



OFFICE OF THE DISTRICT ATTORNEY
Adams County Courthouse
117 Baltimore Street, Room 301
Gettysburg, Pennsylvania
17325-2367

BRIAN R. SINNETT
DISTRICT ATTORNEY

PHONE (717)337-9840
FAX (717)334-3859

*****PRESS RELEASE***PRESS RELEASE***PRESS RELEASE*****

FOR IMMEDIATE RELEASE
June 30, 2021

Contact: Brian R. Sinnett, Esq.
District Attorney
Adams County
(717) 337-9840
bsinnett@adamscounty.us

SEXUAL ASSAULT CHARGES FILED

District Attorney Brian Sinnett announced that sexual assault charges have been filed against Ian Thomas Cleary, 28, of Saratoga, California. No further comment will be made until the defendant is apprehended. *See the attached Criminal Complaint and Affidavit of Probable Cause.*

Efforts are being made to locate the defendant. Should anyone have information regarding Cleary's whereabouts, please contact Detective Evans in the Gettysburg Borough Police Department at (717) 334-1168. In this case, as with all criminal prosecutions, the accused is presumed innocent until proven guilty.

####

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: ADAMS



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA
VS.

Magisterial District Number: 51-3-01
MDJ: Hon. Matthew Harvey
Address: 525 Boyds School Road, #900
Gettysburg, PA 17325
Telephone: (717) 334-7913

DEFENDANT:

(NAME and ADDRESS):

Ian Thomas Cleary
First Name Middle Name Last Name Gen.

20645 Montalvo Heights Drive, Saratoga, CA 95070

NCIC Extradition Code Type

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

DEFENDANT IDENTIFICATION INFORMATION

Docket Number: CR-20-21 Date Filed: 06/29/2021 OTN/LiveScan Number: R150831-2 Complaint/Incident Number: 1312-0815-1 Request Lab Services? YES NO

GENDER: Male Female
DOB: 01/26/1993 POB: _____ Add'l DOB: / / Co-Defendant(s):
First Name: AKA Middle Name: _____ Last Name: _____ Gen.: _____

RACE: White Asian Black Native American Unknown
ETHNICITY: Hispanic Non-Hispanic Unknown

HAIR COLOR: GRY (Gray) RED (Red/Aubn.) SOY (Sandy) BLU (Blue) PLE (Purple) BRO (Brown)
 BLK (Black) ONG (Orange) WHI (White) XXX (Unk./Bald) GRN (Green) PNK (Pink)
 BLN (Blonde / Strawberry)

EYE COLOR: BLK (Black) BLU (Blue) BRO (Brown) GRN (Green) GRY (Gray)
 HAZ (Hazel) MAR (Maroon) PNK (Pink) MUL (Multicolored) XXX (Unknown)

DNA: YES NO DNA Location: _____ WEIGHT (lbs.): _____

FBI Number: _____ MNU Number: _____ 155

Defendant Fingerprinted: YES NO Ft. HEIGHT In.: _____

Fingerprint Classification: _____ 6 01

DEFENDANT VEHICLE INFORMATION

Plate #: _____ State: _____ Hazmat: Registration Sticker (MM/YY): _____ / Comm'l Veh. Ind.: School Veh.: Oth. NCIC Veh. Code: _____ Reg. same as Def.:
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).

BRJAN SINNETT (Name of the attorney for the Commonwealth) 6/29/2021 (Date)

I, Christopher Evans (Name of the Affiant) 300960 / #94 (PSP/MPOETC -Assigned Affiant ID Number & Badge #)

of Gettysburg Borough Police Dept. (Identify Department or Agency Represented and Political Subdivision) PA0010100 (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 [01407] Gettysburg Borough Police (Subdivision Code) (Place-Political Subdivision)

PATRICK HALL, 300 Washington Street North, 318, GETTYSBURG, PA 17325

in Adams County [01] on or about Sun - 12/15/2013 03:00 hrs. to 03:30 hrs. (County Code) (Offense Date)



POLICE CRIMINAL COMPLAINT

Docket Number: <i>CR201421</i>	Date Filed: 06/29/2021	OTN/LiveScan Number <i>MS0831-2</i>	Complaint/Incident Number 1312-0815-1
Defendant Name	First: Ian	Middle: Thomas	Last: Cleary

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.

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 <u>0</u>
------------------	--	---	---	--

<input checked="" type="checkbox"/>	1	3124.1		of the	18	1	F2	1199	020
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
------------------------------	-----------------	-------------------------------------	--------------------------------------	------------------------------------

Statute Description (include the name of statute or ordinance):

Sexual assault

Acts of the accused associated with this Offense:
CC31241 - Sexual assault

Except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent. (Added by L.1995, Spec. Sess. 1, Act). In that the defendant did on or about 12/15/2013, have sexual intercourse with the victim without their consent.



POLICE CRIMINAL COMPLAINT

Docket Number: <u>CR-20-421</u>	Date Filed: 06/29/2021	OTN/LiveScan Number <u>R150831-2</u>	Complaint/Incident Number 1312-0815-1
Defendant Name	First: Ian	Middle: Thomas	Last: Cleary

- 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 1 through 2.
- 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.)

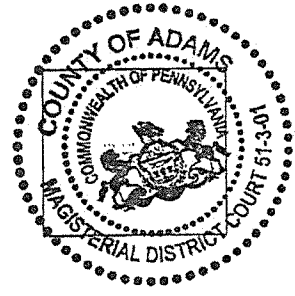
_____ June 29, _____ 2021 _____
(Date)

(Signature of Affiant)

AND NOW, on this date June 29, 2021 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.

