

COMMONWEALTH OF PENNSYLVANIA
 COUNTY OF LANCASTER
 Magisterial District Number: 02-3-02
 MDJ: Hon. B. DENISE COMMINS
 15 GEIST ROAD
 Address: LANCASTER, PA 17601
 Telephone: (717) 656-2191



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA

VS.
DEFENDANT: (NAME and ADDRESS):
JUSTO SMOKER
 First Name Middle Name Last Name Gen
3250 LINCOLN HIGHWAY APT 7
PARADISE PA UNITED STATES 17562

NCIC Extradition Code Type

<input checked="" type="checkbox"/> 1-Felony Full	<input type="checkbox"/> 5-Felony Pend.	<input type="checkbox"/> C-Misdemeanor Surrounding States	<input type="checkbox"/> Distance:
<input type="checkbox"/> 2-Felony Ltd.	<input type="checkbox"/> 6-Felony Pend. Extradition Determ.	<input type="checkbox"/> D-Misdemeanor No Extradition	
<input type="checkbox"/> 3-Felony Surrounding States	<input type="checkbox"/> A-Misdemeanor Full	<input type="checkbox"/> E-Misdemeanor Pending	
<input type="checkbox"/> 4-Felony No Ext	<input type="checkbox"/> B-Misdemeanor Limited	<input type="checkbox"/> F-Misdemeanor Pending Extradition Determ.	

DEFENDANT IDENTIFICATION INFORMATION

Docket Number	Date Filed	OYN/LiveScan Number	Complain/Incident Number	Request Lab Services?
	12/21/20		2006022459-4787	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

GENDER	DOB	POB	Add'l DOB	Co-Defendant(s)
<input checked="" type="checkbox"/> Male	03/29/1986			<input type="checkbox"/>
<input type="checkbox"/> Female	AKA	First Name	Middle Name	Last Name
				Gen.

RACE White Asian Black Native American Unknown

ETHNICITY Hispanic Non-Hispanic 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 type="checkbox"/> BRO (Brown)
<input checked="" 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 checked="" 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)

DNA YES NO DNA Location WEIGHT (lbs):

FBI Number 169191NC2 **MNU Number** 160

Defendant Fingerprinted YES NO **Fe. HEIGHT** 5 6

Fingerprint Classification 5 6

DEFENDANT VEHICLE INFORMATION

Plate #	State	Hazmat	Registration Sticker (MM/YY)	Comm'l Veh. Ind.	School Veh.	Oth. NCIC Veh. Code	Reg. same as Def.
KYB9713	PA	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
VIN	Year	Make	Model	Style	Color		
KNADE123876246198	2007	KIA	RIO	SD	RED		

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).

First Assistant Todd Brown
 (Name of the attorney for the Commonwealth) (Signature of the attorney for the Commonwealth) (Date)

I, **CHRISTOPHER D JONES** / *Todd McCurdy* 27078 / 617987 34 / 10226
 (Name of the Affiant) PSP/MPOETC-Assigned Affiant ID Number and Badge #
 of **East Lampeter Township PD** / *Pennsylvania State Police* PA0364000
 (Identify Department or Agency Represented and Political Subdivision) (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
 (Subdivision Code) (Place-Political Subdivision)

LANCASTER COUNTY, PENNSYLVANIA

in **LANCASTER** County [**36**] on or about **06/21/2020**
 (County Code) (Offense Date)



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 12/21/2020	OTN/LiveScan Number	Complaint/Incident Number 2006022459-4787
Defendant Name:	First: JUSTO	Middle:	Last: SMOKER

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.

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/>	1	2501	A	of the	18	1	CFELI		
Lead?	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Code	UCR/NIBRS Code

<input type="checkbox"/> PennDOT Data (If Applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (Include the name of the statute or ordinance):

Criminal Homicide

Acts of the accused associated with this Offense:

The actor intentionally, knowingly, recklessly or negligently caused the death of Linda Stoltzfoos another human being, in violation of Section 2501 (a) of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. -2501(a), as amended. To Wit: On or about 6/21/20, Justo Smoker did cause the death of Linda Stoltzfoos in Lancaster County, Pennsylvania.



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Docket Number:	Date Filed: 12/21/2020	OTN/LiveScan Number	Complaint/Incident Number 2006022459-4787
Defendant Name:	First: JUSTO	Middle:	Last: SMOKER

- 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.
- 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.
- This complaint consists of the preceding page(s) numbered _____ through _____.
- I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

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.)

