

# COURT OF COMMON PLEAS OF INDIANA COUNTY

## DOCKET



Docket Number: CP-32-CR-0001036-2018

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Barry Anthony Baker

Page 1 of 10

### CASE INFORMATION

Judge Assigned:  
OTN: X 190611-1      LOTN:  
Initial Issuing Authority: Christopher S. Welch  
Arresting Agency: PSP - Indiana  
Complaint/Incident #: PA18769354  
Case Local Number Type(s)

Date Filed: 11/01/2018      Initiation Date: 07/07/2018  
Originating Docket No: MJ-40301-CR-0000161-2018  
Final Issuing Authority: Christopher S. Welch  
Arresting Officer: Feryus, Jacob M.  
Case Local Number(s)

### STATUS INFORMATION

<u>Case Status:</u>	<u>Status Date</u>	<u>Processing Status</u>	<u>Arrest Date:</u>
Closed	04/12/2019	Sentenced/Penalty Imposed	07/07/2018
	04/12/2019	Awaiting Sentencing	
	04/12/2019	Awaiting Pre-Trial Conference	
	12/18/2018	Awaiting DUI Criminal Call	
	12/14/2018	Awaiting Pre-Trial Conference	
	11/14/2018	Awaiting Formal Arraignment	
	11/01/2018	Awaiting Filing of Information	

Complaint Date: 07/09/2018

### CALENDAR EVENTS

<u>Case Calendar</u>	<u>Schedule</u>	<u>Start</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u>
<u>Event Type</u>	<u>Start Date</u>	<u>Time</u>			<u>Status</u>
Formal Arraignment	12/18/2018	1:15 pm	Courtroom 3	Judge Michael T. Clark	Scheduled
DUI Criminal Call	01/25/2019	8:30 am	3rd Floor - District Attorney's Office		Scheduled
Plea and Sentencing	04/12/2019	8:30 am	Courtroom 2	Judge Thomas M. Bianco	Scheduled
Plea and Sentencing	04/26/2019	8:30 am	Courtroom 2	Judge Thomas M. Bianco	Moved

### CONFINEMENT INFORMATION

<u>Confinement</u>	<u>Confinement</u>	<u>Destination</u>	<u>Confinement</u>	<u>Still in</u>
<u>Known As Of</u>	<u>Type</u>	<u>Location</u>	<u>Reason</u>	<u>Custody</u>
05/30/2019	DOC Confined	SCI Pine Grove		Yes

### DEFENDANT INFORMATION

Date Of Birth: 11/22/1978      City/State/Zip:

Alias Name  
Baker, Barry

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## DOCKET



Docket Number: CP-32-CR-0001036-2018

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Barry Anthony Baker

Page 2 of 10

### CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Baker, Barry Anthony

### BAIL INFORMATION

Baker, Barry Anthony

Nebbia Status: None

<u>Bail Action</u>	<u>Date</u>	<u>Bail Type</u>	<u>Percentage</u>	<u>Amount</u>	<u>Bail Posting Status</u>	<u>Posting Date</u>
Set	07/07/2018	Monetary		\$15,000.00		

### CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>OTN</u>
1	8	M2	75 § 3733 §§ A	Fleeing or Attempting to Elude Officer	07/06/2018	X 190611-1
2	2	M	35 § 780-113 §§ A31I	Marijuana-Small Amt Personal Use	07/06/2018	X 190611-1
3	3	M	35 § 780-113 §§ A32	Use/Poss Of Drug Paraph	07/06/2018	X 190611-1
4	9	M1	75 § 3802 §§ D2**	DUI: Controlled Substance - Impaired Ability - 2nd Offense	07/06/2018	X 190611-1
5	5	S	75 § 1786 §§ F	Oper Veh W/O Req'd Financ Resp	07/06/2018	X 190611-1
6	6	S	75 § 3309 §§ 1	Disregard Traffic Lane (Single)	07/06/2018	X 190611-1
7	7	S	75 § 3714 §§ A	Careless Driving	07/06/2018	X 190611-1
99	1	F3	75 § 3733 §§ A	Fleeing or Attempting to Elude Officer	07/06/2018	X 190611-1
999	4	M	75 § 3802 §§ D2*	DUI: Controlled Substance - Impaired Ability - 1st Offense	07/06/2018	X 190611-1

