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IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY
PENNSYLVANIA

CRIMINAL DIVISION

* * * * * No. CR-3711-24
*
COMMONWEALTH OF PENNSYLVANIA *
*
VS. *
*
MELVIN ROACH *
*
* * * * *

Media, PA, February 24, 2025

Courtroom No. 5

TRANSCRIPT OF PROCEEDINGS

BEFORE: HONORABLE MARY ALICE BRENNAN

AMY CAPPELLI, ESQUIRE
For the Commonwealth

MELVIN ROACH, PRO SE
The Defendant

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DIRECT CROSS REDIRECT RECROSS

ON BEHALF OF THE COMMONWEALTH:

[none]

ON BEHALF OF THE DEFENDANT:

[none]

EXHIBITS

MARKED ADMITTED

ON BEHALF OF THE COMMONWEALTH:

[none]

ON BEHALF OF THE DEFENDANT:

[none]

P R O C E E D I N G S

February 24, 2025

MS. CAPPELLI: It is Melvin Roach. The docket is 3711 of 24.

THE COURT: All right.

MS. CAPPELLI: I'm Amy Cappelli on behalf of the Commonwealth. Defendant present to my left, and I believe not represented by counsel. I can't remember if we did a Grazier hearing though.

THE COURT: No, we did not. Okay. So Mr. Roach, you want to represent yourself?

MR. ROACH: Yes. Yes, Your Honor.

THE COURT: Okay. I'm going to do a Grazier hearing or a waiver of counsel hearing. Okay?

MR. ROACH: Yes, Your Honor.

THE COURT: If you could swear in Mr. Roach.

THE CLERK: Raise your right hand. State your full name and spell your last name.

MR. ROACH: Melvin Roach Jr. My last name is Roach, R-O-A-C-H.

[Witness sworn]

THE COURT: All right, so I'm going to conduct a waiver of counsel hearing. I understand that you wish to

1 give up your rights to be represented by an attorney and
2 represent yourself in this case. Is that true?

3 MR. ROACH: Yes. Yes, Your Honor.

4 THE COURT: How old are you?

5 MR. ROACH: 36, Your Honor.

6 THE COURT: How far did you go in school?

7 MR. ROACH: Some college.

8 THE COURT: Do you have any difficulty in
9 speaking, understanding, reading, or writing the English
10 language?

11 MR. ROACH: No, Your Honor.

12 THE COURT: Are you now suffering from any
13 physical, mental, or emotional problem which might
14 affect your ability to understand everything that is
15 said and done in here today?

16 MR. ROACH: No, Your Honor.

17 THE COURT: Okay. Are you now under the
18 influence of any narcotic drug, alcohol, or any other
19 intoxicants?

20 MR. ROACH: No.

21 THE COURT: Are you in good health?

22 MR. ROACH: Yes.

23 THE COURT: Do you take any medication?

24 MR. ROACH: No.

1 THE COURT: Have you ever been assessed or
2 evaluated for mental health purposes?

3 MR. ROACH: Recently, in this matter, Judge
4 Holefelder
5 ordered a competency involved, which I was rendered a
6 hundred percent competent.

7 THE COURT: Thank you.

8 MR. ROACH: Yes, Your Honor.

9 THE COURT: Have you ever been admitted to an
10 inpatient mental health facility?

11 MR. ROACH: No.

12 THE COURT: Have you ever been a defendant in a
13 criminal trial in any other case?

14 MR. ROACH: No.

15 THE COURT: Have you ever represented yourself
16 in a criminal trial in any other case?

17 MR. ROACH: No.

18 THE COURT: Do you understand that you have the
19 right to be represented by an attorney and if you cannot
20 afford an attorney, one would be provided for you free
21 of charge at no cost or expense to you?

22 MR. ROACH: Yes. I understand, Your Honor.

23 THE COURT: Do you understand that you are
24 charged with the following crimes? So let me see what
25 you're charged with. You're charged with possession of

1 firearm prohibited. You're charged with firearms not to
2 be carried without a license. You're charged with
3 obstructing the administration of law or other
4 government function. You're charged with resisting
5 arrest. You're charged with improper sun screening.
6 You're charged with obscure plates, illegal at
7 reasonable distance. You're charged with disregarding
8 traffic lane signal, and you're charged with driving
9 while operating privileges are suspended or revoked.