CHRISTOPHER D JONES

TODD McCURRY

12/21/20

(Date)

[Handwritten Signature]

(Signature of Affiant)

AND NOW, on this date 12/21/20 I certify that the complaint has been properly completed and verified.

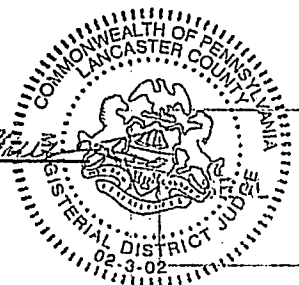
An affidavit of probable cause must be completed before a warrant can be issued.

02-3-02

(Magisterial District Court Number)

[Handwritten Signature]

(Issuing Authority)





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Defendant Name	First: JUSTO	Middle:	Last: SMOKER

AFFIDAVIT OF PROBABLE CAUSE

1. Your Affiant, Detective Christopher Jones of the East Lampeter Township Police Department was a member of the Mid-Cumberland Valley Regional Police Department from 1999-2001. Your Affiant has been a member of the East Lampeter Twp. Police Department since September of 2001. Your Affiant was assigned to patrol duties, which included investigating criminal offenses. In 2008 your Affiant was assigned as a full time Detective with the Lancaster County District Attorneys Drug Enforcement Task Force. In 2009 your Affiant returned to East Lampeter Township Police Department as a full time Criminal Detective. Your Affiant has a Bachelor's Degree in Criminal Justice from Shippensburg University. Additionally, your Affiant has received formal training at the Municipal Police Training Academy at Indiana University of Pennsylvania. Your Affiant has participated in over 300 felony criminal investigations. Your Affiant has also received additional training in interview techniques, statement analysis, homicide investigation, crime scene management, child abuse investigations, sexual assault investigations, as well as investigative procedures involving both cell phones and computers. Your Affiant is also Class A certified to conduct electronic surveillance. Your Co-Affiant, Corporal Todd McCurdy is a Pennsylvania State Trooper currently assigned as the Troop J Lancaster Criminal Investigation Unit Supervisor. Your Co-Affiant has been a Pennsylvania State Trooper since 2005 and has been assigned as a criminal investigator since 2009. Your Co-Affiant has participated in hundreds of felony criminal investigations. Your Co-Affiant has also received additional training in interview techniques, statement analysis, homicide investigation, crime scene management, child abuse investigations, sexual assault investigations, and has been assigned to the Pennsylvania State Police Criminal Investigation Assessment Unit receiving extensive training and gaining experience in the investigation of major criminal cases, criminal investigation assessment, and the behavioral arts as they apply to criminal conduct. Your Co-Affiant has training and experience in investigative procedures involving both cell phones and computers. Your Co-Affiant is also Class A certified to conduct electronic surveillance.

2. That on June 22, 2020 at 0223hrs, Officer Nathan Westerman of the East Lampeter Township Police Department responded to the Stoltzfoos residence located at 519 Beechdale Road, Bird-in-Hand PA, for a missing person. Upon arrival, Officer Westerman spoke with Lloyd Stoltzfoos, who reported that his 18-year-old daughter, Linda Stoltzfoos, had not returned home from youth group and was missing. Lloyd reported his daughter was supposed to go to youth group after church on June 21, 2020 and never made it. Lloyd noted that after the church service, Linda was going to walk home and change her clothing before going to youth group. Lloyd reported when Linda did not come home after youth group, they checked her room and did not locate her church clothing. This led Lloyd to believe that Linda never made it home after church.

3. That Lloyd advised Officer Westerman that the church service took place at 2659 Stumptown Rd Bird-in-Hand, PA 17505 from 0900Hrs until 1200Hrs. Lloyd reported that Linda would have been walking back to their family farm which is located at 519 Beechdale Road Bird-in-Hand, PA to change clothing and go to youth group from 1400Hrs to 2300Hrs.