### DISPOSITION SENTENCING/PENALTIES

#### Disposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u> <u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>
<u>Sentence Conditions</u>		

#### Waived for Court (Lower Court)

Defendant Was Present

Lower Court Disposition	10/29/2018	Not Final
2 / Marijuana-Small Amt Personal Use	Waived for Court (Lower Court)	M    35 § 780-113 §§ A31I
3 / Use/Poss Of Drug Paraph	Waived for Court (Lower Court)	M    35 § 780-113 §§ A32
5 / Oper Veh W/O Req'd Financ Resp	Waived for Court (Lower Court)	S    75 § 1786 §§ F
6 / Disregard Traffic Lane (Single)	Waived for Court (Lower Court)	S    75 § 3309 §§ 1
7 / Careless Driving	Waived for Court (Lower Court)	S    75 § 3714 §§ A
99 / Fleeing or Attempting to Elude Officer	Waived for Court (Lower Court)	F3    75 § 3733 §§ A
999 / DUI: Controlled Substance - Impaired Ability - 1st Offense	Waived for Court (Lower Court)	M    75 § 3802 §§ D2*

# COURT OF COMMON PLEAS OF INDIANA COUNTY

## DOCKET



Docket Number: CP-32-CR-0001036-2018

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Barry Anthony Baker

Page 3 of 10

### DISPOSITION SENTENCING/PENALTIES

#### Disposition

##### Case Event

##### Sequence/Description

##### Sentencing Judge

##### Sentence/Diversion Program Type

##### Sentence Conditions

##### Disposition Date

##### Offense Disposition

##### Sentence Date

##### Incarceration/Diversionary Period

##### Final Disposition

##### Grade Section

##### Credit For Time Served

##### Start Date

#### Proceed to Court

Defendant Was Not Present

Information Filed

12/10/2018

Not Final

2 / Marijuana-Small Amt Personal Use

Proceed to Court

M

35 § 780-113 §§ A311

3 / Use/Poss Of Drug Paraph

Proceed to Court

M

35 § 780-113 §§ A32

5 / Oper Veh W/O Req'd Financ Resp

Proceed to Court

S

75 § 1786 §§ F

6 / Disregard Traffic Lane (Single)

Proceed to Court

S

75 § 3309 §§ 1

7 / Careless Driving

Proceed to Court

S

75 § 3714 §§ A

99 / Fleeing or Attempting to Elude Officer

Proceed to Court

F3

75 § 3733 §§ A

999 / DUI: Controlled Substance - Impaired Ability - 1st  
Offense

Proceed to Court

M

75 § 3802 §§ D2\*

#### Guilty Plea

Plea and Sentencing

04/12/2019

Final Disposition

1 / Fleeing or Attempting to Elude Officer

Guilty Plea

M2

75 § 3733 §§ A

Bianco, Thomas M.

04/12/2019

280 Days

Confinement

Min of 6.00 Months

Max of 2.00 Years

6 Months

Fines

Credit for time served as allowed by law.

2 / Marijuana-Small Amt Personal Use

Nolle Prossed

M

35 § 780-113 §§ A311

Bianco, Thomas M.

04/12/2019

3 / Use/Poss Of Drug Paraph

Nolle Prossed

M

35 § 780-113 §§ A32

Bianco, Thomas M.

04/12/2019

4 / DUI: Controlled Substance - Impaired Ability - 2nd  
Offense

Guilty Plea

M1

75 § 3802 §§ D2\*\*

Bianco, Thomas M.

04/12/2019

280 Days

Confinement

Min of 1.00 Years

Max of 5.00 Years

One Year

Fines

Credit for time served as allowed by law.

if the defendant has not already done so he shall have a CRN evaluation done

have a full drug and alcohol assessment and comply with all treatment recommendations.

# COURT OF COMMON PLEAS OF INDIANA COUNTY

## DOCKET



Docket Number: CP-32-CR-0001036-2018

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Barry Anthony Baker

Page 4 of 10

## DISPOSITION SENTENCING/PENALTIES

### Disposition

#### Case Event

#### Sequence/Description

#### Sentencing Judge

#### Sentence/Diversion Program Type

#### Sentence Conditions

#### Disposition Date

#### Offense Disposition

#### Sentence Date

#### Incarceration/Diversionary Period

#### Final Disposition

#### Grade Section

#### Credit For Time Served

#### Start Date

the defendant is directed to attend and successfully complete an alcohol highway safety school and pay the cost of that program.

