

# COURT OF COMMON PLEAS OF CHESTER COUNTY

## DOCKET



Docket Number: CP-15-CR-0002940-2017

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Barry Robert Baker Jr.

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### CASE INFORMATION

Cross Court Docket Nos: 901 EDA 2019

Judge Assigned: Mahon, William P.

Date Filed: 08/30/2017

Initiation Date: 08/29/2017

OTN: X 112512-1

LOTN: X 112512-1

Originating Docket No: MJ-15207-CR-0000136-2017

Initial Issuing Authority: Lori Novak Donatelli

Final Issuing Authority: Lori Novak Donatelli

Arresting Agency: Chester County County Detective

Arresting Officer: Cowdright, William K.

Complaint/Incident #: CC1701237

Case Local Number Type(s)

Case Local Number(s)

### STATUS INFORMATION

<u>Case Status:</u>	Closed	<u>Status Date</u>	<u>Processing Status</u>	<u>Arrest Date:</u>	08/29/2017
		03/19/2019	Awaiting Appellate Court Decision		
		03/07/2019	Completed		
		08/10/2018	Awaiting PCRA Decision		
		12/15/2017	Completed		
		12/08/2017	Awaiting Post Sentence Motion Hearing		
			Disposition		
		11/29/2017	Sentenced/Penalty Imposed		
		11/21/2017	Awaiting Sentencing		
		09/25/2017	Awaiting PSI Completion		
		09/25/2017	Awaiting Sentencing		
		09/20/2017	Awaiting Trial		
		08/30/2017	Awaiting Original Papers		

Complaint Date: 07/17/2017

### 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	09/07/2017	9:15 am	Arraignment Room 4112		Scheduled
Sentencing	11/29/2017	9:30 am	Courtroom 4	Judge William P. Mahon	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>
04/18/2018	DOC Confined	SCI Frackville		Yes

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### DEFENDANT INFORMATION

Date Of Birth: 05/05/1988 City/State/Zip: Georgetown, DE 19947

Alias Name

Baker, Barry  
Baker, Barry Jr.  
Baker, Barry Jr. Robert  
Baker, Barry Jr. Robert  
Baker, Barry R. Jr.  
Baker, Barry Robert  
Baker, Barry Roberts  
Baker, Barry Roberts Jr.

### CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Baker, Barry Robert Jr.

### BAIL INFORMATION

**Baker, Barry Robert Jr.** **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	08/29/2017	Monetary		\$100,000.00		

### 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	M2	18 § 5126 §§ A	Flight To Avoid Appreh/Trial/Punish	05/22/2017	X 112512-1

### 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	08/29/2017	Not Final
1 / Flight To Avoid Appreh/Trial/Punish	Waived for Court (Lower Court)	M2 18 § 5126 §§ A

**Guilty Plea**

Trial	09/25/2017	Final Disposition
1 / Flight To Avoid Appreh/Trial/Punish	Guilty Plea	M2 18 § 5126 §§ A
Mahon, William P.	11/29/2017	

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## DISPOSITION SENTENCING/PENALTIES

### Disposition

#### Case Event

#### Sequence/Description

#### Sentencing Judge

#### Sentence/Diversion Program Type

#### Sentence Conditions

Confinement

State Confinement

No contact with victim or family

RRRI Ineligible

Consecutive to CP-15-CR-0002467-2017

#### Disposition Date

#### Offense Disposition

#### Sentence Date

#### Incarceration/Diversionary Period

Min of 1.00 Years

Max of 2.00 Years

Other

#### Final Disposition

#### Grade Section

#### Credit For Time Served

#### Start Date

### LINKED SENTENCES:

#### Link 1

CP-15-CR-0002940-2017 - Seq. No. 1 (18§ 5126 §§ A) - Confinement is Consecutive to

CP-15-CR-0002467-2017 - Seq. No. 1 (18§ 2701 §§ A1) - Confinement

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Barry Robert Baker Jr.

### COMMONWEALTH INFORMATION

Name: Nicholas J. Casenta Jr.

District Attorney

Supreme Court No: 043844

Phone Number(s):  
610-344-6801 (Phone)

Address:  
Chester Co Da's Office  
201 W Market St Ste 4450  
West Chester, PA 19382-2947

Name: Carlos Alberto Barraza  
Assistant District Attorney

Supreme Court No: 089158

Phone Number(s):  
610-344-6801 (Phone)

Address:  
Chester County Da's Office  
201 W Market St Ste 4450  
West Chester, PA 19380

Name: Cynthia B. Morgan  
District Attorney

Supreme Court No: 316563

Phone Number(s):  
610-344-6820 (Phone)

Address:  
Chester County Da's Office  
201 W Market St Ste 4450  
West Chester, PA 19380

Name: Anna Zangari  
Certified Legal Intern

Supreme Court No:

Address:  
201 W Market St Ste 4450  
West Chester, PA 19380

### ATTORNEY INFORMATION

Name: Sameer Mohammed Barkawi

Public Defender

Supreme Court No: 321105

Rep. Status: Active

Phone Number(s):  
610-344-4131 (Phone)

Address:  
Chester Co Pd's Office  
201 W Market St Ste 2325  
West Chester, PA 19380

Representing: Baker, Barry Robert Jr.

### ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	08/29/2017		Donatelli, Lori Novak
Bail Set - Baker, Barry Robert Jr.			

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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>
6/1	09/20/2017		MDJ-15-2-07
Original Papers Received from Lower Court			
Barkawi, Sameer Mohammed			
05/07/2019	eService		Served
Casenta, Nicholas J. Jr.			
05/07/2019	eService		Served
-----			
1	09/21/2017		Baker, Barry Robert Jr.
Ready for Trial - Arraigned			
-----			
5/2	09/21/2017		Commonwealth of Pennsylvania
Information Filed			
-----			
7/2	09/25/2017		Mahon, William P.
Guilty Plea			
-----			
8/3	09/25/2017	09/20/2017	Mahon, William P.
Pre-Sentence Investigation Ordered			
(Case Nos. CR-0002467-2017 & CR-0002940-2017) Recd in Open Court 09/25/17			
Chester County Adult Probation			
09/27/2017			
Chester County Court Administration			
09/27/2017			
Purl, Thomas H. III			
09/27/2017	First Class		
-----			
1	11/21/2017		Chester County Adult Probation Unit
PSI Completed - Disclosure Filed			
Received in COC 5/15/18			
-----			
1	11/27/2017		Purl, Thomas H. III
Defendant's Sentencing Memorandum			
Commonwealth of Pennsylvania			
11/27/2017	Hand Delivered		
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1	11/29/2017		Morgan, Cynthia B.
Exhibits Filed			
Sentencing Hearing held 11/29/2017			
Commonwealth Exhibits CW1-->CW5; CW3A; Court Exhibit 1; Court Exhibit 2 admitted into evidence			
9/2	11/29/2017		Mahon, William P.
Order - Sentence/Penalty Imposed			
1	12/08/2017	12/08/2017	Purl, Thomas H. III
Def's Motion for Reconsideration filed			
certificate of service filed			
1	12/11/2017		Court of Common Pleas - Chester County
Penalty Assessed			
1	12/12/2017		Marcello, Robin L.
Court Commitment and Certified Copies of Sentence Orders			
Documents included: Itemized Account of F/C/Fees & Restitution, Sentencing Sheet, PSI Order, Defendant's Sentencing Memorandum, Guilty Plea Colloquy, DA Information, MDJ Docket Transcript/Criminal Complaint/Affidavit			
Chester County District Attorney's Office			
12/12/2017			
Chester County Sheriff			
12/12/2017			
SCI Camp Hill			
12/12/2017			
1	12/15/2017		Mahon, William P.
Order Denying Motion for Reconsideration of Sentence			
Denied without a hearing.			
Morgan, Cynthia B.			
12/18/2017			
Purl, Thomas H. III			
12/18/2017			
10/1	12/18/2017		Chester County District Attorney's Office
Guideline Sentence Form			

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<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
1	08/10/2018	08/08/2018	Baker, Barry Robert Jr.
Motion for Modification of Sentence Nunc Pro Tunc			
Casenta, Nicholas J. Jr.			
08/16/2018	Interoffice		
Chester County Public Defender's			
Office			
08/16/2018	Interoffice		
-----			
1	08/15/2018	08/15/2018	Mahon, William P.
PCRA Order			
AND NOW, as this is the def's first PCRA Petition, and it appearing that the def. is unable to pay the costs of the PCRA proceedings, and is unable to afford counsel, the following is hereby ORDERED:			
1. The def. is permitted to proceed in forma pauperis, pursuant to Pa.R.Crim.P.904(F).			
2. Pursuant to Pa.R.Crim.P.904(B), Chester County Public Defender's Office, is appointed to represent the def., and the Crt. Admn. of CC is hereby ORDERED to immediately notify counsel of this appointment.			
3. This appointment of counsel shall be effective throughout the PCRA proceedings, including any appeal from the disposition of the PCRA relief, unless counsel is specifically granted leave to withdraw, by Order of the Court.			
4. Appointed Counsel shall have 60 days from HIS/HER appointment by the Crt. Admn. to file an Amended PCRA Petition or a Petition for Leave to Withdraw as Counseled.			
5. If appointed counsel elects to file an Amended PCRA Petition, the Amended PCRA Petition shall comply with the requirements set forth in Pa.R.Crim.P.902.			
6. If appointed counsel requests an evidentiary hearing, the Amended PCRA Petition shall include a signed certification as to each intended witness, stating the witness's name, address, and D.O.B., and the substance of the witness's testimony. Any documents material to the witness's testimony shall also be included in the Amended PCRA Petition.			
7. If the def.'s PCRA Petition appears to be untimely, and appointed counsel elects to file an Amended PCRA Petition, the Amended PCRA Petition shall allege sufficient facts, if proven, to establish an exception which would excuse the untimely filing, and establish that the alleged exception was also timely raised.			
8. The DA of CC shall file an Answer to the Amended PCRA Petition within 45 days of the filing of an Amended PCRA Petition, with respect to the following:(A) the need for an evidentiary hearing, (B) the timeliness the def.'s PCRA Petition, and (C) any issues that may have been previously litigated or waived.			
9. The Clerk of Courts of CC is ORDERED, to serve a copy of this upon the following: (A) Crt. Admn. (B) CAC (C) DA (D) Def.			
Baker, Barry Robert Jr.			
08/16/2018	First Class		
Casenta, Nicholas J. Jr.			
08/16/2018	Interoffice		
Chester County Court Administration			
08/16/2018	Interoffice		