4. That as part of this investigation Officer Westerman and your Affiant spoke with Lillian Ebersole. Lillian reported that she was at the church service with Linda and her family and she spoke with Linda after the service. Lillian reported that after church she helped with the dishes and spoke with Linda. The two then spoke out in front of the barn before Linda indicated she was going to head home. During the conversation, Linda relayed that she was going to walk home and change her clothes before walking to youth group. Lillian reported that Linda was carrying her shoes in her hand walking away barefooted the

File



POLICE CRIMINAL COMPLAINT

AFFIDAVIT CONTINUATION PAGE

Docket Number:	Date Filed: 12/21/2020	OTN/LiveScan Number	Complain/Incident Number 2006022459-4787
Defendant Name	First: JUSTO	Middle:	Last: SMOKER

AFFIDAVIT OF PROBABLE CAUSE CONTINUATION

last time she observed her. Lillian reported that Linda left the farm/church service between 1230 and 1300hrs. Lillian reported she had a good conversation with Linda who appeared to be fine. Lillian described Linda as a very content person who was happy with her lifestyle. Lillian reported that Linda never had a phone and never had a boyfriend. Based on the investigation, Lillian was the last person familiar to Linda who saw her before she went missing.

5. That your Affiant interviewed Lloyd Stoltzfoos, who reported that Linda walked to church on June 21, 2020, using the roadway, by taking Beechdale Rd North before turning right (east) onto Stumptown Road. Lloyd believed that Linda would have returned home this same way. This is the most direct route between the church service and the Stoltzfoos residence. Lloyd noted that it was not Linda's practice or custom to cut across fields, but that she would typically walk on the road. Based on the topography of the area, it would be difficult to take any sort of shortcut due to Mill Creek running through the area. Additionally, Linda Stoltzfoos was dressed in formal church clothes on her walk back from the church service, specifically, a tan dress, a white apron and a black head covering.

6. That as part of this investigation your Affiant interviewed Anna Beiler, Anna Stoltzfus and Kate King who are all good friends of Linda Stoltzfoos. All reported that they had been friends with Linda for several years and that they had just been with her on Friday night. They all reported at that time she was fine and acted normally. They reported that Linda told them she would see them at youth group on Sunday night and she was going to walk there. The girls reported that youth group was held at a farm on South Groffdale Road in Leola and started around 2:30pm. The girls indicated that Linda never showed up at youth group and they just figured she was sick. All three girls reported Linda was content with her life and did not believe that Linda would ever go away without telling anyone.

7. That as part of this investigation, your Affiant, Detective Preston Gentzler and Detective Andrew Garman searched the bedroom of Linda Stoltzfus. During this search, the church clothing described in Paragraph #5 was not located and investigators did not find anything out of place in the bedroom. The room appeared neat and organized.

8. That during the investigation it was determined that Linda helped to tutor students in the Amish community with learning disorders. It was further determined that Linda was employed in the community. During interviews with family and friends it was determined that Linda loved her family and would have no reason to leave unexpectedly. Furthermore, during these interviews it was determined that Linda had several events and trips planned in the coming weeks that she was looking forward to.

9. That on 7/8/20 at 1208hrs, your Affiant and Detective Scott Eelman of the East Lampeter Township Police interviewed Isaac Esh at his residence located at 2705 Stumptown Road Bird-in-Hand, PA. Isaac reported that on 6/21/20 between 1230hrs and 1245hrs he was sitting on the front porch of his residence watching traffic. He reported that a red sedan drove past him traveling East on Stumptown Road coming from the area of Linda's church and then turned around on Red Lane. When the vehicle turned around on Red Lane it paused for approximately one minute before traveling back West on Stumptown Rd. again directly in front of Isaac's residence and heading toward the area of Linda's church. Isaac described the driver as a white male with dark hair and darker skin which led him to believe the driver might be Hispanic. Isaac reported that there was only one occupant in the vehicle when it passed him both times and he last saw it on Stumptown Road in the area of Linda's Church and so would have driven on the roadway in the area in which Linda would have been walking around the time she disappeared. It was noted that

Set 4



POLICE CRIMINAL COMPLAINT

AFFIDAVIT CONTINUATION PAGE

Docket Number:	Date Filed: 12/21/2020	OTN/LiveScan Number	Complaint/Incident Number 2006022459-4787
Defendant Name	First: JUSTO	Middle:	Last: SMOKER

AFFIDAVIT OF PROBABLE CAUSE CONTINUATION

Isaac's porch is approximately 15-20 yards from Stumptown Rd.

10. That on 7/8/20 at 1300hrs, your Affiant reviewed and slowed down video surveillance from the 500blk of Beechdale Road from 6/21/20 and noted a red in color sedan is observed traveling from the area of Stumptown Rd heading south on Beechdale Road at 1242hrs. This video surveillance was obtained after a forensic examination was conducted by the FBI Regional Computer Forensics Laboratory. In the video surveillance Detective Jones noted the driver's side window is down and there appears to be a white in color object toward the passenger side front seat of the vehicle as it passes. The vehicle was identified as a second generation (2005-2010) Kia Rio, red in color, with a spoiler and stickers on the trunk.

