

# COURT OF COMMON PLEAS OF INDIANA COUNTY

## DOCKET



Docket Number: CP-32-CR-0000445-2013

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Barry Anthony Baker

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### CASE INFORMATION

Judge Assigned: Martin, William J. Date Filed: 03/25/2013 Initiation Date: 01/04/2013  
OTN: T 276250-2 LOTN: Originating Docket No: MJ-40303-CR-0000010-2013  
Initial Issuing Authority: Jennifer J. Rega Final Issuing Authority: Jennifer J. Rega  
Arresting Agency: Indiana Boro, Police Dept Arresting Officer: Scherf, John E.  
Complaint/Incident #: 201200072085  
Case Local Number Type(s) Case Local Number(s)

### STATUS INFORMATION

| <u>Case Status:</u> | <u>Status Date</u> | <u>Processing Status</u>       | <u>Complaint Date:</u> |
|---------------------|--------------------|--------------------------------|------------------------|
| Closed              | 11/08/2013         | Sentenced/Penalty Imposed      | 01/04/2013             |
|                     | 08/19/2013         | Awaiting Sentencing            |                        |
|                     | 08/19/2013         | Awaiting PSI                   |                        |
|                     | 08/19/2013         | Awaiting Sentencing            |                        |
|                     | 08/19/2013         | Awaiting Plea Court            |                        |
|                     | 04/12/2013         | Awaiting Pre-Trial Conference  |                        |
|                     | 03/26/2013         | Awaiting Formal Arraignment    |                        |
|                     | 03/25/2013         | Awaiting Filing of Information |                        |

### 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   | 05/16/2013        | 1:15 pm      | Courtroom 2 | Judge Thomas M. Bianco            | Scheduled       |
| Criminal Call        | 08/02/2013        | 8:30 am      | Courtroom 1 | President Judge William J. Martin | Scheduled       |
| Jury Selection       | 08/26/2013        | 8:30 am      | Courtroom 1 |                                   | Cancelled       |
| Sentencing           | 11/08/2013        | 8:30 am      | Courtroom 1 | President Judge William J. Martin | Scheduled       |

### 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: Indiana, PA 15701

### CASE PARTICIPANTS

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

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### 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                | 01/04/2013  | Monetary         |                   | \$50,000.00   |                            |                     |

### 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           | 1                | F            | <b>35 § 780-113 §§ A30</b> | Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver | 12/03/2012         | T 276250-2 |
| 2           | 2                | F3           | <b>18 § 7512 §§ A</b>      | Criminal Use Of Communication Facility                                     | 12/03/2012         | T 276250-2 |
| 3           | 3                | M            | <b>35 § 780-113 §§ A16</b> | Int Poss Contr Subst By Per Not Reg  | 12/03/2012         | T 276250-2 |

### 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  | 03/20/2013                     | Not Final             |
| 1 / Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver | Waived for Court (Lower Court) | F 35 § 780-113 §§ A30 |
| 2 / Criminal Use Of Communication Facility                                     | Waived for Court (Lower Court) | F3 18 § 7512 §§ A     |
| 3 / Int Poss Contr Subst By Per Not Reg  | Waived for Court (Lower Court) | M 35 § 780-113 §§ A16 |

#### **Proceed to Court (Arraignment Waived)**

Defendant Was Not Present

|  |                |                       |
|--|----------------|-----------------------|
| Information Filed  | 05/06/2013     | Not Final             |
| 1 / Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver | Held for Court | F 35 § 780-113 §§ A30 |
| 2 / Criminal Use Of Communication Facility                                     | Held for Court | F3 18 § 7512 §§ A     |
| 3 / Int Poss Contr Subst By Per Not Reg  | Held for Court | M 35 § 780-113 §§ A16 |

#### **Guilty Plea**

|  |               |                       |
|--|---------------|-----------------------|
| Plea Court   | 08/19/2013    | Final Disposition     |
| 1 / Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver | Nolle Prossed | F 35 § 780-113 §§ A30 |
| Martin, William J.   | 11/08/2013    |                       |
| 2 / Criminal Use Of Communication Facility                                     | Guilty Plea   | F3 18 § 7512 §§ A     |
| Martin, William J.   | 11/08/2013    | 309 Days              |

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### DISPOSITION SENTENCING/PENALTIES

#### Disposition

##### Case Event

##### Sequence/Description

##### Sentencing Judge

##### Sentence/Diversion Program Type

##### Sentence Conditions

Confinement

Fine of \$500.00

Pay cost of \$478.00

Restitution of \$350.00

Credit for time served as allowed by law.