10 MR. ROACH: I understand, Your Honor.

11 THE COURT: Okay. All right. Do you need me to
12 define the elements of the crimes charged?

13 MR. ROACH: No, Your Honor.

14 THE COURT: Are you sure? I'll be happy to do it
15 if you want me to.

16 MR. ROACH: Yes, I'm sure.

17 THE COURT: Okay. Do you understand the elements
18 of these crimes?

19 MR. ROACH: Yes.

20 THE COURT: All right. We have to state the
21 maximum sentence, so let's figure that out. So you have
22 an F1, which is 10 to 20 years. You have an F3, which is
23 three and a half to seven years. You have an M2, which
24 is one to two years, and summaries, they're 90 days. So
25 let's add that up. 90, 90. Although some of them might

1 not be 90 days, the traffic violations, they might be
2 fines.

3 MS. CAPPELLI: Some of them, let me see which
4 ones I have here.

5 THE COURT: I'll just do the criminal offenses.

6 MS. CAPPELLI: Yeah.

7 THE COURT: All right, so 10, 13, 14, 14.5 to 29
8 years. Okay?

9 MR. ROACH: Yes. Yes, Your Honor.

10 THE COURT: You understand that's your maximum
11 exposure which may be imposed for each offense and the
12 mandatory minimum if applicable. I don't believe there's
13 any mandatory minimums.

14 MS. CAPPELLI: That's correct.

15 THE COURT: Okay, so you do understand that,
16 correct?

17 MR. ROACH: Yes.

18 THE COURT: All right. Okay. And I already
19 stated what would be the sentence if they were gone
20 consecutively.

21 MR. ROACH: Yes.

22 THE COURT: So you understand that. All right,
23 let me see. Do you understand that there may be possible
24 defenses which you may have to take -- which you may
25 have to these charges, which you may not be aware of,

1 such as mistaken identity, alibi, insanity, diminished
2 capacity, self-defense, as well as other lawful excuses
3 or defenses that are certain requirements and rules you
4 must be aware of and allow in order to present these
5 defenses? If these defenses are not raised by you at the
6 proper time, they will be lost by you permanently. Do
7 you understand that?

8 MR. ROACH: I do, Your Honor, yes.

9 THE COURT: Okay. Do you understand that in
10 addition to possible defenses, which you may have, you
11 may have many other rights that if not exercised by you
12 at the proper time will be lost by you permanently?

13 MR. ROACH: Yes. I understand.

14 THE COURT: Okay. Do you understand that if
15 errors or mistakes are made by the Commonwealth or by
16 the Court, or if evidence is presented which is
17 improper, and you fail to object or make the appropriate
18 motion at the proper time, your rights with respect to
19 these errors, mistakes, and improprieties will be lost
20 to you permanently?

21 MR. ROACH: I clearly understand, Your Honor.

22 THE COURT: Do you understand that if you give
23 up your right to be represented by an attorney, you will
24 still be bound by all the rules of procedure and

1 evidence, and that an attorney would be familiar with
2 these rules of procedure and evidence?

3 MR. ROACH: Yes. I understand.

4 THE COURT: Do you understand that a defendant,
5 pro se, will not be allowed to complain on appeal about
6 the competency of your own representation?

7 MR. ROACH: Yes.

8 THE COURT: Okay. A pro se defendant must be
9 aware of the risk involved in comporting with the rules
10 of court, rules of evidence, your constitutional rights,
11 your right not to testify, and you may be subject to
12 sanctions, including contempt of court, if you fail to
13 conduct yourself properly.

14 MR. ROACH: I understand.

15 THE COURT: Okay. Do you understand that you'll
16 be bound by all the rules of procedure and evidence
17 during all the proceedings in which you represent
18 yourself, including pretrial, trial, post-trial, and
19 appeal stages?

20 MR. ROACH: Yes.

21 THE COURT: Do you understand that among the
22 advantages of being represented by counsel is counsel's
23 familiarity with the following procedures: pretrial
24 motions, including discovery, challenges to the criminal
25 information filed in this case, and motions to quash

1 those information; protecting your right to a speedy
2 trial; selecting a jury and being aware of juror
3 qualifications; examining witnesses and cross-examining
4 witnesses called by the Commonwealth against you;
5 challenging the admissibility of any evidence presented
6 against you; presenting witnesses for you and compelling
7 their attendance at trial, as well as examining these
8 witnesses and presenting other evidence; arguing the
9 facts and evidence to the jury; arguing the law and
10 evidence to the judge; researching the law and filing
11 memos of law, legal briefs, motions, and appeals; in the
12 event of conviction, arguing the circumstances, facts,
13 the law, and the presentation of witnesses in mitigation
14 of sentence; and filing, presenting, and arguing motions
15 for a new trial or a judgment acquittal, whether you
16 should testify at any pretrial proceedings and /or a
17 trial, and negotiating a non-trial disposition with the
18 Commonwealth.