11. That on 7/8/20 Detective Andrew Garman of the East Lampeter Township Police Department conducted a police record check and found a record for a red color 2007 Kia Rio bearing (PA) KYB9713 which was owned by Justo Smoker DOB:3/29/1986. A further record check revealed that Smoker was employed by Dutchland Inc, located at 160 PA41, Gap, PA.

12. That on 7/8/20 at 1445hrs, your Affiant, along with Detective Scott Eelman of the East Lampeter Township Police Department, traveled to Dutchland Inc located at 160 PA41 Gap, PA. In the parking lot we observed the Kia Rio noted in paragraph #11 bearing (PA) KYB-9713. The vehicle appeared to be reddish / orange in color with a missing front passenger side hubcap and damage to the passenger side rocker panel. Your Affiant compared the vehicle to the vehicle observed on the video surveillance noted in paragraph #10 and noted the color, wheels, spoiler and identifying stickers on the back of the car appeared to be the same. That your Affiant and Detective Eelman surveilled the vehicle and noted it left the parking lot at approximately 1725hrs. Detectives followed the vehicle north on SR41 and then west on Lincoln Hwy. until the vehicle turned into the parking lot of the Bird in Hand window shop located at 3246 Lincoln Hwy., Paradise, PA. After several minutes Detectives returned to the area and found the Kia Rio parked, unoccupied in the parking lot behind several apartments in the area of 3250 Lincoln Hwy Paradise, PA. Your Affiant confirmed that Justo Smoker currently had a listed address of 3250 Lincoln Hwy. Paradise, PA.

13. That your Affiant performed a police record check and located a PA driver's license photograph of Justo Smoker. In the photograph Smoker appears to be a Hispanic male with black hair, mustache and a beard.

14. That on 7/9/20 at 1753hrs, Detective Scott Eelman and your Affiant spoke with Justo Smoker at his residence located at 3250 Lincoln Hwy Paradise, PA. During this conversation your Affiant noted that Smoker had dark hair along with a mustache and beard. Justo reported he did not know Linda Stoltzfoos and could provide no information about her disappearance. He further reported he was not in the area of Beechdale or Stumptown Road on 6/21/20. Smoker reported his cell phone number was 717-696-7695. Smoker reported that his address was 3250 Lincoln Hwy., Apt. 7 Paradise, PA.

15. That as part of this investigation your Affiant created a timeline detailing the events surrounding the disappearance of Linda Stoltzfoos. The facts surrounding the case created an approximate 10-15-minute time window during which Linda disappeared. The video surveillance in paragraph #10 shows that the red Kia Rio was on the road where Linda went missing during the time period when Linda went missing.



POLICE CRIMINAL COMPLAINT

AFFIDAVIT CONTINUATION PAGE

Docket Number:	Date Filed: 12/21/2020	OTN/LiveScan Number	Complain/Incident Number 2006022459-4787
Defendant Name:	First: JUSTO	Middle:	Last: SMOKER

AFFIDAVIT OF PROBABLE CAUSE CONTINUATION

16. That on 7/10/20 Detective Scott Eelman slowed down, enlarged and watched the video surveillance on Beechdale Road relating to the red Kia Rio. During this slow review, Det. Eelman observed a vehicle traveling south on Beechdale Road and pull off onto the west side of the road and out of camera view at 12:36:53 hrs. Det. Eelman then observed a lone person, believed to be Linda Stoltzfoos, walking on Beechdale Road wearing white at 12:40:50 hrs. The person is walking south on the east side of Beechdale Road which would be the direction that Linda would have been walking home at that time. A second person, believed to be Justo Smoker, then appears into the camera view from the area where the vehicle pulled off and is observed crossing on foot from the west side of Beechdale Road across the road toward the person wearing white at 12:41:18 hrs. After encountering Stoltzfoos, there appears to be motion toward the head area of Stoltzfoos consistent with placing something over her head and the two then walk together back across to the west side of Beechdale Road to the same area where the vehicle is pulled off of Beechdale Road and out of camera's view at 12:41:29 hrs. The vehicle then pulls out from the same area on the west side of Beechdale Road where the two people walked out of the camera view at 12:41:52 hrs. Based on your Affiant's knowledge of the area, your Affiant is aware that the location described above which is outside the camera view is near an Amish farm lane. The vehicle turns right out from the area of the farm lane and travels south on Beechdale Road toward the camera position and drives past the camera. The vehicle observed is a red four door Kia Rio with black trim, a rear spoiler and an "LCM" emblem/sticker on the left rear trunk area. A white object is observed in the front passenger seat area.

