

COURT OF COMMON PLEAS OF MONTGOMERY COUNTY

DOCKET



Docket Number: CP-46-CR-0009061-2010

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Barry Grabill Balmer Jr.

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CASE INFORMATION

Cross Court Docket Nos: CP-15-MD-0001501-2011, CP-51-MD-0007487-2012

Judge Assigned: Smyth, Joseph A.

Date Filed: 12/20/2010

Initiation Date: 09/23/2010

OTN: S 039479-6

LOTN:

Originating Docket No: MJ-38119-CR-0000457-2010

Initial Issuing Authority: Walter F. Gadzicki Jr.

Final Issuing Authority: Walter F. Gadzicki Jr.

Arresting Agency: PSP - Skippack

Arresting Officer: Affiant

Complaint/Incident #:

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>Complaint Date:</u>	09/23/2010
		08/03/2011	Completed		
		04/19/2011	Sentenced/Penalty Imposed		
		04/19/2011	Awaiting Sentencing		
		01/07/2011	Awaiting Pre-Trial Conference		
		12/20/2010	Awaiting Formal Arraignment		
		12/20/2010	Awaiting Filing of Information		
		12/20/2010	Awaiting Formal Arraignment		

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	01/19/2011	9:30 am	Video Room #2	Judge Thomas P. Rogers	Scheduled
Pre-Trial	03/03/2011	9:00 am	Courtroom 8	Senior Judge Joseph A. Smyth	Continued
Conference					
Pre-Trial	04/19/2011	9:00 am	Courtroom 8	Senior Judge Joseph A. Smyth	Scheduled
Conference					

DEFENDANT INFORMATION

Date Of Birth: 09/21/1971 City/State/Zip: Philadelphia, PA 19121

Alias Name

Balmer, Barry G. Jr.

Balmer, Barry Grabill Jr.

Balmer, Barry Grabill

CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Balmer, Barry Grabill Jr.
Probation Officer	Kenney, Brendan

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BAIL INFORMATION

Balmer, Barry Grabill 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	12/16/2010	Unsecured		\$1,000.00		
Increase Bail Amount	12/16/2010	Unsecured		\$2,000.00		
					Posted	12/16/2010

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	M	35 § 780-113 §§ A31I	Marijuana-Small Amt Personal Use	08/13/2010	S 039479-6
2	2	M	35 § 780-113 §§ A32	Use/Poss Of Drug Paraph	08/13/2010	S 039479-6
3	3	M	75 § 3802 §§ D1i*	DUI: Controlled Substance - Schedule 1 - 1st Offense	08/13/2010	S 039479-6
4	4	M1	75 § 3802 §§ D3**	DUI: Controlled Substance - Combination Alcohol/Drug - 2nd Offense	08/13/2010	S 039479-6

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>		

Lower Court Proceeding (generic)

Lower Court Disposition	12/17/2010	Not Final
1 / Marijuana-Small Amt Personal Use	Held for Court (Lower Court)	M 35 § 780-113 §§ A31I
2 / Use/Poss Of Drug Paraph	Held for Court (Lower Court)	M 35 § 780-113 §§ A32
3 / DUI: Controlled Substance - Schedule 1 - 1st Offense	Held for Court (Lower Court)	M 75 § 3802 §§ D1i*
4 / DUI: Controlled Substance - Combination Alcohol/Drug - 2nd Offense	Held for Court (Lower Court)	M1 75 § 3802 §§ D3**

Proceed to Court

Information Filed	01/24/2011	Not Final
1 / Marijuana-Small Amt Personal Use	Held for Court	M 35 § 780-113 §§ A31I
2 / Use/Poss Of Drug Paraph	Held for Court	M 35 § 780-113 §§ A32
3 / DUI: Controlled Substance - Schedule 1 - 1st Offense	Held for Court	M 75 § 3802 §§ D1i*
4 / DUI: Controlled Substance - Combination Alcohol/Drug - 2nd Offense	Held for Court	M1 75 § 3802 §§ D3**

Guilty Plea

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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>		
Pre-Trial Conference	04/19/2011	Final Disposition
1 / Marijuana-Small Amt Personal Use	Nolle Prossed	M 35 § 780-113 §§ A31I
Smyth, Joseph A.	04/19/2011	
2 / Use/Poss Of Drug Paraph	Guilty Plea	M 35 § 780-113 §§ A32
Smyth, Joseph A.	04/19/2011	
Probation	Min of 1.00 Years	04/19/2011
	Max of 1.00 Years	
	Other	
3 / DUI: Controlled Substance - Schedule 1 - 1st Offense	Nolle Prossed	M 75 § 3802 §§ D1i*
Smyth, Joseph A.	04/19/2011	
4 / DUI: Controlled Substance - Combination Alcohol/Drug - 2nd Offense	Guilty Plea	M1 75 § 3802 §§ D3**
Smyth, Joseph A.	04/19/2011	
Confinement	Min of 90.00 Days	04/28/2011
	Max of 23.00 Months	
	Other	
Defendant is eligible for Work Release		
Defendant to undergo CRN Evaluation and Treatment		
Defendant shall attend Safe Driving School		
Drug and Alcohol Evaluation.		
Probation	Min of 3.00 Years	
	Max of 3.00 Years	
	Other	

