

COURT OF COMMON PLEAS OF MONTGOMERY COUNTY

DOCKET



Docket Number: CP-46-CR-0009255-2016

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Abdoulaye Barry

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CASE INFORMATION

Cross Court Docket Nos: CP-51-MD-0002015-2018

Judge Assigned: Branca, Thomas C.

Date Filed: 12/27/2016

Initiation Date: 11/25/2016

OTN: X 063084-0

LOTN: X 063084-0

Originating Docket No: MJ-38204-CR-0000317-2016

Initial Issuing Authority: Jay S. Friedenberg

Final Issuing Authority: Karen Eisner Zucker

Arresting Agency: Lower Merion Police Dept

Arresting Officer: Konieczny, Christine M.

Complaint/Incident #: 1611250098

Case Local Number Type(s)

Case Local Number(s)

RELATED CASES

Related Docket No	Related Case Caption	Related Court	Association Reason
Related CP-46-MD-0003248-2016	Comm. v. Barry, Abdoulaye	CP-38-46-Crim	Transferred to CR9255-16

STATUS INFORMATION

Case Status: Closed	Status Date	Processing Status	Arrest Date: 11/25/2016
	03/28/2018	Completed	
	06/02/2017	Sentenced/Penalty Imposed	
	06/02/2017	Awaiting Sentencing	
	01/31/2017	Awaiting Pre-Trial Conference	
	12/27/2016	Awaiting Formal Arraignment	
	12/27/2016	Awaiting Formal Arraignment	
	12/27/2016	Awaiting Filing of Information	

Complaint Date: 11/26/2016

CALENDAR EVENTS

Case Calendar	Schedule	Start	Room	Judge Name	Schedule
Event Type	Start Date	Time			Status
Formal Arraignment	02/15/2017	9:30 am	Video Room #1		Scheduled
Pre-Trial Conference	04/06/2017	9:00 am	Courtroom B	Judge Thomas C. Branca	Scheduled
Pre-Trial Conference	06/01/2017	9:00 am	Courtroom B	Judge Thomas C. Branca	Scheduled

DEFENDANT INFORMATION

Date Of Birth: 08/03/1994 City/State/Zip: Philadelphia, PA 19132

Alias Name

Barry, Abdoulaye III

Barry, Abdulaye

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CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	BARRY, ABDOULAYE

BAIL INFORMATION

Barry, Abdoulaye

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	11/26/2016	Monetary		\$50,000.00	Posted	11/28/2016

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	F3	18 § 4106 §§ A1II	Access Device Issd to Another Who Did Not Auth Use	11/25/2016	X 063084-0
2	3	F3	18 § 4120 §§ A	Identity Theft	11/25/2016	X 063084-0
3	5	F3	18 § 4101 §§ A3	Forgery - Utters Forged Writing	11/25/2016	X 063084-0
4	6	F3	18 § 3922 §§ A2	Theft By Decept-Prevent Acqu Of Info	11/25/2016	X 063084-0
5	7	F3	18 § 3925 §§ A	Receiving Stolen Property	11/25/2016	X 063084-0
6	2	M3	18 § 4106 §§ A3	Posses Access Device Knowing Counterfeit, Altered	11/25/2016	X 063084-0
99,999	4	F3	18 § 7611 §§ A1	Unlaw. Use of Computer - Access to Disrupt Funct.	11/25/2016	X 063084-0

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

<u>Lower Court Disposition</u>	<u>Disposition Date</u>	<u>Final Disposition</u>	<u>Grade</u>	<u>Section</u>
1 / Access Device Issd to Another Who Did Not Auth Use	12/23/2016	Waived for Court (Lower Court)	F3	18 § 4106 §§ A1II
2 / Identity Theft		Waived for Court (Lower Court)	F3	18 § 4120 §§ A
3 / Forgery - Utters Forged Writing		Waived for Court (Lower Court)	F3	18 § 4101 §§ A3
4 / Theft By Decept-Prevent Acqu Of Info		Waived for Court (Lower Court)	F3	18 § 3922 §§ A2
5 / Receiving Stolen Property		Waived for Court (Lower Court)	F3	18 § 3925 §§ A
6 / Posses Access Device Knowing Counterfeit, Altered		Waived for Court (Lower Court)	M3	18 § 4106 §§ A3