17. That as part of this investigation your Affiant reviewed video surveillance from Weavertown Mennonite School which is located at 73 Orchard Rd., Bird-in-Hand, PA. It was noted that video surveillance from the school captured Church Road in the area Orchard Road. During this review, your Affiant noted a red Kia Rio sedan with a missing front passenger side hubcap and damage to the passenger side rocker panel pass in front by the school on Church Road. In the video a passenger is observed in front passenger seat of the vehicle. The video then shows the vehicle quickly turn into the parking lot and pull behind the Weavertown Amish Mennonite Church. The vehicle is then out of sight for approximately 5 minutes before returning to Church Road and continuing east.

18. That on 6/29/20 your Affiant spoke with Sarah Stoltzfus and her husband Isaac Stoltzfus. Both Sarah and Isaac reported that they were members of the Amish community/faith and they are intimately familiar with the traditions and culture of the Amish. They indicated that they were walking on Amish Road in Gap, PA in the area of Buena Vista Rd. in Gap, PA on 6/21/20 around 1330hrs. At that time, they observed a red/orange four door vehicle traveling north on Amish Rd. Sarah reported that she observed an Amish female in the front passenger seat of the vehicle. Sarah noticed the Amish female was wearing a white apron and black head covering. Sarah then waved at the Amish female who did not wave back. Sarah indicated that the Amish churches in that area do not wear black head coverings. She further noted that it was highly unusual for an Amish female to be riding in a vehicle wearing her church clothing. Sarah reported the Amish female did not wave back at her, which is an Amish tradition, and so she thought that was odd. Sarah said she was within several feet of the passing vehicle and was able to clearly see the Amish passenger and that having since seen photos of Linda Stoltzfoos, Sarah believes the Amish female in the vehicle was Linda Stoltzfoos. Isaac reported he observed the driver of the vehicle and described him as a white male with dark hair and a dark beard/mustache.

19. That on 6/29/20 your Affiant spoke with Gideon King III, who identified himself as a member of the Amish community who was familiar with their culture and traditions. Gideon reported on 6/21/20 between

Signature



POLICE CRIMINAL COMPLAINT

AFFIDAVIT CONTINUATION PAGE

Docket Number:	Date Filed: 12/21/2020	OTN/LiveScan Number	Complain/Incident Number: 2006022459-4787
Defendant Name	First: JUSTO	Middle:	Last: SMOKER

AFFIDAVIT OF PROBABLE CAUSE CONTINUATION

1215hrs and 1330hrs he was traveling in his horse and carriage on Amish Road ¼ mile north of SR897. This area is within approximately 1 mile of the area described by the Stoltzfus' in paragraph #18. While traveling he observed a red four door vehicle traveling north on Amish Rd. Gideon noted that the passenger in the vehicle was an Amish female wearing a white apron and a black head covering. Gideon immediately believed this was strange because the female should not have been traveling in a vehicle wearing her church clothing, and females in the area did not wear black head coverings to church. It was noted that Gideon did not know Sarah Stoltzfus and was not aware that anyone else had reported seeing the vehicle at the time he reported his observations.

20. That on 7/17/20 Pennsylvania State Police Troopers Amos Glick and Brian McNally interviewed Amos Fisher. Fisher reported that on 6/21/20 shortly before 1330hrs, he was riding in an enclosed carriage traveling west on Peters Road. As he approached the intersection with Redwell Road he observed a red Kia Rio traveling North on Redwell Road in Gap, PA just north of the Amish Rd. sightings described in paragraph #'s 18 & 19. The vehicle then turned right /east onto Peters Road and they passed each other traveling in opposite directions. Fisher reported the driver's side window was down and the driver was a Hispanic male with curly black hair. Fisher also observed a passenger in the vehicle with a black head covering. Fisher reported on 7/15/20 he viewed a picture of Justo Smoker in the Newspaper and he immediately recognized Smoker as the male he observed driving the red Kio Rio noted above.

21. That FBI agents assisting with this investigation reviewed cell phone records which showed the cellular phone of Justo Smoker was in the immediate area during the date and times described in paragraph #'s 18-20.