19 MR. ROACH: Yes. I understand.

20 THE COURT: Okay. Have any threats or promises
21 been made to you which would induce you to give up your
22 right to an attorney?

23 MR. ROACH: No.

24 THE COURT: Do you understand that the fact that
25 you, oh, you're not incarcerated, this is if you're

1 incarcerated. Do you understand that given the
2 seriousness of the charges, the complexity and volume of
3 issues in this case, the potential penalties for the
4 crimes charged, and the fact that, well, you're not
5 incarcerated, that I strongly advise you that it would
6 be in your best interest to have an attorney represent
7 you?

8 MR. ROACH: Yes. I understand.

9 THE COURT: Do you understand that if I grant
10 your request and permit you to give up your right to an
11 attorney and represent yourself, you may withdraw or
12 take back your request to represent yourself and have an
13 attorney represent you at any time?

14 MR. ROACH: Yes. I understand.

15 THE COURT: Do you understand that if you wish
16 to withdraw your request to represent yourself and have
17 an attorney represent you, you should advise me
18 immediately, and I will see to it that an attorney
19 assumes your defense?

20 MR. ROACH: I understand, yes.

21 THE COURT: The effectiveness of your defense
22 may well be diminished by your dual role as an attorney
23 and the accused. Do you understand the danger and
24 disadvantages of self-representation?

25 MR. ROACH: I do.

1 THE COURT: Do you understand that I strongly
2 advise you that it would be in your best interest to
3 have an attorney represent you?

4 MR. ROACH: Yes.

5 THE COURT: In light of what I have told you, do
6 you still wish to give up your right to have an attorney
7 represent you and represent yourself?

8 MR. ROACH: Absolutely, Your Honor.

9 THE COURT: Do you have any questions?

10 MR. ROACH: No.

11 THE COURT: All right, then I will grant your
12 request. Do you understand that I will appoint standby
13 counsel who will be available to you for consultation,
14 but ultimately you are responsible for all decisions,
15 errors, or mistakes made by you during the course of any
16 of the proceedings in which you represent yourself?

17 MR. ROACH: Yes. I understand.

18 THE COURT: Okay. Should you wish to consult
19 with your current, well, you don't have a current or
20 standby attorney, which I will appoint with respect to.
21 It doesn't make sense anyway, I am going to appoint a
22 standby attorney.

23 MR. ROACH: Understood.

24 THE COURT: So you can consult with them if you
25 so desire. In light of what I have just told you, do you

1 wish to still give up your right to be represented by an
2 attorney in this case and represent yourself?

3 MR. ROACH: Yes.

4 THE COURT: Okay. Are you voluntarily giving up
5 your right to be represented by an attorney in this
6 case?

7 MR. ROACH: I am.

8 THE COURT: Okay. All right. I'm going to have
9 you execute a form which is your waiving your right to
10 an attorney. As soon as I find where I put it. Here it
11 is. All right, what I'm going to have you do is the
12 Commonwealth is going to have to send you discovery.

13 MR. ROACH: Yes.

14 THE COURT: Do you want that by electron? How do
15 you send it?

16 MS. CAPPELLI: Usually, as long as we have an
17 email, I believe I do have your email just from prior
18 correspondence.

19 MR. ROACH: Yeah, it's not that.

20 MS. CAPPELLI: Yeah, I just want on the record,
21 I wasn't corresponding because we didn't have your
22 email.

23 MR. ROACH: I understand.

24 MS. CAPPELLI: So now that you are officially
25 representing yourself, I can send all this stuff. It's

1 usually through OneDrive. We have a link that I can send
2 you.

3 MR. ROACH: Okay, that's fine.

4 MS. CAPPELLI: Or certain things like I can
5 print out and hand you, or if you would prefer it on a
6 USB drive, you just have to provide me with one, and
7 then I can download to that.

8 MR. ROACH: Okay.

9 MS. CAPPELLI: So it's kind of however ---

10 MR. ROACH: So in the meantime, can it just be
11 like emailed? You can send me everything electronically?

12 MS. CAPPELLI: Yes, certainly. I can send it
13 electronically. It's going to be in a OneDrive link.

14 MR. ROACH: Okay.

15 MS. CAPPELLI: So you just have to click that,
16 then you have access to it.

17 MR. ROACH: Okay.

18 MS. CAPPELLI: Okay?

19 MR. ROACH: Okay.

20 THE COURT: So what I'll have you do is I'll
21 have you sign this, I'll have you put your address, I'll
22 have you put your phone number and your email so that
23 way the Commonwealth can make sure they can get in touch
24 with you to give you your discovery.