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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>			
99,999 / Unlaw. Use of Computer - Access to Disrupt Funct.	Withdrawn (Lower Court)	F3	18 § 7611 §§ A1
Proceed to Court	Defendant Was Not Present		
Information Filed	02/21/2017	Not Final	
1 / Access Device Issd to Another Who Did Not Auth Use	Held for Court	F3	18 § 4106 §§ A1II
2 / Identity Theft	Held for Court	F3	18 § 4120 §§ A
3 / Forgery - Utters Forged Writing	Held for Court	F3	18 § 4101 §§ A3
4 / Theft By Decept-Prevent Acqu Of Info	Held for Court	F3	18 § 3922 §§ A2
5 / Receiving Stolen Property	Held for Court	F3	18 § 3925 §§ A
6 / Posses Access Device Knowing Counterfeit, Altered	Held for Court	M3	18 § 4106 §§ A3
99,999 / Unlaw. Use of Computer - Access to Disrupt Funct.	Disposed at Lower Court	F3	18 § 7611 §§ A1
Guilty Plea			
Pre-Trial Conference	06/02/2017	Final Disposition	
1 / Access Device Issd to Another Who Did Not Auth Use	Nolle Prossed	F3	18 § 4106 §§ A1II
Branca, Thomas C.	06/02/2017		
2 / Identity Theft	Guilty Plea	F3	18 § 4120 §§ A
Branca, Thomas C.	06/02/2017		
Confinement	Min of 6.00 Months Max of 23.00 Months Other		06/02/2017
Concurrent to any an all sentences currently being served.			
Probation	Min of 3.00 Years Max of 3.00 Years Other		
3 / Forgery - Utters Forged Writing	Nolle Prossed	F3	18 § 4101 §§ A3
Branca, Thomas C.	06/02/2017		
4 / Theft By Decept-Prevent Acqu Of Info	Nolle Prossed	F3	18 § 3922 §§ A2
Branca, Thomas C.	06/02/2017		
5 / Receiving Stolen Property	Nolle Prossed	F3	18 § 3925 §§ A
Branca, Thomas C.	06/02/2017		

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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>			
6 / Posses Access Device Knowing Counterfeit, Altered Branca, Thomas C.	Nolle Prossed 06/02/2017	M3	18 § 4106 §§ A3
99,999 / Unlaw. Use of Computer - Access to Disrupt Funct. Branca, Thomas C.	Disposed at Lower Court 06/02/2017	F3	18 § 7611 §§ A1

LINKED SENTENCES:

Link 1

CP-46-CR-0009255-2016 - Seq. No. 2 (18§ 4120 §§ A) - Probation is Consecutive to

CP-46-CR-0009255-2016 - Seq. No. 2 (18§ 4120 §§ A) - Confinement

COMMONWEALTH INFORMATION

Name: John Neumann Gradel
District Attorney

Supreme Court No: 061958

Phone Number(s):
610-278-3134 (Phone)

Address:
Montgomery Co Da's Office
Po Box 311
Norristown, PA 19404-0311

Name: Evan Robert Charles Correia
Assistant District Attorney

Supreme Court No: 321485

Phone Number(s):
610-278-3090 (Phone)

Address:
Montgomery Co Da's Office
Po Box 311
Norristown, PA 19404

ATTORNEY INFORMATION

Name: Luis A. Ortiz
Private

Supreme Court No: 067705

Rep. Status: Active

Phone Number(s):
215-858-3787 (Phone)
215-858-3787 (Mobile)

Address:
Law Offices of Luis A Ortiz
121 S Broad St Fl 18
Philadelphia, PA 19107-4533
Representing: BARRY, ABDOULAYE

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	11/28/2016		Carl, Deborah L.
Bail Posted - Barry, Abdoulaye			

