

Case Docket View : CR-17-05-12-9509

| Parties | |
|---|--|
| Complaint claim | |
| <p>JOHN JACOBS</p> <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">[REDACTED]</p> <p style="text-align: center;">PHILADELPHIA, PA 19102</p> <p>THOMAS R KLINE</p> | <p>BRANDON BOSTIAN</p> <p>Ready for trial</p> <p style="text-align: right;"><i>Defendant #1</i></p> <p style="text-align: center;">[REDACTED]</p> <p style="text-align: center;">[REDACTED]</p> <p style="text-align: center;">SOMERVILLE, MA 02143</p> |

| Docket Entries | | | | |
|----------------|-------------|-------------|---|---|
| # | Filing Date | Description | Results / Comments | Parties Involved |
| 1 | 05/12/2017 | Criminal | Hearing Scheduled: 06/12/2017 09:00 AM Hearing Room 408 CJC Fee: \$12.10 Amount at Issue: \$0.00 Incident Date: 05/12/2015 Interviewer Code: 200 | <p>CMS User Filer</p> <p>JOHN JACOBS P</p> <p>BRANDON BOSTIAN D1</p> |



COMMONWEALTH OF PENNSYLVANIA

THE PHILADELPHIA MUNICIPAL COURT
Criminal Justice Center
1301 Filbert Street
Philadelphia, PA 19107

COMMONWEALTH OF PENNSYLVANIA
vs.

BRANDON BOSTMAN
[REDACTED]
SOMERVILLE, MA 02143

DISTRICT ATTORNEY'S OFFICE

Approved No Opinion

Disapproved because:
Prosecutorial Discretion,
Insufficient Evidence and
no evidence of intent
or "criminal recklessness"

DATE 5/11/17 ASSISTANT DISTRICT ATTORNEY [Signature]

DATE 5/10/2017 INTERVIEWER M. COMIA-WOLFE

DEFENDANT DESCRIPTION

This defendant has has not been fingerprinted.

| RACE | SEX | HEIGHT | WEIGHT | COLOR OF HAIR | COLOR OF EYES | DAY OF BIRTH (Mo., Day, Yr.) |
|-------|-----|--------|--------|---------------|---------------|------------------------------|
| WH | M | | | | | |
| OTHER | | | | | | |

I, the undersigned do hereby state under oath or affirmation my name is: MR. THOMAS R. KLINE
 My address is: ON BEHALF OF JOHN JACOBS 1525 LOCUST STREET, PHILADELPHIA
 The accused has violated the Crimes Code or other laws of the Commonwealth of Pennsylvania in Philadelphia County on or 9/10
 about 5/12/2015 9:20PM AMTRAK TRACKS AT FRANKFORD JUNCTION, PHILA., PA
 The said acts were:

SEE ATTACHED FACTS WITH REGARD TO
 2504 INVOLUNTARY MANSLAUGHTER (M1)
 2705 RECKLESSLY ENDANGERING ANOTHER PERSON (M2)

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to law. I ask that a summons or a warrant of arrest be issued and that the accused be required to answer the charges.

COMMONWEALTH OF PENNSYLVANIA:
 COUNTY OF PHILADELPHIA:

And now, this date 5/11 ^{ss} 20 17, I certify the complaint has been properly deposed and executed and that there is probable cause for the issuance of process.

[Signature]
 Judge

I, _____
 verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information and belief. This is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa. C.S. §4904) relating to unsworn falsification to authorities.

5/11/2017 x [Signature]
 Date Signature

SUMMONS

CITATION

YOU ARE COMMANDED TO APPEAR BEFORE THE PHILADELPHIA MUNICIPAL COURT FOR ARRAIGNMENT

USTED ESTA ORDENADO PARA APARECER ANTE LA CORTE MUNICIPAL DE FILADELPHIA PARA LECTURA DE ACUSACION

DATE (Fecha) June 12, 2017 TIME (Tiempo) 9:00 am

LOCATION (Sitio)
 Criminal Justice Center
 1301 Filbert Street - Room 408
 Philadelphia, PA

If you fail to appear at the time and place mentioned, a Warrant will be issued for your arrest. You have the right to be represented by an attorney.