25 MR. ROACH: Got you.

1 THE COURT: Okay?

2 MR. ROACH: Yes. Yes, Your Honor.

3 THE COURT: All right, so I'll let you look this
4 over and fill this out. Oh, thank you.

5 MS. CAPPELLI: Judge, during the hearing we went
6 over his min and max exposure. Did you want me to put on
7 the record what his guidelines are too, or do you want -
8 --

9 THE COURT: Yeah, and then we'll also do the
10 offer because obviously we're going to have to go right
11 to scheduling a jury trial.

12 MS. CAPPELLI: Right. Okay.

13 THE COURT: But I'll let him fill that out
14 first.

15 MS. CAPPELLI: Okay.

16 THE COURT: Take your time and fill that out.

17 MR. ROACH: I don't know the zip code by heart,
18 Your Honor.

19 THE COURT: What's that, sir?

20 MR. ROACH: The zip code? I don't know it by
21 heart.

22 MS. CAPPELLI: Are you still on Country Street?

23 THE COURT: Oh, your zip code?

24 MR. ROACH: 25 25 West. That was my last.

1 MS. CAPPELLI: I'm just, I was saying I have an
2 address and it's 19131. Maybe it's okay.

3 MR. ROACH: It's old.

4 MS. CAPPELLI: It's old?

5 MR. ROACH: Yes.

6 MS. CAPPELLI: I thought maybe I could get the,
7 the zip for him, but its different address.

8 THE COURT: Okay. I guess it'll have to go
9 electronically then.

10 MS. CAPPELLI: Yeah.

11 THE COURT: You have to provide a thumb drive
12 for them to put it on.

13 MR. ROACH: Okay.

14 THE COURT: Okay?

15 MR. ROACH: I don't have one today,
16 unfortunately.

17 MS. CAPPELLI: I can, I'm going to try to send
18 it just through a OneDrive link, and if there's issues -
19 --

20 THE COURT: Okay.

21 MS. CAPPELLI: --- maybe we can, you can just
22 bring it to the DA's office.

23 MR. ROACH: Okay. Because I have one.

24 MS. CAPPELLI: Okay. That should work.

1 THE COURT: All right, let me see. Okay. Is that
2 Philadelphia, PA?

3 MR. ROACH: Yes. I'm sorry I didn't put that.

4 THE COURT: Okay.

5 MS. CAPPELLI: And is the email you want me to
6 send everything to Roach M646 Gmail? Okay, got it. It
7 will likely not come directly from me, if one of my
8 assistants, Juliana. Correct. So you per J?

9 MR. ROACH: Yes.

10 MS. CAPPELLI: One of us. We'll both be on it.
11 So just be on the lookout for those names.

12 MR. ROACH: Okay. If I see anything from now,
13 please.

14 THE COURT: All right, so we're going to give
15 you a copy of that. But right now, we'll tell you what
16 your offer is, and obviously, you don't want to decide
17 on that yet until you see your discovery.

18 MR. ROACH: Correct.

19 THE COURT: Okay. All right. So let's go over
20 his offer.

21 MS. CAPPELLI: Yes. So first, can I put on his
22 exposure and then?

23 THE COURT: Yes, please.

24 MS. CAPPELLI: The offer is not to all of the
25 charges.

1 THE COURT: Yes, sure.

2 MS. CAPPELLI: So count one, possession of a
3 firearm prohibited to felony of the first degree. He has
4 a prior record score of a five.

5 THE COURT: Okay.

6 MS. CAPPELLI: The mitigated is 60 months.
7 Standard range is 72 months to 90 months. The aggravated
8 is 102 months, and again, that stat min and max is 120
9 to 240. So 10 to 20.

10 THE COURT: Right.

11 MS. CAPPELLI: Going down, firearms carried
12 without a license ineligible, the mitigated is 36
13 months. Standard range is 42 months. There is no
14 aggravated range. It's just a 42 to 42 dash on the
15 standard.