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1	12/27/2016		Court of Common Pleas - Montgomery County
Original Papers Received from Lower Court			
2	12/27/2016		MDJ-38-2-04
Formal Arraignment Scheduled 02/15/2017 9:30AM February 15, 2017, service on 12/23/16 BARRY, ABDOULAYE 12/23/2016 Hand Delivered			
3	12/27/2016		MDJ-38-2-04
Search Warrant Issued			
1	01/18/2017		Correia, Evan Robert Charles
Change of Prosecutor ADA List 01182017			
1	01/31/2017		Ortiz, Luis A.
Entry of Appearance/Arraignment Waived			
1	02/16/2017		Montgomery County Court Administration
Pre-Trial Conference Scheduled 04/06/2017 9:00AM from 2-15-17 FA LIST			
1	02/21/2017		Commonwealth of Pennsylvania
Information Filed			
1	03/13/2017		Montgomery County Court Administration
Hearing Notice PRE TRIAL CONFERENCE LIST SCHEDULED JUDGE BRANCA - COURT ROOM B APRIL 4, 5, 6, 7, 2017 @ 9:00 A.M. NOTICES SENT VIA FIRST CLASS MAIL PD/DA SENT INTEROFFICE MAIL			
2	03/13/2017		Court of Common Pleas - Montgomery County
Hearing Notice			

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Sequence Number	CP Filed Date	Document Date	Filed By
1	04/07/2017	04/06/2017	Branca, Thomas C.
Order to Relist for Pre-Trial Conference 60 Days			
Gradel, John Neumann			
04/06/2017 Orally in Open Crt Record			
Ortiz, Luis A.			
04/06/2017 Orally in Open Crt Record			
2	04/07/2017		Montgomery County Court Administration
Pre-Trial Conference Scheduled 06/01/2017 9:00AM APRIL PTC - RELIST 60 DAY			
1	05/08/2017		Commonwealth of Pennsylvania
Petition for Writ of Habeas Corpus			
2	05/08/2017	05/08/2017	O'Neill, Steven T.
Order Granting Petition for Writ of Habeas Corpus			
Inmate# 71456-066 from Federal Correctional Institution #2 Butler to Montgomery County Courthouse for 06/01/17 at 9:30 a.m. Courtroom "B"			
Gradel, John Neumann			
05/11/2017 Interoffice			
Ortiz, Luis A.			
05/11/2017 First Class			
1	05/12/2017		Court of Common Pleas - Montgomery County
Hearing Notice			
2	05/12/2017		Court of Common Pleas - Montgomery County
Hearing Notice			
3	05/12/2017		Commonwealth of Pennsylvania
Petition for Writ of Habeas Corpus AD Prosequendum			
4	05/12/2017	05/11/2017	O'Neill, Steven T.
Order Granting Petition for Writ of Habeas Corpus AD Prosequendum			
Inmate# 71456-066 from FCI #2 Butler to Montgomery County Courthouse for May 30, 2017			

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<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>
Gradel, John Neumann			
05/16/2017	Interoffice		
Ortiz, Luis A.			
05/16/2017	First Class		

5	05/12/2017		Court of Common Pleas - Montgomery County
Hearing Notice			
PRETRIAL CONFERENCE SCHEDULED			
JUDGE BRANCA/COURTROOM B			
SCHEDULED MAY 31, JUNE 1, JUNE 2, 2017 @ 9:00 AM			
NOTICES SENT VIA FIRST CLASS MAIL			
PD/DA SENT INTEROFFICE MAIL			

6	05/12/2017		Court of Common Pleas - Montgomery County
Hearing Notice			

7	05/12/2017		Court of Common Pleas - Montgomery County
Hearing Notice			

8	05/12/2017		Court of Common Pleas - Montgomery County
Hearing Notice			

1	06/01/2017	06/01/2017	Branca, Thomas C.
Pre-Trial Conference Order			
Passed to 06/02/17			
Gradel, John Neumann			
06/01/2017	Orally in Open Crt Record		
Ortiz, Luis A.			
06/01/2017	Orally in Open Crt Record		

1	06/02/2017		Court of Common Pleas - Montgomery County
Pre-Trial Conference Scheduled			