22. On 6/23/20, Tpr. Josh Whiteside responded to 3104 Harvest Dr., Ronks, PA for a report of a suspicious vehicle. Jonathan Stoltzfus reported he observed a red Kia PA Reg KYB9713, later identified as belonging to Justo Smoker, parked to the rear of the business. He further reported that he saw the vehicle enter the property at approx. 1700 hrs. and that he observed the sole occupant described as a dark-skinned male with some facial hair, possibly Hispanic, and in his 20's-30's, walk around the building and look into windows and doors before leaving in the vehicle and then later return. Upon returning, the vehicle backed in the same parking space next to the railroad tracks. The vehicle left the property before Tpr. Whiteside could make contact. Stoltzfus provided Tpr. Whiteside with photos he took of the vehicle, including the registration plate displaying PA Reg KYB9713.

23. On 7/10/2020, at 3104 Harvest Drive in Ronks, PA, members of Pennsylvania State Police forensic search team discovered a white in color, size 34b, women's bra and a pair of dark colored foot stockings knotted together and buried approximately 6-8" underground in a wooded area to the rear of the property. The articles of clothing were identified by members of Linda Stolzfoos' family who identified all articles of clothing as being similar to clothing she wore on the day of her disappearance; specifically, the style and size of bra and that the stockings would be tied in a knot for her to carry as she walked barefooted home from church on 6/21/20. The area to the rear of 3104 Harvest Drive Ronks, PA is a remote wooded area located approximately 3 miles from the area of Linda's abduction and is the same location described in paragraph #22.

24. That on 7/10/20 FBI agents assisting in this investigation used cell phone records to show that the cell phone belonging to Justo Smoker was in the immediate area of 3104 Harvest Drive in Ronks, PA on



POLICE CRIMINAL COMPLAINT

AFFIDAVIT CONTINUATION PAGE

Docket Number:	Date Filed: 12/21/2020	OTN/LiveScan Number	Complain/Incident Number 2006022459-4787
Defendant Name	First: JUSTO	Middle:	Last: SMOKER

AFFIDAVIT OF PROBABLE CAUSE CONTINUATION

6/21/20 from approximately 1432hrs and 1535hrs.

25. That as part of this investigation the bra and stockings that were recovered and noted in paragraph #23 were sent to the Pennsylvania State Police Crime lab for analysis. Your Affiant received lab reports from the Pennsylvania State Police Crime Lab indicating that a DNA profile attributable to the person of Justo Smoker (DOB 3/29/1986) was discovered on one of the stockings.

26. That during this investigation cell phone records and video surveillance from Harvest Drive were used to determine that a red Kia Rio similar to Smoker's and/or Smoker's cell phone were in the area of 3104 Harvest Drive where the bra and stockings were recovered as described in paragraph #23, specifically, on 6/22/20, three times on 6/23/20, once on 6/24/20, once on 6/25/20 and once on 6/27/20.

27. That on 7/10/20, your Affiant along with Corporal Todd McCurdy of the Pennsylvania State Police, interviewed Justo Smoker. After initially denying being in the area, Smoker then reported that he did travel on back roads between Leola and his residence located at 3250 Lincoln Hwy., Ronks, PA on 6/21/20. Smoker was provided a still photograph from the surveillance video of the red vehicle traveling on Beechdale Rd on 6/21/20 at 1242hrs., and advised the vehicle in the photograph looked like his. Your Affiant is aware that Beechdale Road is between the location in Leola described by Justo and his residence which he reported he was returning to on the back roads. Smoker admitted that he drank both liquor and beer during the day while driving in the area. Smoker reported that he was the only operator of his vehicle on 6/21/20 and, despite video evidence to the contrary as described herein, that he had no other occupants in his vehicle on 6/21/20.

28. That during this investigation information was developed which showed actions taken by Justo Smoker on 6/20/20 and 6/21/20 prior to the kidnapping. Anna King reported that on Saturday 6/20/20 around 2000hrs, a red four door vehicle slowly passed her and her Amish female youth group friends three times as they walked on South Groffdale Road Upper Leacock Township, which is within an approximate 2 miles radius of the abduction location on Beechdale Rd. These actions concerned Anna King and when the vehicle passed the third time, Anna looked closely at the sole occupant of the vehicle and described him as a male with a dark complexion and dark curly hair.