##### Disposition Date

##### Offense Disposition

##### Sentence Date

##### Incarceration/Diversionary Period

Min of 1.00 Years 6.00 Months

Max of 7.00 Years

One Year

##### Final Disposition

##### Grade Section

##### Credit For Time Served

##### Start Date

3 / Int Poss Contr Subst By Per Not Reg

Martin, William J.

Nolle Prossed

11/08/2013

M

35 § 780-113 §§ A16

#### LINKED SENTENCES:

##### Link 1

CP-32-CR-0000435-2013 - Seq. No. 3 (35§ 780-113 §§ A30) - Confinement is Concurrent with

CP-32-CR-0000445-2013 - Seq. No. 2 (18§ 7512 §§ A) - Confinement

#### 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

#### ATTORNEY INFORMATION

Name: Bradley Michael Ophaug

Public Defender

Supreme Court No: 086865

Rep. Status: Active

Phone Number(s):  
724-549-6319 (Phone)

Address:  
705 Gompers Ave Ste 206  
Indiana, PA 15701-2712

Representing: Baker, Barry Anthony

#### ENTRIES

##### Sequence Number

##### CP Filed Date

##### Document Date

##### Filed By

1 01/04/2013 Rega, Jennifer J.

Bail Set - Baker, Barry Anthony

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|---|----------------------|----------------------|---|
| 1   | 03/25/2013           |                      | Court of Common Pleas - Indiana County    |
| Original Papers Received from Lower Court<br>Transcript received from MDJ Rega<br>Docket# CR-10-2013 Filed 01/04/2013   |                      |                      |   |
| 1   | 04/12/2013           | 04/11/2013           | Ophaug, Bradley Michael                   |
| Appearance and Waiver of Arraignment  |                      |                      |   |
| 1   | 05/06/2013           |                      | Commonwealth of Pennsylvania              |
| Information Filed (Arraignment Waived)  |                      |                      |   |
| 1   | 05/15/2013           |                      | Ophaug, Bradley Michael                   |
| Praeipce to Withdraw Appearance<br>Indiana County Public Defender's Office<br>05/15/2013 Hand Delivered   |                      |                      |   |
| 2   | 05/15/2013           |                      | Hummel, Fred D. Jr.                       |
| Praeipce for Appearance   |                      |                      |   |
| 1   | 05/21/2013           |                      | Indiana County District Attorney's Office |
| Crime Lab User Fee Statement<br>Lab Report: G12-06791; Report Date: 1/15/2013; Incident #2012-00072085  |                      |                      |   |
| 1   | 06/20/2013           |                      | Ophaug, Bradley Michael                   |
| Praeipce of Appearance  |                      |                      |   |
| 1   | 07/31/2013           |                      | Ophaug, Bradley Michael                   |
| Petition for Remand   |                      |                      |   |
| 2   | 07/31/2013           |                      | Martin, William J.                        |
| Order Denying Motion to Remand to Lower Court<br>AND NOW, this 29th day of July 20p13, upon consideraton of attached petition, the motion is denied<br>Indiana County District Attorney's Office<br>07/31/2013 Hand Delivered<br>Ophaug, Bradley Michael<br>07/31/2013 Hand Delivered |                      |                      |   |