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2	06/02/2017		Branca, Thomas C.
Guilty Plea			
3	06/02/2017		Branca, Thomas C.
Order - Sentence/Penalty Imposed			
4	06/02/2017		BARRY, ABDOULAYE
Guilty Plea Questionnaire			
5	06/02/2017	06/02/2017	Branca, Thomas C.
Pre-Trial Conference Order - Resolved by Negotiated Plea			
Gradel, John Neumann			
	06/13/2017	Interoffice	
Ortiz, Luis A.			
	06/13/2017	First Class	
1	06/09/2017		Court of Common Pleas - Montgomery County
Entry of Civil Judgment			
1	08/14/2017		Branca, Thomas C.
Agreed Order to Amend Sentence			
It is hereby ordered that the defendant's sentence is amended to run concurrent to any and all sentences currently being served. In all other aspects the sentence imposed on June 2, 2017 is to remain the same.			
Ortiz, Luis A.			
	08/14/2017	First Class	
1	11/08/2017		Court of Common Pleas - Montgomery County
Payment Plan Introduction Letter			
1	01/03/2018		Court of Common Pleas - Montgomery County
Delinquency Notice Filed - 30 Days Overdue			
1	01/24/2018		Court of Common Pleas - Montgomery County
Delinquency Notice Filed - 51 Days Overdue			

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1	03/26/2018	03/19/2018	Montgomery County Adult Probation Unit
Motion for Parole			
2	03/26/2018	03/20/2018	Branca, Thomas C.
Order Granting Motion for Parole			
Forthwith.			
1	03/28/2018		Court of Common Pleas - Montgomery County
Transferred to CP-01-51-Crim			
1	02/06/2019		Court of Common Pleas - Montgomery County
Transferred to CP-01-51-Crim			

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CASE FINANCIAL INFORMATION

Last Payment Date:

Total of Last Payment:

BARRY, ABDOULAYE Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Total</u>
Costs/Fees					
ATJ	\$4.00	\$0.00	\$0.00	\$0.00	\$4.00
Automation Fee (Act 36 of 2000) (Montgomery)	\$5.00	\$0.00	\$0.00	\$0.00	\$5.00
CJES	\$2.25	\$0.00	\$0.00	\$0.00	\$2.25
COC Processing Fee Misd/Fel (Montgomery)	\$355.25	\$0.00	\$0.00	\$0.00	\$355.25
Commonwealth Cost - HB627 (Act 167 of 1992)	\$20.50	\$0.00	\$0.00	\$0.00	\$20.50
Costs of Prosecution - CJEA	\$50.00	\$0.00	\$0.00	\$0.00	\$50.00
County Court Cost (Act 204 of 1976)	\$29.85	\$0.00	\$0.00	\$0.00	\$29.85
Court Child Care (Act 105 of 2000) (Montgomery)	\$5.00	\$0.00	\$0.00	\$0.00	\$5.00
Crime Victims Compensation (Act 96 of 1984)	\$35.00	\$0.00	\$0.00	\$0.00	\$35.00
DNA Detection Fund (Act 185-2004)	\$250.00	\$0.00	\$0.00	\$0.00	\$250.00
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	\$21.25	\$0.00	\$0.00	\$0.00	\$21.25
Judicial Computer Project	\$8.00	\$0.00	\$0.00	\$0.00	\$8.00
State Court Costs (Act 204 of 1976)	\$13.65	\$0.00	\$0.00	\$0.00	\$13.65
Variable Amount to be Distributed CVC/VWS (Act 96)	\$12.00	\$0.00	\$0.00	\$0.00	\$12.00
Variable Amount to be Distributed CVC/VWS (Act 96)	\$28.00	\$0.00	\$0.00	\$0.00	\$28.00
Victim Witness Service (Act 111 of 1998)	\$25.00	\$0.00	\$0.00	\$0.00	\$25.00
OSP (Montgomery/State) (Act 35 of 1991)	\$1,060.00	\$0.00	(\$1,060.00)	\$0.00	\$0.00
OSP (Montgomery/State) (Act 35 of 1991)	\$1,060.00	\$0.00	(\$1,060.00)	\$0.00	\$0.00
ATJ	\$4.00	\$0.00	\$0.00	\$0.00	\$4.00
ATJ	\$4.00	\$0.00	\$0.00	\$0.00	\$4.00
ATJ	\$4.00	\$0.00	\$0.00	\$0.00	\$4.00
ATJ	\$4.00	\$0.00	\$0.00	\$0.00	\$4.00
ATJ	\$4.00	\$0.00	\$0.00	\$0.00	\$4.00
CJES	\$2.25	\$0.00	\$0.00	\$0.00	\$2.25
CJES	\$2.25	\$0.00	\$0.00	\$0.00	\$2.25