29. That Lydia Fisher and Rebecca King reported that on 6/20/20 around 2000hrs, a red car passed them slowly as they walked on Hess Road in Upper Leacock Township. As the vehicle passed, the male driver looked at the girls in the mirror after which time they cut across a farm lane. The girls observed the red car stop at the intersection of Hess Road and East Eby Road and remain there in the wrong lane of travel with its four- way flashers activated. At this same time, John David Lantz also observed the red vehicle parked facing the wrong direction in the lane at the intersection of Hess Road and East Eby Road with its four-way flashers activated. John David Lantz watched the vehicle for several minutes and found it suspicious.

30. Katie Lantz reported that on 6/20/20 between 2030hrs. and 2100hrs., she was walking on Hess Road when a small red car with a single male driver with dark hair passed her (4) times slowly. These events concerned Katie so much that she walked to fishermen who were parked in the area and then walked to a nearby barn to get out of view of the male in the red car. Katie then observed the red vehicle pull over into the field and wait just North of the barn she was in.

[Handwritten signature]



POLICE CRIMINAL COMPLAINT

AFFIDAVIT CONTINUATION PAGE

Docket Number:	Date Filed: 12/21/2020	OTN/LiveScan Number	Complaint/Incident Number 2006022459-4787
Defendant Name:	First: JUSTO	Middle:	Last: SMOKER

AFFIDAVIT OF PROBABLE CAUSE CONTINUATION

31. That as part of this investigation your Affiant obtained video surveillance from a business in the first block of Hess Road Upper Leacock Township. During a review of the video surveillance your Affiant noted what appears to be Justo Smoker's vehicle traveling south on Hess Road on 6/20/20 at 1941hrs.

32. That FBI agents assisting with this investigation reviewed cell phone records which showed the cellular phone of Justo Smoker was in the area during the date and times described in paragraph #'s 28-30.

33. That during this investigation it was determined that on 6/20/20 at 1322hrs., Justo Smoker purchased two Heineken 24oz beers from Lincoln Beverage located at 2217 Lincoln Hwy., Lancaster, PA. Then, on 6/20/20 at 1435hrs, Justo Smoker also purchased \$16.95 worth of alcohol from the Wine and Spirits Store located in Gap, PA. Then, on 6/20/20 at 1725hrs, Justo Smoker purchased two pairs of reusable, long cuff latex gloves from the Dollar General Store located in Paradise, PA. It was noted that during a search of Justo Smoker's apartment, car, storage unit and work locker the two pairs of heavy rubber gloves were not located.

34. That during this investigation video surveillance from the Walmart located at 2034 Lincoln Hwy Lancaster, PA was obtained. This video surveillance showed that on the day of the abduction of Stoltzfoos (6/21/20) at 0928hrs., Justo Smoker arrived alone in his red Kia Rio and walked into the store wearing a white T-shirt with black shorts along with gray sneakers with white soles. It was noted during a search of Justo Smokers apartment, car, storage unit and work locker the gray sneakers with white soles were never located.

35. That during this investigation it was determined on 6/21/20 at 1013hrs., Justo Smoker purchased two 8-packs of nitrile disposable gloves, 3 pairs of black 54 cm shoe laces and 2 pairs of black 54 cm boot laces from the Dollar General Store located in Paradise, PA. It was noted that during a search of Justo Smoker's apartment, car, storage unit and work locker the black laces were never located nor were any shoes/boots located that were in need of replacement black laces.

36. That as part of this investigation it was determined on 6/21/20 at 1204hrs., Justo Smoker purchased two Heineken beers from Leola Beverage, located in Leola, PA. This information was obtained through bank statements as well as a statement provided by Justo Smoker.

37. That during this investigation video surveillance from Sheetz located at 2425 Old Philadelphia Pike Lancaster, PA was obtained. The video surveillance showed Justo Smoker's vehicle enter the parking lot on 6/21/20 at 1216hrs. and pull into a parking space. Justo Smoker then exits his vehicle and walks to an outdoor trash can before returning to his vehicle. It is noted that Justo is wearing the same clothing from paragraph #34. Justo Smoker then pulls out of the parking lot traveling North on Mt. Sidney Rd. at 1222hrs., and no other occupants are observed in the vehicle.

38. That during this investigation a named witness was located at the apartment complex which Justo Smoker was living. This named witness reported on 6/21/20 at 1530hrs., he observed Justo Smoker washing his red vehicle and specifically wiping the inside of the vehicle as it was parked to the rear of 3250 Lincoln Hwy. East. This information is also corroborated by a Facebook message sent from Justo Smoker's account saying he just got done washing his vehicle on this same date and time period.