_____ 51-3-01 _____
(Magisterial District Court Number)

(Issuing Authority)





POLICE CRIMINAL COMPLAINT

Docket Number: <i>CL 20421</i>	Date Filed: 06/29/2021	OTN/LiveScan Number <i>MSD831.2</i>	Complaint/Incident Number 1312-0815-1
Defendant Name:	First: lan	Middle: Thomas	Last: Cleary

AFFIDAVIT of PROBABLE CAUSE

On 12/15/2013, at approximately 1120 hours, victim S.E.K. reported a sexual assault to the Gettysburg Police Department. S.E.K. told officers that she and some friends went to a party at the Gettysburg College to celebrate the end of finals. S.E.K. stated that while at the party there was a "kid" there that was creeping her out. The kid that S.E.K. was referring to was later identified as Ian Thomas CLEARY. S.E.K. decided to leave the party with a friend who walked with her to her dorm. While walking, S.E.K. and her friend noticed that CLEARY was following them. S.E.K. stated that while they were walking up the stairs towards her dorm room, CLEARY offered her friend twenty (20) dollars for him to leave her with him. S.E.K.'S friend told CLEARY to go away, and he did.

S.E.K. advised that her friend dropped her off at her dorm room at approximately 0245 hours. Approximately ten (10) minutes later, she heard a knock on her door. Expecting the person knocking to be another friend, S.E.K. proceeded to open the door without looking through the peephole, and when she opened the door CLEARY walked into her room.

While CLEARY was in the room he began kissing S.E.K. They laid down on her bed and then he removed her pants and proceeded to have intercourse with her. S.E.K. advised that she did not consent to anything. S.E.K. said to CLEARY "what are you doing?" and he kept going. S.E.K. told him to stop. Afterwards, CLEARY said to S.E.K. "I'm sorry. Are you okay?" and then left her room.

At approximately 0250 hours, S.E.K. sent text messages to her friend stating "Help please" and "OMG please Help me".

S.E.K. estimated that the sexual assault occurred at around 0300 hours.

On 5/31/2020, S.E.K. contacted the Adams County District Attorney's Office in reference to messages she received from Ian CLEARY via Facebook Messenger. The messages are as follows:

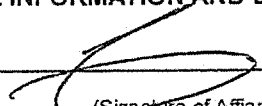
- December 8th, 2019 @ 1339 hours. "I need to hear your voice. I need to know if I did it or not". "I wanted to but I couldn't. Don't worry".
- December 8th, 2019 @ 1414 hours. "I'll wait for you." "I'll pray for you." "I kissed you. I grabbed your breasts. Then I tried to but I couldn't because I was high. Then I had to catch a plane. That's why I ran. It was like 5am plane."
- December 9th, 2019 @ 0245 hours. "I played with you but I didn't penetrate you".
- December 9th, 2019 @ 0351 hours. "So I raped you".
- December 9th, 2019 @ 0443 hours. "I'll never do it to anyone ever again". "I'm going stay". This was the last message sent by CLEARY.

A search and seizure warrant for Ian CLEARY'S Facebook account was obtained. The search warrant results for Ian CLEARY'S Facebook account revealed that the account was verified by cellular telephone number 408-761-2455 on 12/19/2015. A check through the Gettysburg College Department of Public Safety verified that former student Ian Thomas CLEARY had the same cellular telephone number of 408-761-

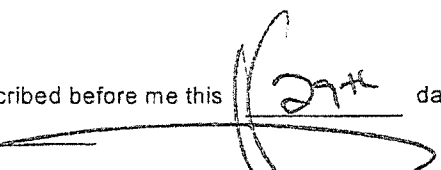
(Continued on next page)

I, CHRISTOPHER EVANS, 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.

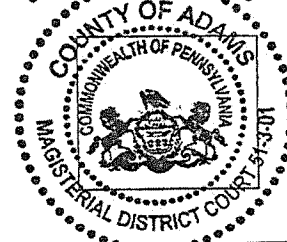


(Signature of Affiant)

Sworn to me and subscribed before me this *29th* day of *June* *2021*
06/29/21 Date 

My commission expires first Monday of January, *2024*

_____, Magisterial District Judge





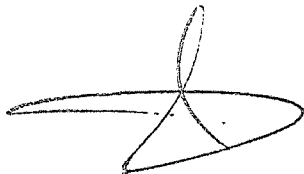
POLICE CRIMINAL COMPLAINT

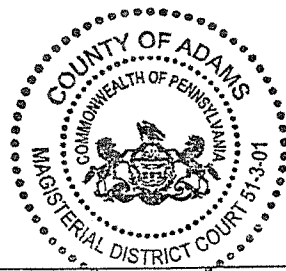
Docket Number: <i>CR 20-4-21</i>	Date Filed: 06/29/2021	OTN/LiveScan Number <i>R15D831-2</i>	Complaint/Incident Number 1312-0815-1
Defendant Name:	First: Ian	Middle: Thomas	Last: Cleary

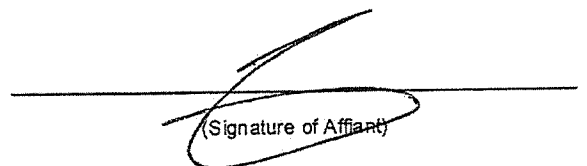
AFFIDAVIT of PROBABLE CAUSE CONTINUATION

2455 associated with him in their records.

An Order for Disclosure of Records was sent to Verizon Wireless to obtain the subscriber information for cellular number 408-761-2455. The records indicated that Ian T. CLEARY was the subscriber of cellular telephone number 408-761-2455 (account # 872389822-1) from 4/18/2012 until 4/18/2017.


Defendant




 (Signature of Affiant)