LINKED SENTENCES:

Link 1

CP-46-CR-0009061-2010 - Seq. No. 2 (35§ 780-113 §§ A32) - Probation is Concurrent with

CP-46-CR-0009061-2010 - Seq. No. 4 (75§ 3802 §§ D3**) - Confinement

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COMMONWEALTH INFORMATION

Name: Wallis W. Brooks

District Attorney

Supreme Court No: 017974

Phone Number(s):
610-278-3130 (Phone)

Address:
PO Box 311
Norristown, PA 19404-0311

Name: Montgomery County District Attorney's
Office
Prosecutor

Supreme Court No:
Phone Number(s):
610-278-3090 (Phone)

Address:
Montgomery County Courthouse
PO Box 311
Norristown, PA 19404

ATTORNEY INFORMATION

Name: Francis Recchuiti

Private

Supreme Court No: 009284

Rep. Status: Active

Phone Number(s):
610-279-4200 (Phone)

Address:
Vangrossi & Recchuiti
319 Swede Street
Norristown, PA 19401-4801

Representing: Balmer, Barry Grabill Jr.

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	12/16/2010		Gadzicki, Walter F. Jr.
Bail Set - Balmer, Barry Grabill Jr.			
2	12/16/2010		Gadzicki, Walter F. Jr.
Order Granting Motion for Modification of Bail - Balmer, Barry Grabill Jr.			
3	12/16/2010		Balmer, Barry Grabill Jr.
Bail Posted - Balmer, Barry Grabill Jr.			
1	12/20/2010		Court of Common Pleas - Montgomery County
Original Papers Received from Lower Court			
2	12/20/2010		MDJ-38-1-19
Formal Arraignment Scheduled Jan 19 2011 9:30AM			
01/19/11	served on	12/16/10	
Balmer, Barry Grabill Jr.			
12/16/2010	Hand Delivered		

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1	01/07/2011		Recchuiti, Francis
Entry of Appearance/Arraignment Waived			
1	01/24/2011		Commonwealth of Pennsylvania
Information Filed			
2	01/24/2011		Court of Common Pleas - Montgomery County
Pre-Trial Conference Scheduled 3/3/2011 9:00AM			
3	01/24/2011		Montgomery County Court Administration
Hearing Notice			
Pretrial Conferences Scheduled			
Judge Smyth - CT 8			
February 28th to March 3rd 2011 at 9:00 am			
Notices sent 1st class mail			
DA/PD sent interoffice mail			
4	01/24/2011	01/20/2011	Montgomery County District Attorney's Office
ARD Denied by D.A.			
1	02/14/2011		Court of Common Pleas - Montgomery County
Notes of Testimony			
Prelim Hrg 12/16/2010 before DJ Gadzicki			
1	03/03/2011		Balmer, Barry Grabill Jr.
Waiver of Pa.R.Crim.P. 600/1013 (Prompt Trial)			
2	03/03/2011	03/03/2011	Smyth, Joseph A.
Order to Relist for Pre-Trial Conference			
Date of Service 03/17/11			
Brooks, Wallis W.			
03/17/2011 Interoffice			
Recchuiti, Francis			
03/17/2011 First Class			

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3	03/03/2011		Court of Common Pleas - Montgomery County
Pre-Trial Conference Scheduled 4/19/2011 9:00AM			
1	03/09/2011		Montgomery County Court Administration
Hearing Notice			
Pretrial Conferences Scheduled			
Judge Smyth - CT 8			
April 18th to April 20th 2011 at 9:00 am			
Notices sent 1st class mail			
DA/PD sent interoffice mail			
1	04/19/2011		Balmer, Barry Grabill Jr.
Guilty Plea Questionnaire			
2	04/19/2011		Smyth, Joseph A.
Guilty Plea			
3	04/19/2011		Smyth, Joseph A.
Disposition Filed			
4	04/19/2011		Smyth, Joseph A.
Order - Sentence/Penalty Imposed			
5	04/19/2011	04/19/2011	Smyth, Joseph A.
Pre-Trial Conference Order - Resolved by Negotiated Plea			
Date of Service 05/06/11			
Brooks, Wallis W.			
05/06/2011 Interoffice			
Recchuiti, Francis			
05/06/2011 First Class			
1	05/12/2011		Weiss, Ann Thornburg
DL-21D to be Prepared			
2	05/12/2011		Weiss, Ann Thornburg
DL-21 to be Prepared			
3	05/12/2011	05/12/2011	Weiss, Ann Thornburg
Entry of Civil Judgment			