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AFFIDAVIT OF PROBABLE CAUSE CONTINUATION

39. That during this investigation the Kio Rio belonging to Justo Smoker was secured, photographed and processed pursuant to a warrant at the East Lampeter Township Police Department. Your Affiant noted depressions in driver and front seat passenger carpeted foot areas that were consistent with the floor mats having been recently removed from the vehicle. A bottle of opened bleach was also located within the trunk. An opened bottle of rum was also recovered inside of the vehicle. During a search of Justo Smoker's apartment, car, storage unit and work locker the above noted floor mats were not located.

40. That the investigation into the disappearance of Linda Stoltzfoos began on 6/22/20 and has been ongoing and active and remains so to this date. The investigation has revealed that Stoltzfoos was kidnapped by Justo Smoker on 6/21/20 while she was walking from her church to her home. During the 5+ months of this active investigation, Linda Stoltzfoos has had no contact with any family or friends. Linda Stoltzfoos has had no contact with her coworkers or students. No evidence has been discovered that she packed belongings for a trip or to leave home for any length of time. Linda Stoltzfoos has not accessed her bank account in any way. Linda Stoltzfoos has not accessed any mail. Linda Stoltzfoos has not been discovered to have established residency or legal identification in any other states. Thousands of fliers have been posted, which have reached thousands of people worldwide through various means to include the internet, physical fliers, billboards, as well as social and news media, and have not lead to the identification of the whereabouts of Linda Stoltzfoos. Law Enforcement personnel of all levels (Local, State and Federal) have been provided with the missing persons information and have access to Linda Stoltzfoos' status as a missing person through nationwide databases, producing no evidence of any law enforcement contact with her. Based upon the totality of evidence obtained throughout this investigation, including but not limited to the following: the length of Linda's absence, that her absence was precipitated by a forcible abduction by someone unknown to her, the discovery of her intimate clothing buried in the ground, her failure to communicate with all known relatives and associates, the total cessation of all routine activities by Linda and the nature of the relationship between Linda and her family and community and her dependency upon them all leads to the inevitable conclusion that Linda Stoltzfoos is deceased.

41. That evidence gathered during this investigation shows that Justo Smoker did forcibly kidnap Linda Stoltzfoos on 06/21/20 at 1241hrs, while she was walking on Beechdale Road. Evidence to include witness statements, video surveillance and cell phone records show that Justo Smoker placed Stoltzfoos in his car and proceeded to transport her to the Eastern side of Lancaster County, to include some remote areas within the Welsh Mountains, which spans in excess of 1000 acres of dense wooded area. Justo Smoker then traveled back to the area of 3104 Harvest Drive, a location where a bra and stockings belonging to Linda Stoltzfoos and with his DNA were found to be buried in the ground. Justo Smoker then returned to his home where he is observed thoroughly cleaning his car alone. Evidence suggests that Justo Smoker discarded items known to belong to him, specifically, shoes and car floor mats, items commonly known to contain trace evidence. Evidence demonstrates that Smoker was stalking other female Amish girls in the area of the abduction of Stoltzfoos on the day before he kidnapped her. Within hours prior to both the stalking incidents on 6/20/20 and the abduction on 6/21/20, Smoker made purchases of alcohol and gloves. Based upon the totality of the evidence obtained throughout this investigation and detailed herein, all evidence leads to the inevitable conclusion that Justo Smoker killed Linda Stoltzfoos during the commission of her kidnapping and discarded her body.

42. That your Affiant respectfully requests that a warrant be issued for Justo Smoker to answer the attached charges:



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AFFIDAVIT OF PROBABLE CAUSE CONTINUATION

43. Your Co-Affiant has been made familiar with this criminal investigation via reporting and participation and know the facts set forth in this Affidavit to be true and correct to the best of my knowledge.

I, CHRISTOPHER D JONES, BEING DULY SWORN 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.

I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND DOCUMENTS DIFFERENTLY THAN NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.

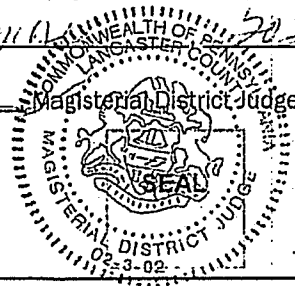
Chf Jones

(Signature of Affiant)

Sworn to me and subscribed before me this 21 day of December, 2020

12/21/20 Date [Signature] _____
Magisterial District Judge

My commission expires first Monday of January, 2024



Bdc