Si usted falta de aparecer al lugar y tiempo mencionado una citacion sera entregado para su aresto. Usted tiene el derecho de ser representado por un abogado.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of this Court this day of 5/11 20 17

[Signature]
 Marsha H. Neffield, President Judge



SEE REVERSE

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: PHILADELPHIA



PRIVATE
CRIMINAL COMPLAINT

| |
|------------------------------|
| Magisterial District Number: |
| MDJ Name: Hon. |
| Address: |
| Telephone: () |

COMMONWEALTH OF PENNSYLVANIA
VS.

DEFENDANT: NAME and ADDRESS

Brandon Bostian
[REDACTED]
Somerville, MA 02143

| |
|-------------|
| Docket No.: |
| Date Filed: |
| OTN: |

(Above to be completed by court personnel)

(Fill in defendant's name and address)

Notice: Under Pa.R.Crim.P. 506, your complaint may require approval by the attorney for the Commonwealth before it can be accepted by the magisterial district court. If the attorney for the Commonwealth disapproves your complaint, you may petition the court of common pleas for review of the decision of the attorney for the Commonwealth.

Fill in as much information as you have.

| | | | |
|---|--|--|---|
| Defendant's Race/Ethnicity <input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Native American <input type="checkbox"/> Hispanic <input type="checkbox"/> Unknown | Defendant's Sex <input type="checkbox"/> Female <input checked="" type="checkbox"/> Male | Defendant's D.O.B. | Defendant's SID (State Identification Number) |
| Defendant's AKA (also known as) | Defendant's Vehicle Information Plate Number State Registration Sticker (MMYY) | Defendant's Driver's License Number State | |

I, Todd Waldman and John Jacobs
(Name of Complainant-Please Print or Type)

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 is unknown to me and whom I have therefore designated as John Doe

with violating the penal laws of the Commonwealth of Pennsylvania at Amtrak Tracks at Frankford Junction
(Place Political Subdivision)

in Philadelphia County on or about May 12, 2015

Participants were: (if there were participants, place their names here, repeating the name of the above defendant)
Brandon Bostian

2477310

| |
|-------------------|
| Defendant's Name: |
| Docket Number: |



**PRIVATE
CRIMINAL COMPLAINT**

2. The acts committed by the accused were:
 (Set forth a summary of the facts sufficient to advise the defendant of the nature of the offense charged. A citation to the statute allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section and subsection of the statute or ordinance 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 number must be established, list only the last four digits. 204 Pa.Code §§ 213.1 - 213.7.)

SEE ATTACHED NARRATIVE AND VERIFICATION FOR #2 and #4.

All of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of _____ and _____

of the _____

3. I ask that process be issued and that the defendant be required to answer the charges I have made.
4. 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.

 Date Signature of Complainant

Office of the Attorney for the Commonwealth Approved Disapproved because: _____

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

AND NOW, on this date _____, I certify that the complaint has been properly completed and verified.

 (Magisterial District) (Issuing Authority) **SEAL**

NARRATIVE

This private criminal complaint relates to the derailment of Amtrak Train No. 188, which took the life of Rachel Jacobs ("Ms. Jacobs") as the result of the reckless and criminal conduct of Defendant Brandon Bostian, the Amtrak engineer of the train. Mr. Bostian is currently believed to be living in Somerville, Massachusetts. Complainant Todd Waldman, a resident of New York, NY, is the surviving husband of Ms. Jacobs and the executor of Ms. Jacob's Estate. Complainant John Jacobs, a resident of Michigan, is the surviving father of Ms. Jacobs.

On or about May 12, 2015 at approximately 9:20 p.m., decedent Ms. Jacobs, a 39-year-old New York resident at the time of the incident, was a passenger on Amtrak Train No. 188, which originated at Union Station in Washington, D.C., and was on its way to New York City. Ms. Jacobs boarded the train at Philadelphia's 30th Street Station for her final destination of New York City. Amtrak 188 consisted of seven passenger cars and an Amtrak Cities Sprinter (ACS)-64 locomotive. The train departed Philadelphia's 30th Street Station at approximately 9:10 p.m. with Defendant Bostian serving as its engineer. Defendant Bostian remained at the controls of Amtrak 188 until he eventually caused the train to derail and crash.