The Court hereby informs the defendant that a license suspension will be effective within sixty (60) days; the defendant will surrender his driver's license only upon notification from PennDOT.

5 / Oper Veh W/O Req'd Financ Resp Bianco, Thomas M.	Nolle Prossed 04/12/2019	S	75 § 1786 §§ F
6 / Disregard Traffic Lane (Single) Bianco, Thomas M.	Nolle Prossed 04/12/2019	S	75 § 3309 §§ 1
7 / Careless Driving Bianco, Thomas M.	Nolle Prossed 04/12/2019	S	75 § 3714 §§ A
99 / Fleeing or Attempting to Elude Officer Bianco, Thomas M.	Nolle Prossed 04/12/2019	F3	75 § 3733 §§ A
999 / DUI: Controlled Substance - Impaired Ability - 1st Offense Bianco, Thomas M.	Nolle Prossed 04/12/2019	M	75 § 3802 §§ D2*

### LINKED SENTENCES:

#### Link 1

CP-32-CR-0001036-2018 - Seq. No. 1 (75§ 3733 §§ A) - Confinement is Concurrent with

CP-32-CR-0001036-2018 - Seq. No. 4 (75§ 3802 §§ D2\*\*) - Confinement

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## DOCKET



Docket Number: CP-32-CR-0001036-2018

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Barry Anthony Baker

Page 5 of 10

### COMMONWEALTH INFORMATION

Name: Patrick Dougherty  
District Attorney  
Supreme Court No: 085832  
Phone Number(s):  
724-465-3835 (Phone)  
Address:  
Indiana County District Attorneys Office  
825 Philadelphia Street  
Indiana, PA 15701

Name: Montgomery Vincent Bell  
Assistant District Attorney  
Supreme Court No: 315348  
Address:

### ATTORNEY INFORMATION

Name: Walter James Nalducci III  
Private  
Supreme Court No: 069256  
Rep. Status: Active  
Phone Number(s):  
412-391-4040 (Phone)  
Address:  
Cutruzzula & Nalducci  
310 Grant St Ste 3330  
Pittsburgh, PA 15219

Representing: Baker, Barry Anthony

### ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
1	07/07/2018		Welch, Christopher S.
Bail Set - Baker, Barry Anthony			
1	11/01/2018		Court of Common Pleas - Indiana County
Original Papers Received from Lower Court Transcript received from MDJ Welch Docket# CR-161-2018 Filed 7/9/2018			
1	11/05/2018		Indiana County District Attorney's Office
Crime Lab User Fee Statement Invoice Date 7/31/2018 Invoice# 1060345 Work Order# 18207134 ID# PA2018- 769354 A03-25469 8151B DUID/DRE			
1	12/10/2018		Commonwealth of Pennsylvania
Information Filed			
1	12/14/2018		Nalducci, Walter James III
Appearance and Waiver of Arraignment - Fax			

# COURT OF COMMON PLEAS OF INDIANA COUNTY

## DOCKET

Docket Number: CP-32-CR-0001036-2018

## CRIMINAL DOCKET

Court Case



Commonwealth of Pennsylvania

v.

Barry Anthony Baker

Page 6 of 10

### ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
1	12/20/2018		Indiana County District Attorney's Office
DA Reimbursement DA Reimbursement Incident Date 7/6/18			
1	04/12/2019		Nalducci, Walter James III
Appearance and Arraignment			
2	04/12/2019		Bianco, Thomas M.
Guilty Plea			
3	04/12/2019		Bianco, Thomas M.
Order - Sentence/Penalty Imposed			

AND NOW, April 12, 2019, the defendant having entered a plea of guilty to the offenses of Driving Under the Influence, 75 Pa. C.S.A. 3802 (d)(2), Controlled Substance, this being a second offense for sentencing purposes, a misdemeanor of the first degree, and Fleeing or Eluding Police Officer, a misdemeanor of the second degree; it is the sentence for this Court that:

As to the offense of Driving Under the Influence; The defendant shall pay the cost of prosecution in the amount of \$843.25, pay a fine in the amount of \$1500.00, that the defendant is directed to attend and successfully complete an alcohol highway safety school and pay the cost of that program; that if the defendant has not already done so he shall have a CRN evaluation done; and the defendant shall have a full drug and alcohol assessment and shall comply with all treatment recommendations. The Court hereby informs the defendant that a license suspension will be effective within sixty (60) days; the defendant will surrender his driver's license only upon notification from PennDOT.