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<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
Chester County Public Defender's Office			
08/16/2018	Interoffice		
1	08/28/2018		Barkawi, Sameer Mohammed
Entry of Appearance			
1	10/11/2018		Barkawi, Sameer Mohammed
Amended Petition for Post Conviction Collateral Relief			
2	10/11/2018	10/11/2018	Barkawi, Sameer Mohammed
Certificate of Compliance			
3	10/11/2018	10/11/2018	Barkawi, Sameer Mohammed
Certificate of Compliance			
4	10/11/2018	10/11/2018	Barkawi, Sameer Mohammed
Certificate of Service			
1	10/30/2018		Mahon, William P.
testimony dated September 25, 2017			
2	10/30/2018		Mahon, William P.
Testimony dated November 29, 2017			
1	11/13/2018	11/13/2018	Casenta, Nicholas J. Jr.
Commonwealth's Answer to Petition for Post Conviction Relief			
Barkawi, Sameer Mohammed			
11/13/2018			
Mahon, William P.			
11/13/2018			
2	11/13/2018	11/13/2018	Casenta, Nicholas J. Jr.
Certificate of Compliance			
3	11/13/2018	11/13/2018	Casenta, Nicholas J. Jr.
Certificate of Service			



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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>
1	02/06/2019		Mahon, William P.
Notice of Intention to Dismiss PCRA Petition			
Upon consideration of defendant's pro se PCRA petition, court appointed counsel's Amended PCRA, the Commonwealth's Answer and the Courts independent review of the record,. the court finds that there are no genuine issues concerning any material fact, and that the defendant is not entitled to post-conviction collateral relief, and that no purpose would be served by any further proceedings. Accordingly, pursuant to Pa.R.Crim.P.907(1), the defendant is hereby given NOTICE of the Court's intent to dismiss the defendant's PCRA petition W/O a hrg. Def. may respond to this notice w/in 20 days of the docketing of this Order. If Def has not responded, a subsequent Order will be entered Dismissing the PCRA Petition, if Defendant responds, the Court will either Dismiss the Petition, grant leave to file and Amended petition, or direct that proceedings			
Baker, Barry Robert Jr.		Chester County Clerk of Courts	
02/07/2019	Certified		
Barkawi, Sameer Mohammed		Chester County Clerk of Courts	
02/07/2019	E-Mail		
Casenta, Nicholas J. Jr.		Chester County Clerk of Courts	
02/07/2019	E-Mail		
-----			
1	03/07/2019	03/07/2019	Mahon, William P.
Order Dismissing PCRA Filed			
Barkawi, Sameer Mohammed			
03/08/2019	eService		Served
Casenta, Nicholas J. Jr.			
03/08/2019	eService		Served
-----			
11/1	03/19/2019	03/19/2019	Barkawi, Sameer Mohammed
Notice of Appeal to the Superior Court			
Casenta, Nicholas J. Jr.			
03/19/2019			
Mahon, William P.			
03/19/2019			
Casenta, Nicholas J. Jr.			
03/20/2019	eService		Served
Superior Court of Pennsylvania -		Chester County Clerk of Courts	
Eastern District			
03/20/2019	Certified		
-----			
11/2	03/19/2019	03/19/2019	Barkawi, Sameer Mohammed
Verification of Indigence for Appellant IFP			

