

COURT OF COMMON PLEAS OF CHESTER COUNTY

DOCKET



Docket Number: CP-15-CR-0002467-2017

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

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v.

Barry Robert Baker Jr.

CASE INFORMATION

Cross Court Docket Nos: 902 EDA 2019

Judge Assigned: Mahon, William P.

Date Filed: 07/26/2017

Initiation Date: 05/17/2017

OTN: T 926553-5

LOTN:

Originating Docket No: MJ-15101-CR-0000131-2017

Initial Issuing Authority: Mark A. Bruno

Final Issuing Authority: Mark A. Bruno

Arresting Agency: W Chester Boro Police Dept

Arresting Officer: Simcox, Matthew W.

Complaint/Incident #: 20170510M0014

Case Local Number Type(s)

Case Local Number(s)

RELATED CASES

Related Docket No	Related Case Caption	Related Court	Association Reason
Related Misc. Bail Cases			
CP-15-MD-0001868-2017	Comm. v. Baker, Barry Robert Jr.	CP-15-15-Crim	Same MDJ Case

STATUS INFORMATION

Case Status:	Closed	Status Date	Processing Status	Complaint Date:	05/17/2017
		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		
		07/28/2017	Awaiting Trial		
		07/26/2017	Awaiting Original Papers		

CALENDAR EVENTS

Case Calendar	Schedule	Start	Room	Judge Name	Schedule
Event Type	Start Date	Time			Status
Formal Arraignment	08/10/2017	9:15 am	Arraignment Room 4112		Scheduled
Criminal Trial	09/18/2017	9:30 am	Courtroom 4	Judge William P. Mahon	Scheduled
Sentencing	11/29/2017	9:30 am	Courtroom 4	Judge William P. Mahon	Scheduled

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CONFINEMENT INFORMATION

<u>Confinement</u> <u>Known As Of</u>	<u>Confinement</u> <u>Type</u>	<u>Destination</u> <u>Location</u>	<u>Confinement</u> <u>Reason</u>	<u>Still in</u> <u>Custody</u>
04/18/2018	DOC Confined	SCI Frackville		Yes

DEFENDANT INFORMATION

Date Of Birth: 05/05/1988 City/State/Zip: West Chester, PA 19382

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	05/22/2017	Monetary	10.00%	\$25,000.00		
Increase Bail Amount	06/02/2017	Monetary		\$500,000.00		
Revoke	06/05/2017	Monetary		\$500,000.00		
					Partial Posting	05/22/2017
Set	06/05/2017	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 § 2701 §§ A1	Simple Assault	05/10/2017	T 926553-5
2	2	S	18 § 2709 §§ A1	Harassment - Subject Other to Physical Contact	05/10/2017	T 926553-5
3	3	S	18 § 5503 §§ A1	Disorderly Conduct Engage In Fighting	05/10/2017	T 926553-5

DISPOSITION SENTENCING/PENALTIES

Disposition

<u>Case Event</u> <u>Sequence/Description</u>	<u>Disposition Date</u> <u>Offense Disposition</u>	<u>Final Disposition</u> <u>Grade</u> <u>Section</u>
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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>		
Waived for Court (Lower Court)	Defendant Was Present	
Lower Court Disposition	07/25/2017	Not Final
1 / Simple Assault	Waived for Court (Lower Court)	M2 18 § 2701 §§ A1
2 / Harassment - Subject Other to Physical Contact	Waived for Court (Lower Court)	S 18 § 2709 §§ A1
3 / Disorderly Conduct Engage In Fighting	Waived for Court (Lower Court)	S 18 § 5503 §§ A1
Guilty Plea		
Trial	09/25/2017	Final Disposition
1 / Simple Assault	Guilty Plea	M2 18 § 2701 §§ A1
Mahon, William P.	11/29/2017	178 Days
Confinement	Min of 1.00 Years	
	Max of 2.00 Years	
	Other	
State confinement		
Costs		
No contact with victim or family		
RRRI Ineligible		
Credit time served: 06/05/2017 to 11/29/2017		
2 / Harassment - Subject Other to Physical Contact	Withdrawn	S 18 § 2709 §§ A1
Mahon, William P.	11/29/2017	
3 / Disorderly Conduct Engage In Fighting	Withdrawn	S 18 § 5503 §§ A1
Mahon, William P.	11/29/2017	

