTIFICATION INFORMATION

Docket Number	Date Filed	OTN/LiveScan Number	Complaint/Incident Number 2014-00001395	SID 239-40-25-6	Request Lab Services? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
GENDER <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	DOB 02/20/1977	POB Philadelphia, PA, America	Add'l DOB 02/20/1977	Co-Defendant(s) <input type="checkbox"/>	
First Name		Middle Name		Last Name	
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 checked="" 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 type="checkbox"/> BLU (Blue) <input type="checkbox"/> PLE (Purple) <input checked="" 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 checked="" 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 24009336	Expires:	WEIGHT (lbs.) 215	
DNA	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DNA Location	Ft. HEIGHT In. 5 04		
FBI Number	710135CB7	MNU Number			
Defendant Fingerprinted	<input type="checkbox"/> YES <input checked="" 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)

(Signature of the attorney for the Commonwealth)

(Date)

I, Asst. Chief Leo Berg, III  
(Name of the Affiant)

15534 / 812  
(PSP/MPOETC -Assigned Affiant ID Number & Badge #)

of Allegheny Township Police Department  
(Identify Department or Agency Represented and Political Subdivision)

PA0070700  
(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 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 07201 Allegheny Twp  
3132 COLONIAL DR (Subdivision Code) (Place-Political Subdivision)

in Blair County [ 07 ] on or about Mon - 5/12/2014 07:00 hrs. to Tue - 5/13/2014 14:24 hrs.  
 (County Code)



# POLICE CRIMINAL COMPLAINT

<b>Docket Number:</b>	<b>Date Filed:</b>	<b>OTN/LiveScan Number</b>	<b>Complaint/Incident Number</b> 2014-00001395
<b>Defendant Name</b>	First: Joshuaa	Middle: S	Last: Brubaker

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.)

<b>Inchoate Offense</b>	<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 checked="" type="checkbox"/>	1	2103		of the	Title 18	1	M-2		24
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

<b>PennDOT Data (if applicable)</b>	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance):  
 Insults to national or commonwealth flag

Acts of the Accused associated with this Offense:  
 CC2103 - Insults to national or commonwealth flag

A person is guilty of a misdemeanor of the second degree if he maliciously takes down, defiles, injures, removes or in any manner damages, insults, or destroys any American flag or the flag of the Commonwealth which is displayed anywhere.

<b>Inchoate Offense</b>	<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"/>	2	2102	A - 4	of the	Title 18	1	M-3		26
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

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

Acts of the Accused associated with this Offense:  
 CC2102A - Desecration of flag

A person is guilty of a misdemeanor of the third degree if, in any manner, he:

- (1) for exhibition or display places any marks, writing or design of any nature or any advertisement upon any flag;
- (2) exposes to public view any such marked or defiled flag;
- (3) manufactures, sells, exposes for sale, gives away, or has in his possession for any of such purposes any article which uses the flag for the purposes of advertisement, sale or trade; or
- (4) publicly or privately mutilates, defaces, defiles, or tramples upon, or casts contempt in any manner upon any flag.



# POLICE CRIMINAL COMPLAINT

<b>Docket Number:</b>	<b>Date Filed:</b>	<b>OTN/LiveScan Number</b>	<b>Complaint/Incident Number</b> 2014-00001395
<b>Defendant Name</b>	<b>First:</b> Joshuaa	<b>Middle:</b> S	<b>Last:</b> Brubaker

## OFFENSE DESCRIPTION CONTINUATION

Offense #: 2

To Wit: On 05-12-14 this officer, Assistant Chief Leo Berg, observed a United States Flag hanging on the front of the Brubaker residence and clearly in public view. The Brubaker residence is located at 3132 Colonial Drive, directly across the roadway from the Allegheny Twp Municipal Building which is located at 3131 Colonial Drive. The United States flag was hanging upside down and had the letters "AIM" spray painted across the flag with what appeared to be white spray paint. This was offensive and insulting and a passing motorist stopped at the station and filed a complaint about the desecrated flag being displayed in such and insulting and offensive manner. I took digital photographs of the flag as it was being displayed in public view on the front of the house.

On 05-13-14 this officer again observed said United States flag still being displayed upside down, with the white letters "AIM" painted across the flag. This desecrated U.S. flag was still being displayed in public view on the front of the Joshuaa Brubaker residence. I was then informed about a second complaint about the offensive, insulting and disrespectful display of the United States flag from another complainant who stopped at the station to file a complaint. The complainant stopped because they were offended by the flag hanging in public view at said location in such a manner. In response to this complaint I together with officer Steven Weyandt responded to the Brubaker residence. We attempted to make contact with the resident without success. I then seized the desecrated flag from the front of the home, thereby removing it from public view. The flag was folded, packaged, labeled and secured as evidence.

At approximately 1535 hours defendant Joshuaa Brubaker responded to the Allegheny Twp. Municipal building and made contact with the Allegheny Twp Police Department. Joshuaa Brubaker spoke with Officer CD Gunnett. Joshuaa Brubaker wished to file a stolen property report. Joshuaa stated a United States flag that was being displayed on the front of his home was stolen. He described the United States flag as approximately 3' foot by 5' foot in size and included the white letters "AIM" that were written across it. Joshuaa was requested to compile a written complaint regarding the missing U.S. flag. Joshuaa provided that written complaint. He described the flag and signed the complaint. He estimated the value of the U.S. flag at \$15.00.

This officer then made contact with the defendant Joshua Brubaker as he was leaving the police station and municipal building. He was asked to wait to speak with me and agreed to wait. I then made photo copies of the Pennsylvania Crime Code Title 18, Section CC2102 - Desecration Of Flag and Section CC2103 - Insults To National Or Commonwealth Flag. I informed Joshuaa that his flag was seized and was not stolen. I explained that I was offended along with others by the disrespectful, offensive and insulting desecration and public display of his flag. I informed him that he was not under arrest and was free to leave at anytime. I presented him with the aforementioned photo copies of the PA Crimes Code and informed him that he would be criminally charged for these offenses. I also advised Joshuaa that I potentially saved him from getting his ass kicked by the first military person that also would have taken offense and had contact with him.