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<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
Casenta, Nicholas J. Jr. 03/20/2019	eService		Served
11/3	03/19/2019	03/19/2019	Chester County Clerk of Courts
Order Granting Motion to Proceed In Forma Pauperis Pa.R.A.P. 552(d)			
Barkawi, Sameer Mohammed 03/20/2019	eService		Served
Casenta, Nicholas J. Jr. 03/20/2019	eService		Served
11/4	03/19/2019	03/19/2019	Barkawi, Sameer Mohammed
Proof of Service			
Casenta, Nicholas J. Jr. 03/20/2019	eService		Served
1	03/22/2019	03/22/2019	Mahon, William P.
Concise Statement Order			
Counsel/Appellant to file and serve a Concise Statement of Errors Complained of on Appeal no later than 21 days from the date of the entry on the docket of this Order. Any issue not properly included in the Statement timely filed and served shall be deemed waived.			
Barkawi, Sameer Mohammed 03/25/2019	eService		Served
Barkawi, Sameer Mohammed 03/25/2019		Chester County Clerk of Courts	
Casenta, Nicholas J. Jr. 03/25/2019	eService		Served
Casenta, Nicholas J. Jr. 03/25/2019		Chester County Clerk of Courts	
12/1	03/26/2019		Barkawi, Sameer Mohammed
Concise Statement of Errors Complained on Appeal			
Casenta, Nicholas J. Jr. 03/26/2019	eNotice		Notified
1	04/04/2019	04/04/2019	Mahon, William P.
Opinion			
Barkawi, Sameer Mohammed 04/05/2019			

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<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
Barkawi, Sameer Mohammed			
04/05/2019	eService		Served
Casenta, Nicholas J. Jr.			
04/05/2019			
Casenta, Nicholas J. Jr.			
04/05/2019	eService		Served
-----			
1/1	04/05/2019	04/03/2019	Superior Court of Pennsylvania - Eastern District
Appeal Docket Sheet from Superior Court of PA. 901 EDA 2019			
Barkawi, Sameer Mohammed			
04/05/2019	eService		Served
Casenta, Nicholas J. Jr.			
04/05/2019	eService		Served
-----			
2/1	05/07/2019		Chester County Clerk of Courts
Certificate and Transmittal of Record to Appellate Court			
Barkawi, Sameer Mohammed			
05/07/2019	eService		Served
Casenta, Nicholas J. Jr.			
05/07/2019	eService		Served
-----			
3/2	05/07/2019		Chester County Clerk of Courts
Certified Copy of Docket Entries			
Barkawi, Sameer Mohammed			
05/07/2019	eService		Served
Casenta, Nicholas J. Jr.			
05/07/2019	eService		Served
-----			
4/3	05/07/2019		Chester County Clerk of Courts
Filings Information/Index			
Barkawi, Sameer Mohammed			
05/07/2019	eService		Served
Casenta, Nicholas J. Jr.			
05/07/2019	eService		Served
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### CASE FINANCIAL INFORMATION

Last Payment Date: 04/23/2018

Total of Last Payment: -\$60.00

Baker, Barry Robert Jr. Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Total</u>
<b>Costs/Fees</b>					
ATJ	\$4.00	\$0.00	\$0.00	\$0.00	\$4.00
CJES	\$2.25	\$0.00	\$0.00	\$0.00	\$2.25
Clerk of Courts Administrative Fee (Chester)	\$6.00	\$0.00	\$0.00	\$0.00	\$6.00
Clerk of Courts UDS Automation Fee (Chester)	\$5.00	\$0.00	\$0.00	\$0.00	\$5.00
Clerks Cost (Chester)	\$75.00	\$0.00	\$0.00	\$0.00	\$75.00
Commonwealth Cost - HB627 (Act 167 of 1992)	\$10.35	\$0.00	\$0.00	\$0.00	\$10.35
Costs of Prosecution - CJEA	\$50.00	\$0.00	\$0.00	\$0.00	\$50.00
County Court Cost (Act 204 of 1976)	\$33.60	\$0.00	\$0.00	\$0.00	\$33.60
Crime Victims Compensation (Act 96 of 1984)	\$35.00	(\$35.00)	\$0.00	\$0.00	\$0.00
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)	\$12.05	\$0.00	\$0.00	\$0.00	\$12.05
Victim Witness Service (Act 111 of 1998)	\$25.00	(\$25.00)	\$0.00	\$0.00	\$0.00
Constable Education Training Act	\$5.00	\$0.00	\$0.00	\$0.00	\$5.00
Constable Fee (Chester)	\$273.35	\$0.00	\$0.00	\$0.00	\$273.35
Adult Probation Administrative Fee (Chester)	\$120.00	\$0.00	\$0.00	\$0.00	\$120.00
Costs/Fees Totals:	\$700.85	(\$60.00)	\$0.00	\$0.00	\$640.85
Grand Totals:	\$700.85	(\$60.00)	\$0.00	\$0.00	\$640.85

\*\* - Indicates assessment is subrogated