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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: Cynthia B. Morgan

Assistant 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

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>
6/1	07/28/2017		MDJ-15-1-01
Original Papers Received from Lower Court			
1	08/10/2017		Baker, Barry Robert Jr.
Ready for Trial - Arraigned			
5/2	08/10/2017		Commonwealth of Pennsylvania
Information Filed			
7/1	09/15/2017		Purl, Thomas H. III
Entry of Appearance			
8/1	09/25/2017		Mahon, William P.
Guilty Plea			
9/2	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			

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<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
Chester County Court Administration			
09/27/2017			
Purl, Thomas H. III			
09/27/2017	First Class		

1	09/26/2017		Court of Common Pleas - Chester County
Bail Refund			
ck 7486 \$1500.00 to def/surety via certified mail			
Baker, Barry Robert Jr.			
09/26/2017	Certified		

1	11/21/2017		Chester County Adult Probation Unit
PSI Completed - Disclosure Filed			
Received in COC 5/15/18			

10/1	11/27/2017		Purl, Thomas H. III
Defendant's Sentencing Memorandum			
Commonwealth of Pennsylvania			
11/27/2017	Hand Delivered		

1	11/29/2017		Morgan, Cynthia B.
Exhibits Filed			
Sentencing Hearing held 11/29/2017			
Commowearth Exhibits CW1-->CW5; CW3A; Court Exhibit 1; Court Exhibit 2 admitted into evidence			

11/2	11/29/2017		Mahon, William P.
Order - Sentence/Penalty Imposed			

12/1	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			

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

13/1	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			

14/1	12/18/2017		Chester County District Attorney's Office
Guideline Sentence Form			

15/1	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			

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<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
16/1	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

Chester County Public Defender's

Office

08/16/2018 Interoffice

17/1	08/28/2018	Barkawi, Sameer Mohammed
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Entry of Appearance

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Sequence Number	CP Filed Date	Document Date	Filed By
18/1	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 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			
19/1	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			
20/1	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	

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02/07/2019	E-Mail		
Casenta, Nicholas J. Jr.		Chester County Clerk of Courts	
02/07/2019	E-Mail		
<hr/>			
21/1	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
<hr/>			
22/1	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		
<hr/>			
22/2	03/19/2019	03/19/2019	Barkawi, Sameer Mohammed
Verification of Indigence for Appellant IFP			
Casenta, Nicholas J. Jr.			
03/20/2019	eService		Served
<hr/>			
22/3	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
<hr/>			
22/4	03/19/2019	03/19/2019	Barkawi, Sameer Mohammed
Proof of Service			
Casenta, Nicholas J. Jr.			

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<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
03/20/2019	eService		Served
23/1	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		Chester County Clerk of Courts	
03/25/2019			
Casenta, Nicholas J. Jr.			
03/25/2019	eService		Served
Casenta, Nicholas J. Jr.		Chester County Clerk of Courts	
03/25/2019			
24/1	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			
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. 902 EDA 2019			
Barkawi, Sameer Mohammed			
04/05/2019	eService		Served
Casenta, Nicholas J. Jr.			

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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: 09/26/2017

Total of Last Payment: -\$1,000.00

Baker, Barry Robert Jr. Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Total</u>
Costs/Fees					
Bail Pounding (Chester)	\$1,000.00	(\$1,000.00)	\$0.00	\$0.00	\$0.00
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
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
Adult Probation Administrative Fee (Chester)	\$120.00	\$0.00	\$0.00	\$0.00	\$120.00
Costs/Fees Totals:	\$1,362.50	(\$1,000.00)	\$0.00	\$0.00	\$362.50
Grand Totals:	\$1,362.50	(\$1,000.00)	\$0.00	\$0.00	\$362.50

** - Indicates assessment is subrogated