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BARRY, ABDOULAYE	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary</u>	<u>Total</u>
Defendant				<u>Payments</u>	
CJES	\$2.25	\$0.00	\$0.00	\$0.00	\$2.25
CJES	\$2.25	\$0.00	\$0.00	\$0.00	\$2.25
CJES	\$2.25	\$0.00	\$0.00	\$0.00	\$2.25
Commonwealth Cost - HB627 (Act 167 of 1992)	\$20.50	\$0.00	\$0.00	\$0.00	\$20.50
Commonwealth Cost - HB627 (Act 167 of 1992)	\$20.50	\$0.00	\$0.00	\$0.00	\$20.50
Commonwealth Cost - HB627 (Act 167 of 1992)	\$20.50	\$0.00	\$0.00	\$0.00	\$20.50
Commonwealth Cost - HB627 (Act 167 of 1992)	\$20.50	\$0.00	\$0.00	\$0.00	\$20.50
Commonwealth Cost - HB627 (Act 167 of 1992)	\$10.25	\$0.00	\$0.00	\$0.00	\$10.25
County Court Cost (Act 204 of 1976)	\$29.85	\$0.00	\$0.00	\$0.00	\$29.85
County Court Cost (Act 204 of 1976)	\$29.85	\$0.00	\$0.00	\$0.00	\$29.85
County Court Cost (Act 204 of 1976)	\$29.85	\$0.00	\$0.00	\$0.00	\$29.85
County Court Cost (Act 204 of 1976)	\$29.85	\$0.00	\$0.00	\$0.00	\$29.85
County Court Cost (Act 204 of 1976)	\$33.30	\$0.00	\$0.00	\$0.00	\$33.30
JCPS	\$21.25	\$0.00	\$0.00	\$0.00	\$21.25
JCPS	\$21.25	\$0.00	\$0.00	\$0.00	\$21.25
JCPS	\$21.25	\$0.00	\$0.00	\$0.00	\$21.25
JCPS	\$21.25	\$0.00	\$0.00	\$0.00	\$21.25
JCPS	\$21.25	\$0.00	\$0.00	\$0.00	\$21.25
Judicial Computer Project	\$8.00	\$0.00	\$0.00	\$0.00	\$8.00
Judicial Computer Project	\$8.00	\$0.00	\$0.00	\$0.00	\$8.00
Judicial Computer Project	\$8.00	\$0.00	\$0.00	\$0.00	\$8.00
Judicial Computer Project	\$8.00	\$0.00	\$0.00	\$0.00	\$8.00
Judicial Computer Project	\$8.00	\$0.00	\$0.00	\$0.00	\$8.00
State Court Costs (Act 204 of 1976)	\$13.65	\$0.00	\$0.00	\$0.00	\$13.65
State Court Costs (Act 204 of 1976)	\$13.65	\$0.00	\$0.00	\$0.00	\$13.65
State Court Costs (Act 204 of 1976)	\$13.65	\$0.00	\$0.00	\$0.00	\$13.65
State Court Costs (Act 204 of 1976)	\$13.65	\$0.00	\$0.00	\$0.00	\$13.65
State Court Costs (Act 204 of 1976)	\$11.95	\$0.00	\$0.00	\$0.00	\$11.95
ARB Collect (Montgomery)	\$2,613.44	\$0.00	(\$2,611.19)	\$0.00	\$2.25
B/W Costs (Montgomery)	\$9.00	\$0.00	\$0.00	\$0.00	\$9.00
Costs/Fees Totals:	\$6,111.19	\$0.00	(\$4,731.19)	\$0.00	\$1,380.00

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BARRY, ABDOULAYE Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Total</u>
Restitution					
Restitution	\$6,965.00	\$0.00	\$0.00	\$0.00	\$6,965.00
Restitution Totals:	\$6,965.00	\$0.00	\$0.00	\$0.00	\$6,965.00
Grand Totals:	\$13,076.19	\$0.00	(\$4,731.19)	\$0.00	\$8,345.00

** - Indicates assessment is subrogated