The Court finds the defendant is not RRRI eligible; The defendant shall undergo incarceration at a State Correctional Institution for a period of not less than 1 year nor more than 5 years. The defendant shall stand committed until this sentence is complied with. Credit for time served as allowed by law.

As to the offense of Fleeing or Eluding Police Officer; The defendant shall pay a fine in the amount of \$500.00; The Court finds the defendant is not RRRI eligible; The defendant shall undergo incarceration at a State Correctional Institution for a period of not less than 6 months nor more than 2 years. The defendant shall stand committed until this sentence is complied with. Credit for time served as allowed by law. The penalties imposed herein shall run concurrently. For the purpose of carrying out this sentence, the Sheriff of Indiana County is directed to transport the defendant to a Diagnostic and Classification Center at his earliest convenience.

BY THE COURT:

Thomas M. Bianco, J

Indiana County District Attorney's Office

04/16/2019 Hand Delivered

Indiana County Jail

04/16/2019 Fax

Indiana County Jail

04/16/2019 Hand Delivered

# COURT OF COMMON PLEAS OF INDIANA COUNTY

## DOCKET



Docket Number: CP-32-CR-0001036-2018

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Barry Anthony Baker

Page 7 of 10

### ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
<u>Service To</u>	<u>Service By</u>		
<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
Indiana County Probation Department			
04/16/2019	Hand Delivered		
Indiana County Sheriff's Department			
04/16/2019	Hand Delivered		
Nalducci, Walter James III			
04/16/2019	First Class		
State Correctional Institution		Indiana County Sheriff	
04/16/2019	Hand Delivered		
<hr/>			
4	04/12/2019		Bianco, Thomas M.
Nolle Prosequi - Offense			
Counts 2,3,5,6, & 7.			
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5	04/12/2019		Baker, Barry Anthony
Colloquy for Guilty Plea/Nolo Contendere			
<hr/>			
1	04/15/2019		Indiana County Probation Department
Guideline Sentence Form			
<hr/>			
1	04/16/2019		Degenkolb, Randy
DL-21 to be Prepared			
<hr/>			
2	04/16/2019		Degenkolb, Randy
DL-21D to be Prepared			
<hr/>			
1	04/17/2019		Court of Common Pleas - Indiana County
Penalty Assessed			
<hr/>			
2	04/17/2019		Degenkolb, Randy
Court Notification of Prohibiting Offense			
Pennsylvania State Police			
04/17/2019	First Class		
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3	04/17/2019		Degenkolb, Randy
DL-21D was prepared			
<hr/>			

# COURT OF COMMON PLEAS OF INDIANA COUNTY

## DOCKET



Docket Number: CP-32-CR-0001036-2018

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Barry Anthony Baker

Page 8 of 10

### ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
4	04/17/2019		Degenkolb, Randy
DL-21 was prepared			
1	04/18/2019		Unknown Filer
DL-21D Sent to PennDOT			
2	04/18/2019		Unknown Filer
DL-21 Sent to PennDOT			
1	04/22/2019		Bianco, Thomas M. Court of Common Pleas - Indiana County
Court Commitment State or County Correctional Institution-DC300B Indiana County Sheriff's Department 04/22/2019 Hand Delivered State Correctional Institution Indiana County Sheriff 04/22/2019 Hand Delivered			
2	04/22/2019		Degenkolb, Randy
Court Commitment and Certified Copies of Sentence Orders/DC-301 Indiana County Sheriff's Department 04/22/2019 Hand Delivered State Correctional Institution Indiana County Sheriff 04/22/2019 Hand Delivered			
3	04/22/2019		Bianco, Thomas M. Court of Common Pleas - Indiana County
Court Commitment State or County Correctional Institution-Corrected DC300B Indiana County Sheriff's Department 04/22/2019 Hand Delivered State Correctional Institution Indiana County Sheriff 04/22/2019 Hand Delivered			



# COURT OF COMMON PLEAS OF INDIANA COUNTY

## DOCKET

Docket Number: CP-32-CR-0001036-2018

## CRIMINAL DOCKET

Court Case



Commonwealth of Pennsylvania

v.