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1	05/18/2011		Court of Common Pleas - Montgomery County
Payment Plan Introduction Letter			
1	07/26/2011	07/22/2011	Montgomery County Adult Probation Unit
Motion for Parole			
2	07/26/2011	07/22/2011	Smyth, Joseph A.
Order Granting Motion for Parole Effective 07/27/11			
1	08/03/2011		Smyth, Joseph A.
Transferred to CP-15-15-Crim			
1	08/16/2011		Weiss, Ann Thornburg
DL-21CF to be Prepared act 151 sent			
1	09/08/2011		Court of Common Pleas - Montgomery County
Payment Plan Introduction Letter			
1	09/27/2011		Court of Common Pleas - Montgomery County
Notes of Testimony Guilty Plea 04/19/2011 before J Smyth			
1	11/09/2011		Court of Common Pleas - Montgomery County
Delinquency Notice Filed - 37 Days Overdue			
1	06/26/2012		Smyth, Joseph A.
Transferred to CP-01-51-Crim			
1	10/10/2012		Court of Common Pleas - Montgomery County
Delinquency Notice Filed - 37 Days Overdue			

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<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	12/03/2012		Weiss, Ann Thornburg
DL-21CF to be Prepared-act 122 sent			

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CASE FINANCIAL INFORMATION

Last Payment Date: 10/16/2013

Total of Last Payment: -\$550.95

Balmer, Barry Grabill Jr. Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Total</u>
Costs/Fees					
County Lab Fees (Montgomery)	\$205.00	(\$205.00)	\$0.00	\$0.00	\$0.00
State Court Costs (Act 204 of 1976)	\$10.75	(\$10.75)	\$0.00	\$0.00	\$0.00
Commonwealth Cost - HB627 (Act 167 of 1992)	\$9.25	(\$9.25)	\$0.00	\$0.00	\$0.00
County Court Cost (Act 204 of 1976)	\$30.00	(\$30.00)	\$0.00	\$0.00	\$0.00
Crime Victims Compensation (Act 96 of 1984)	\$35.00	(\$35.00)	\$0.00	\$0.00	\$0.00
Victim Witness Service (Act 111 of 1998)	\$25.00	(\$25.00)	\$0.00	\$0.00	\$0.00
Firearm Education and Training Fund	\$5.00	(\$5.00)	\$0.00	\$0.00	\$0.00
Substance Abuse Education (Act 198 of 2002)	\$50.00	(\$50.00)	\$0.00	\$0.00	\$0.00
Substance Abuse Education (Act 198 of 2002)	\$50.00	(\$50.00)	\$0.00	\$0.00	\$0.00
Automation Fee (Act 36 of 2000) (Montgomery)	\$5.00	(\$5.00)	\$0.00	\$0.00	\$0.00
COC Processing Fee Misd/Fel (Montgomery)	\$306.00	(\$306.00)	\$0.00	\$0.00	\$0.00
Court Child Care (Act 105 of 2000) (Montgomery)	\$5.00	(\$5.00)	\$0.00	\$0.00	\$0.00
Costs of Prosecution - CJEA	\$50.00	(\$50.00)	\$0.00	\$0.00	\$0.00
Emergency Medical Services (Act 45 of 1985)	\$10.00	(\$10.00)	\$0.00	\$0.00	\$0.00
Judicial Computer Project	\$8.00	(\$8.00)	\$0.00	\$0.00	\$0.00
ATJ	\$3.00	(\$3.00)	\$0.00	\$0.00	\$0.00
CAT/MCARE/General Fund	\$100.00	(\$100.00)	\$0.00	\$0.00	\$0.00
CJES	\$2.25	(\$2.25)	\$0.00	\$0.00	\$0.00
JCPS	\$10.25	(\$10.25)	\$0.00	\$0.00	\$0.00
OSP (Montgomery/State) (Act 35 of 1991)	\$1,120.00	\$0.00	(\$1,120.00)	\$0.00	\$0.00
OSP (Montgomery/State) (Act 35 of 1991)	\$1,120.00	\$0.00	(\$1,120.00)	\$0.00	\$0.00
Costs/Fees Totals:	\$3,159.50	(\$919.50)	(\$2,240.00)	\$0.00	\$0.00
Fines					
Title 75, DUI (Motor License Fund)	\$750.00	(\$750.00)	\$0.00	\$0.00	\$0.00
Title 75, DUI (Motor License Fund)	\$750.00	(\$750.00)	\$0.00	\$0.00	\$0.00

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Balmer, Barry Grabill Jr. Defendant		<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Total</u>
	Fines Totals:	\$1,500.00	(\$1,500.00)	\$0.00	\$0.00	\$0.00
	Grand Totals:	\$4,659.50	(\$2,419.50)	(\$2,240.00)	\$0.00	\$0.00

** - Indicates assessment is subrogated