

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: ALLEGHENY



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA
VS.

MDJ: PITTSBURGH MUNICIPAL COURT

Magisterial District Number: 05-0-03

Address: 660 FIRST AVENUE
PITTSBURGH, PA 15219

Phone: 412.350.6715

DEFENDANT: (NAME and ADDRESS):
BERNARD JUNIOR POLITE
First Name Middle Name Last Name Gen.

STOKES AVE NORTH BRADDOCK, PA 15104

NCIC Extradition Code Type

Felony - Full Extradition

Distance: _____

DEFENDANT IDENTIFICATION INFORMATION

Docket Number CR-2409-24	Date Filed 5/7/24	OTN/LiveScan Number R 878840-4	Complaint/Incident Number ASAP-989095/ACPD24009278	Request Lab Services? <input type="checkbox"/> Yes
GENDER MALE	DOB	POB	Add'l DOB	Co-Defendant(s) <input type="checkbox"/>
RACE BLACK	First Name		Middle Name	Last Name Gen.
ETHNICITY	AKA			
HAIR COLOR BLK (BLACK)		EYE COLOR BRO (BROWN)		
DNA	DNA Location			WEIGHT (lbs.) 140
FBI Number	MNU Number		FL HEIGHT In. 5 06	
Defendant Fingerprinted				
Fingerprint Classification				

DEFENDANT VEHICLE INFORMATION

Plate #	State	Hazmat	Registration Sticker (MMYY)	Comm'l Veh. Ind.	School Veh.	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, BRIAN CERVONE 38673
(Name of the Affiant) (PSP/MPOETC - Assigned Affiant ID Number & Badge #)

of ALLEGHENY COUNTY POLICE PA0022800
(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 449 ORTH BRADDOCK BOF
(Subdivision Code) (Place-Political Subdivision)

In Allegheny County 02 on or about 05/05/2024 20:15
(County Code)



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed:	OTN/LiveScan Number R 878840-4	Complaint/Incident Number ASAP-989095/ACPD24008278
Defendant Name	First: BERNARD	Middle: JUNIOR	Last: POLITE

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. 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.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903						
X	1	2501	A	of the	18	1	H1		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number					<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone		
Statute Description/Acts of the accused associated with this Offense:									
18 2501A CRIMINAL HOMICIDE H1 1 COUNT									
The actor intentionally, knowingly, recklessly or negligently caused the death of Derek Polite another human being, in violation of 18 Pa. C.S. §2501(a).									



POLICE CRIMINAL COMPLAINT

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Defendant Name	First: BERNARD	Middle: JUNIOR	Last: POLITE

- 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 is comprised 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 nonconfidential 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.)

_____ 05/07/2024 _____

(Date)

/BRIAN CERVONE/
(Signature of Affiant)

AND NOW, on this date May 7, 2024 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.

PMIC

(Magisterial District Court Number)

J. C. P.
(Issuing Authority)





POLICE CRIMINAL COMPLAINT

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Defendant Name	First: BERNARD	Middle: JUNIOR	Last: POLITE

AFFIDAVIT of PROBABLE CAUSE

1. **WHEN:**

a) Date when Affiant received information:

5/5/2024

b) Date when the source of information (Police Officers, Informant, Victim, Co-Defendant, Defendant, etc.) received information:

5/5/2024

2. **HOW:**

a) How Affiant knows this particular person committed crime: (personal observation, defendant's admissions, etc.):

See narrative

b) How the source of information knows this particular person committed the crime:

See narrative

c) How both Affiant and/or source of information knows that a particular crime has been committed:

See narrative

3. **WHAT CRIMES:**

18 2501 A CRIMINAL HOMICIDE

4. **WHERE CRIME(S) COMMITTED:**

■ STOKES AVE. NORTH BRADDOCK, PA 15104

5. **WHY AFFIANT BELIEVES THE SOURCE OF INFORMATION:**

X Source is presumed reliable, i.e. other Police Officer, Eyewitness, Victim of Crime, etc.