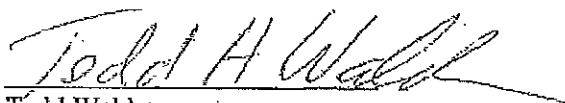
Defendant Bostian was an experienced engineer who was aware of the route the train was to take that day and the speed limits throughout the route. On May 12, 2015, Defendant Bostian was aware that the train he was operating, Amtrak 188, was carrying 238 passengers and 8 crew members. With hundreds of peoples' lives in his hands, and knowing the speed limits on the route he was traveling on May 12, 2015, Defendant Bostian unlawfully exceeded the speed limit on the route. Defendant Bostian first accelerated the speed of the train over the 80 mile-per-hour speed limit in a stretch of track between North Philadelphia Station and Frankford Junction, in the City and County of Philadelphia. Then, aware that the speed limit on the route changed from 80 miles per hour to 50 miles per hour at a curve at Frankford Junction (which Defendant Bostian had traveled on numerous prior occasions), and with full knowledge that increased speed around the sharp turn created a serious danger to the passengers and crew of Amtrak 188, Defendant Bostian unlawfully and recklessly accelerated the train to a speed of 106 miles per hour, over twice the limit of which Defendant Bostian was aware. As he was operating the train at such a high and reckless speed, Defendant Bostian was unable to navigate the turn at Frankford Junction, in the City and County of Philadelphia, causing the train to jump off the tracks and derail at approximately 9:20 p.m.

As a direct result of Defendant Bostian's unlawful and reckless operation of Amtrak 188 causing the derailment of the train, Ms. Jacobs was severely and critically injured and succumbed to her injuries that evening. Decedent Rachel Jacobs' injuries and death were the direct and proximate result of the unlawful and reckless operation of Amtrak 188 by Defendant Bostian. Defendant Bostian's actions were all against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of 18 Pa. C.S. § 2504, Involuntary Manslaughter, a Misdemeanor of the First Degree, and 18 Pa. C.S. § 2705, Recklessly Endangering Another Person, a Misdemeanor of the Second Degree.

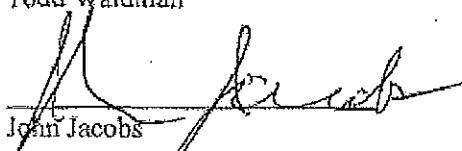
VERIFICATION

The undersigned affiants hereby verify that the facts set forth in the foregoing complaint are true and correct to the affiants' personal knowledge, or information and belief. This verification is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

DATE: 5/10/2017


Todd Waldman

DATE: 5/10/2017


John Jacobs

LUG# 477554

1. Are you or is the accused an employee of the District Attorney's Office, City and County Of Philadelphia?

Yes No

2. Are you or is the accused an employee of any other City, State, or Federal Agency?

Yes No

3. Are you aware of any other court action, either pending or concluded, concerning this incident?

Yes No

4. Are you aware of any other action, either pending or concluded, in which the defendant is a complainant or witness against you or against any close relative or friends of yours?

Yes No

5. Have you filed any previous Private Criminal Complaints or Police Complaints against this defendant?

Yes No

6. Has any close relative or friend of yours filed any complaints against this defendant?

Yes No

7. Your birthdate: _____/_____/_____

TO BE FILLED OUT IN ALL DOMESTIC VIOLENCE CASES IN WHICH POLICE WERE CALLED:

Was the defendant present when police arrived? YES NO

Did the complainant have visible injuries? Describe: YES NO

Was the defendant arrested? Why or why not? YES NO

Complaint Reviewed. Please print your name here. JOHN JACOBS

I acknowledge that I have been advised that false statements made to the District Attorney's Office are subject to the penalties on 18 C.S. Section 4904 relating to Unsworn Falsification to Authorities, and subject to withdrawal of prosecution by the District Attorney's Office. If for any reason the defendant cannot be served the case may be withdrawn in two years.

Signature: [Signature] for JOHN JACOBS Date: 5.10.17

Day Phone: 215-407-1360 Evening Phone: 215-407-1360