Barry Anthony Baker

Page 9 of 10

### CASE FINANCIAL INFORMATION

Last Payment Date:

Total of Last Payment:

<b>Baker, Barry Anthony</b> Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary</u> <u>Payments</u>	<u>Total</u>
<b>Costs/Fees</b>					
Automation Fee (Indiana)	\$5.00	\$0.00	\$0.00	\$0.00	\$5.00
Crime Lab User Fee - State Police	\$261.00	\$0.00	\$0.00	\$0.00	\$261.00
District Attorney Costs (Indiana)	\$80.00	\$0.00	\$0.00	\$0.00	\$80.00
ATJ	\$6.00	\$0.00	\$0.00	\$0.00	\$6.00
Booking Center Fee (Indiana)	\$50.00	\$0.00	\$0.00	\$0.00	\$50.00
CJES	\$2.50	\$0.00	\$0.00	\$0.00	\$2.50
Commonwealth Cost - HB627 (Act 167 of 1992)	\$10.55	\$0.00	\$0.00	\$0.00	\$10.55
County Court Cost (Act 204 of 1976)	\$34.15	\$0.00	\$0.00	\$0.00	\$34.15
Crime Victims Compensation (Act 96 of 1984)	\$35.00	\$0.00	\$0.00	\$0.00	\$35.00
Emergency Medical Services (Act 45 of 1985)	\$10.00	\$0.00	\$0.00	\$0.00	\$10.00
Firearm Education and Training Fund	\$5.00	\$0.00	\$0.00	\$0.00	\$5.00
JCPS	\$21.25	\$0.00	\$0.00	\$0.00	\$21.25
Judicial Computer Project	\$8.00	\$0.00	\$0.00	\$0.00	\$8.00
OAG - JCP	\$2.50	\$0.00	\$0.00	\$0.00	\$2.50
PA Transportation Trust Surcharge	\$150.00	\$0.00	\$0.00	\$0.00	\$150.00
State Court Costs (Act 204 of 1976)	\$12.30	\$0.00	\$0.00	\$0.00	\$12.30
Substance Abuse Education (Ind) (Act 198 of 2002)	\$50.00	\$0.00	\$0.00	\$0.00	\$50.00
Substance Abuse Education (Ind) (Act 198 of 2002)	\$50.00	\$0.00	\$0.00	\$0.00	\$50.00
Victim Witness Service (Act 111 of 1998)	\$25.00	\$0.00	\$0.00	\$0.00	\$25.00
Jury/Non-Jury (Indiana)	\$50.00	\$0.00	\$0.00	\$0.00	\$50.00
Victim Service Fees (Indiana)	\$50.00	\$0.00	\$0.00	\$0.00	\$50.00
Costs/Fees Totals:	\$918.25	\$0.00	\$0.00	\$0.00	\$918.25
<b>Fines</b>					
Title 75, DUI (Motor License Fund)	\$750.00	\$0.00	\$0.00	\$0.00	\$750.00
Title 75, DUI (Motor License Fund)	\$750.00	\$0.00	\$0.00	\$0.00	\$750.00
Title 75, Motor Vehicle (Motor License Fund)	\$500.00	\$0.00	\$0.00	\$0.00	\$500.00
Fines Totals:	\$2,000.00	\$0.00	\$0.00	\$0.00	\$2,000.00

# COURT OF COMMON PLEAS OF INDIANA COUNTY

## DOCKET



Docket Number: CP-32-CR-0001036-2018

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Barry Anthony Baker

Page 10 of 10

### CASE FINANCIAL INFORMATION

<b>Baker, Barry Anthony</b> Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Total</u>
Grand Totals:	\$2,918.25	\$0.00	\$0.00	\$0.00	\$2,918.25

\*\* - Indicates assessment is subrogated