Source has given information in the past which has led to arrest and/or conviction

Defendant's reputation for criminal activity

This source made declaration against his/her penal interest to the above offense

X Affiant and/or other Police Officers corroborated details of the information



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Defendant Name	First: BERNARD	Middle: JUNIOR	Last: POLITE

Your affiants are Detectives Darren Gerlach and Brian Cervone, employed by the Allegheny County Police Department, and currently assigned to the Homicide Unit. Your affiants have a combined total of 35 years of law enforcement experience. All the information contained in this affidavit was learned either directly by your affiants, other detectives, and/or police officers who were involved in this investigation.

On Sunday May 5, 2024, at 1:08 PM, an unknown male walked into the Jesus Dwellings Place Church at █████ Lobinger Avenue and pointed a handgun at the pastor. This male pulled the trigger, but the gun failed to discharge. The suspect was tackled, and the firearm was taken from him. This male was identified as Bernard Polite. Bernard Polite was held in custody by civilians until police arrived.

The Pennsylvania State Police, (PSP), arrested and charged Bernard Polite with Criminal Attempt Homicide, Aggravated Assault, and Recklessly Endangering Another Person. PSP took possession of the firearm, a Davis Industries P380 semi-automatic handgun, which Bernard Polite used in the crime. This firearm, bearing serial number AP436797, was chambered in .380 ammunition and was loaded with ammunition marked "CBC" on the head stamp. The Pennsylvania State Police transported Bernard Polite to the Allegheny County Jail, (ACJ), where he is currently lodged.

Bernard Polite resides at █████ Stokes Avenue with his cousin, Derek Polite. The arrest of Bernard Polite was broadcast on the news. Family members saw it and were concerned about Derek Polite's wellbeing.

On Sunday May 5, 2024, at 8:00pm, Derek Polite's nephews, █████, went into █████ Stokes Avenue and found their uncle Derek Polite deceased on the 2nd floor steps in a pool of blood. █████ called 911. The Eastern Regional Mon Valley Police Department and Eastern Area EMS responded. Derek Polite was pronounced deceased by Paramedic James Kong at 8:26PM.

The Eastern Regional Mon Valley Police Department requested the assistance of the Allegheny County Police Homicide Unit. Detectives Grill, Gerlach, McCue and Cervone responded, and an investigation was initiated.

Detectives processed the crime scene at █████ Stokes Avenue and located a wound to Derek Polite's head that was consistent with a gunshot wound. Detectives located a .380 caliber live round in Bernard Polite's bedroom. This live round was marked "CBC" on the head stamp. No other ballistic evidence was found at the scene.

The caliber and head stamp from the ammunition inside the gun recovered from Bernard Polite, at Jesus Dwelling Place Church, and from Bernard Polite's bedroom, are the same. Both are .380 in caliber and marked "CBC."

Detective McCue learned, through interviews, that █████ who resides at █████ Stokes, saw Bernard Polite pacing back and forth on his, (Bernard's), front porch between 9:30 AM and 10 AM on 5/5/24. Detective Cervone learned that █████, who resides directly next-door, at █████ Stokes Avenue, heard a noise which could have been a single gunshot around 10 AM on 5/5/24.

On 05/06/2024 an autopsy was conducted by Dr. Alphonso Halfin at the Allegheny County Crime Lab on Derek Polite. His cause of death was determined to a single gunshot wound to the head. The manner of death to be homicide. During the autopsy, a single, intact, projectile was recovered from Derek Polite's head. That projectile was sent for forensic examination in the Allegheny County Medical Examiner's Firearms & Tool marks section for further testing.

On 05/07/2024, your affiants made contact with the Allegheny County Crime Lab – Firearms Section. It was confirmed that the projectile recovered from Derek Polite's head matched the Davis Industries .380 handgun that was taken off of Bernard Polite on 05/05/2024 at the Jesus Dwelling Place Church.



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Your affiants are requesting an arrest warrant be issued for Bernard Polite (DOB: [REDACTED]) for the enumerated charges.

I, **BRIAN CERVONE**, 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.

/BRIAN CERVONE/

(Signature of Affiant)

Sworn to me and subscribed before me this 7TH day of

May 2024

5/7/24 Date

[Signature]

, Magisterial District Judge

My commission expires first Monday of January, 2032

