



Case Docket View : CR-17-05-12-9510

Parties	
Complaint claim	
<p>TODD WALDMAN</p> <p><i>Plaintiff</i></p> <p> PHILADELPHIA, PA 19102</p> <p>THOMAS R KLINE</p>	<p>BRANDON BOSTIAN</p> <p>Ready for trial</p> <p><i>Defendant #1</i></p> <p> 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>TODD WALDMAN P</p> <p>BRANDON BOSTIAN D1</p>

247
235

PRIVATE CRIMINAL COMPLAINT

CR - 17-05-2-9510



COMMONWEALTH OF PENNSYLVANIA

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

COMMONWEALTH OF PENNSYLVANIA
vs.

BRANDON BOSTIAN
[REDACTED]
SOMERVILLE, MA 02143

DISTRICT ATTORNEY'S OFFICE	
<input type="checkbox"/> Approved	<input type="checkbox"/> No Opinion
Disapproved because:	
Prosecutorial Discretion, Insufficient Evidence and no evidence of intent or "criminal recklessness"	
DATE 5/11/17	ASSISTANT DISTRICT ATTORNEY Z. Vellejo
DATE 5/10/2017	INTERVIEWER M. COMIA-WOLFE

DEFENDANT DESCRIPTION

This defendant has has not been fingerprinted.

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

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

SEE ATTACHED FACTS WITH REGARDS 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: ss COUNTY OF PHILADELPHIA:	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.
And now, this date <u>5/11</u> 20 <u>17</u> , I certify the complaint has been properly deposed and executed and that there is probable cause for the issuance of process.	
Judge <u>[Signature]</u>	Date <u>5/11/2017</u> Signature <u>[Signature]</u>
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) <u>June 12, 2017</u>	TIME (Tiempo) <u>9:00 am</u>
	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



COMMONWEALTH OF PENNSYLVANIA
 COUNTY OF: PHILADELPHIA



PRIVATE
 CRIMINAL COMPLAINT

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

Docket No.:
 Date Filed:
 OTN:

COMMONWEALTH OF PENNSYLVANIA
 VS.

DEFENDANT:
 NAME and ADDRESS

Brandon Bostian
 Somerville, MA 02143

(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 A.K.A. (also known as)	Defendant's Vehicle Information Plate Number State	Registration Sticker (MM/YY)	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)

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 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
(Place-Political Subdivision)

Frankford Junction

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

247239

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.

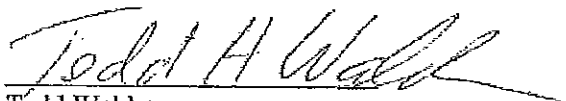
Defendant Bostian was an experienced engineer who was aware of the route the train was to take that day and the speed limits throughout the route. On May 12, 2015, Defendant Bostian was aware that the train he was operating, Amtrak 188, was carrying 238 passengers and 8 crew members. With hundreds of 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.

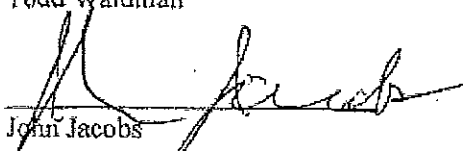
VERIFICATION

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

KLINE & SPECTER
A PROFESSIONAL CORPORATION

THOMAS R. KLINE
ATTORNEY AT LAW

E-MAIL: TOM.KLINE@KLINESPECTER.COM MOBILE: (215) 407-1360
1525 LOCUST STREET MAIN: (215) 772-1000
PHILADELPHIA, PA 19102 DIRECT: (215) 772-0410
WWW.KLINESPECTER.COM FAX: (215) 772-1359

10/17
LUG# 611200

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
CIVIL ACTION
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. TODD WARDMAN

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: *Todd Wardman* for TODD WARDMAN Date: 5.10.17
Day Phone: 215-407-1360 Evening Phone: 215-407-1360