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|---|----------------------|----------------------|----------------------|
| 2   | 08/19/2013           |                      | Bianco, Thomas M.    |
| Guilty Plea<br>count #2                       |                      |                      |                      |
| 3   | 08/19/2013           |                      | Bianco, Thomas M.    |
| Nolle Prosequi - Offense<br>counts 1 and 3    |                      |                      |                      |
| 7   | 08/19/2013           |                      | Baker, Barry Anthony |
| Guilty Plea Explanation of Defendant's Rights |                      |                      |                      |
| 1   | 08/20/2013           |                      | Degenkolb, Randy     |
| DL-21D to be Prepared                         |                      |                      |                      |
| 1   | 11/08/2013           | 11/08/2013           | Martin, William J.   |

#### Order - Sentence/Penalty Imposed

AND NOW, this 8th day of November 2013, the Defendant having entered a plea of guilty to the offense of Criminal Use of a Communication Facility, a felony of the third degree, it is the sentence of this Court that the Defendant shall pay the costs of prosecution in the amount of \$478.00, that he shall pay a fine in the amount of \$500.00 and that he shall undergo incarceration at a Diagnostic and Classification Center at a State Correctional Institution for a period of not less than one and one half {1 1/2} years nor more than seven {7} years. Credit for time served as allowed by law.

It shall be a condition of the Defendant's parole that he make restitution to the Indiana County Drug Task Force, 825 Philadelphia Street, Indiana, Pennsylvania in the amount of \$350.00

The Court finds that the Defendant is not eligible to participate in the Boot Camp Program. This sentence shall run concurrently with the sentence at No. 435 Crim 2013.

The Sheriff of Indiana County is directed to transport the Defendant to a Diagnostic and Classification Center at a State Correctional Institution at his earliest convenience.

BY THE COURT: William J. Martin, President Judge

#### Indiana County Court Administration

11/08/2013 Hand Delivered

#### Indiana County District Attorney's Office

11/08/2013 Hand Delivered

#### Indiana County Jail

11/08/2013 Hand Delivered

#### Indiana County Probation Department

11/08/2013 Hand Delivered

#### Indiana County Public Defender's Office

11/08/2013 Hand Delivered

#### Indiana County Sheriff

11/08/2013 Hand Delivered

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|---|----------------------|----------------------|--|
| <u>Service To</u>   |                      | <u>Service By</u>    |  |
| <u>Issue Date</u>   | <u>Service Type</u>  | <u>Status Date</u>   | <u>Service Status</u>                      |
| State Correctional Institution  |                      |                      |  |
| 11/18/2013  | Certified            |                      |  |
| 1   | 11/13/2013           |                      | Ophaug, Bradley Michael                    |
| Motion To Modify Sentence   |                      |                      |  |
| 2   | 11/13/2013           |                      | Indiana County Probation Department        |
| Guideline Sentence Form   |                      |                      |  |
| 1   | 11/14/2013           | 11/13/2013           | Martin, William J.                         |
| Order Denying Motion To Modify Sentence   |                      |                      |  |
| ORDER OF COURT - AND NOW, this 13th day of November, 2013, IT IS HEREBY ORDERED AND DIRECTED, |                      |                      |  |
| Motion to Modify is Denied. WJM.,P.J. Copies/DA/Prob/PD                                       |                      |                      |  |
| Indiana County District Attorney's Office   |                      |                      |  |
| 11/18/2013  | Hand Delivered       |                      |  |
| Indiana County Probation Department   |                      |                      |  |
| 11/18/2013  | Hand Delivered       |                      |  |
| Indiana County Public Defender's Office   |                      |                      |  |
| 11/18/2013  | Hand Delivered       |                      |  |
| 1   | 11/18/2013           |                      | Court of Common Pleas - Indiana County     |
| Penalty Assessed  |                      |                      |  |
| 2   | 11/18/2013           |                      | Degenkolb, Randy                           |
| Court Commitment State or County Correctional Institution/DC-300B                             |                      |                      |  |
| 3   | 11/18/2013           |                      | Degenkolb, Randy                           |
| Court Commitment and Certified Copies of Sentence Orders/DC-301                               |                      |                      |  |
| 4   | 11/18/2013           |                      | Degenkolb, Randy                           |
| Court Notification of Prohibiting Offense   |                      |                      |  |
| 1   | 07/14/2015           |                      | Pennsylvania Board of Probation and Parole |
| Notice for Parole Consideration   |                      |                      |  |
| Request from PBPP for copies of case  |                      |                      |  |
| Mailed to PBPP, Harrisburg on 07/30/2015  |                      |                      |  |

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|------------------------|----------------------|----------------------|-----------------|
|------------------------|----------------------|----------------------|-----------------|

| <u>Service To</u> | <u>Service By</u> |
|-------------------|-------------------|
|-------------------|-------------------|

| <u>Issue Date</u> | <u>Service Type</u> | <u>Status Date</u> | <u>Service Status</u> |
|-------------------|---------------------|--------------------|-----------------------|
|-------------------|---------------------|--------------------|-----------------------|

Pennsylvania Board of Probation and  
Parole

|            |             |  |  |
|------------|-------------|--|--|
| 07/30/2015 | First Class |  |  |
|------------|-------------|--|--|

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### CASE FINANCIAL INFORMATION

Last Payment Date:

Total of Last Payment:

| Baker, Barry Anthony<br>Defendant               | <u>Assessment</u> | <u>Payments</u> | <u>Adjustments</u> | <u>Non Monetary<br/>Payments</u> | <u>Total</u> |
|---|-------------------|-----------------|--------------------|----------------------------------|--------------|
| <b>Costs/Fees</b>                               |                   |                 |                    |                                  |              |
| Automation Fee (Indiana)                        | \$5.00            | \$0.00          | \$0.00             | \$0.00                           | \$5.00       |
| Bail Fee (Indiana)                              | \$50.00           | \$0.00          | \$0.00             | \$0.00                           | \$50.00      |
| Crime Lab User Fee - State Police               | \$113.00          | \$0.00          | \$0.00             | \$0.00                           | \$113.00     |
| ATJ   | \$3.00            | \$0.00          | \$0.00             | \$0.00                           | \$3.00       |
| CJES  | \$2.25            | \$0.00          | \$0.00             | \$0.00                           | \$2.25       |
| Commonwealth Cost - HB627 (Act 167 of 1992)     | \$19.70           | \$0.00          | \$0.00             | \$0.00                           | \$19.70      |
| Costs of Prosecution - CJEa                     | \$50.00           | \$0.00          | \$0.00             | \$0.00                           | \$50.00      |
| County Court Cost (Act 204 of 1976)             | \$28.70           | \$0.00          | \$0.00             | \$0.00                           | \$28.70      |
| Crime Victims Compensation (Act 96 of 1984)     | \$35.00           | \$0.00          | \$0.00             | \$0.00                           | \$35.00      |
| Domestic Violence Compensation (Act 44 of 1988) | \$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  | \$10.25           | \$0.00          | \$0.00             | \$0.00                           | \$10.25      |
| Judicial Computer Project                       | \$8.00            | \$0.00          | \$0.00             | \$0.00                           | \$8.00       |
| State Court Costs (Act 204 of 1976)             | \$13.10           | \$0.00          | \$0.00             | \$0.00                           | \$13.10      |
| 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:                              | \$478.00          | \$0.00          | \$0.00             | \$0.00                           | \$478.00     |
| <b>Fines</b>                                    |                   |                 |                    |                                  |              |
| Crimes Code, etc.                               | \$500.00          | \$0.00          | \$0.00             | \$0.00                           | \$500.00     |
| Fines Totals:                                   | \$500.00          | \$0.00          | \$0.00             | \$0.00                           | \$500.00     |
| <b>Restitution</b>                              |                   |                 |                    |                                  |              |
| Restitution                                     | \$350.00          | \$0.00          | \$0.00             | \$0.00                           | \$350.00     |
| Restitution Totals:                             | \$350.00          | \$0.00          | \$0.00             | \$0.00                           | \$350.00     |
| Grand Totals:                                   | \$1,328.00        | \$0.00          | \$0.00             | \$0.00                           | \$1,328.00   |

\*\* - Indicates assessment is subrogated