16 THE COURT: Okay.

17 MS. CAPPELLI: The stat limit again is three and
18 a half to seven or 42 months, 284 months.

19 THE COURT: Okay.

20 MS. CAPPELLI: Those two do not merge.

21 THE COURT: Okay.

22 MS. CAPPELLI: Resisting arrest M2. As Your
23 Honor stated, the MinMax is one to two years or 12
24 months, 24 months. Mitigated is restorative sanctions.
25 So that's information. Standard range is one month to

1 nine months. Aggravated is 12 months. Obstructing
2 administration of law or other government function is
3 also an M2. The mitigated is three months. Standard is
4 six to 12 months.

5 THE COURT: I'm sorry, what was the obstructing?

6 MS. CAPPELLI: Obstructing administration of law
7 enforcement or other government function. It's an M2.

8 THE COURT: And what's that one?

9 MS. CAPPELLI: It's an M2.

10 THE COURT: Okay.

11 MS. CAPPELLI: The mitigated range is three
12 months, and then the standard range is six to 12 months.
13 There is no aggravated range. Same min max of the one to
14 two.

15 THE COURT: Okay.

16 MS. CAPPELLI: Years, that is. The offer was
17 bottom of the standard range on count one, possession of
18 a firearm prohibited. So the bottom of the standard
19 range was 72 months. My offer was six to 12, SCI,
20 there's no triple RI state drug treatment or boot camp,
21 DNA forfeit the firearm, and then \$246 for the lab fee
22 for serology and a \$1,340 DNA fee. Then I would, for the
23 offer, I wouldn't go forward on two or three, and I do
24 count four resisting arrest is two years' probation. I
25 would do that concurrent at trial. I would go forward on

1 all of them, and those gun charges don't merge. So I
2 just wanted to make that ---

3 THE COURT: Okay.

4 MS. CAPPELLI: --- known. Because those would be
5 ---

6 THE COURT: All right. So when I added up
7 before, I was a little low because I didn't, there's two
8 misdemeanors, right?

9 MS. CAPPELLI: That's correct.

10 THE COURT: Resisting arrest and obstructing.

11 MS. CAPPELLI: Correct.

12 THE COURT: So that adds another one year into
13 whatever I'd said before. Okay.

14 MR. ROACH: I believe that would be 30 with the
15 max. You said 29 before.

16 THE COURT: The what?

17 MR. ROACH: I believe you said 29, Your Honor. So
18 that one year added would be 30.

19 THE COURT: I said 14 and a half to 29, but I
20 guess it's 15 and a half to 31. All right. So obviously
21 it's a very serious case.

22 MR. ROACH: Yes.

23 THE COURT: Okay. If you're convicted on any of
24 these, you will be incarcerated, so, okay. All right. So
25 we'll schedule a jury trial. We'll schedule it out,

1 giving you time to get your discovery, look it over, and
2 decide what you want to do, whether you want to accept
3 the offer or go right to the jury trial. Okay?

4 MR. ROACH: Understood. Yes, Your Honor.

5 THE COURT: Okay. What I'll do is I'll give you
6 a status in between so you can let us know what your
7 decision is, okay?

8 MR. ROACH: Yes.

9 THE COURT: All right.

10 MS. CAPPELLI: And you said you're appointing a
11 standby counsel as the state counsel?

12 THE COURT: Right? I'll appoint a standby
13 counsel. Let me write that down so I remember.

14 THE CLERK: I already got it.

15 THE COURT: I heard, oh, you already got it.
16 Okay. All right. I'm going to schedule you for a jury
17 trial for the week of July 14. Are you around that week?

18 MR. ROACH: Absolutely.

19 THE COURT: Okay.

20 MR. ROACH: Yes. July.

21 THE COURT: The what?

22 MR. ROACH: That was more than what I was
23 expecting. Yes.

24 THE COURT: That what?

25 MR. ROACH: I said. That's good. Good time.

1 THE COURT: Yeah.

2 MR. ROACH: Yes.

3 THE COURT: Okay. What I'll do is I'll give you
4 one date in between where you can let us know what your
5 decision was, whether you want to accept the plea or you
6 want to go forward with the trial. Okay?

7 MR. ROACH: Understood. Yes.

8 THE COURT: And of course, in the meantime,
9 we'll have a standby counsel appointed. If you want to
10 discuss this matter with them, you're free to do so.

11 MR. ROACH: Understood.

12 THE COURT: Okay. All right. So let's, how about
13 if we do like June 9th for a status just so you can let
14 us know?

15 MR. ROACH: June 9th. That's fine. If, if that's

16 ---

17 THE COURT: Does that work?

18 MR. ROACH: Yes, Your Honor? Yes. That's good
19 with Your Honor. This is fine with me.

20 THE COURT: Okay, thanks. All right, so we'll
21 say right now status 6/9/25 jury trial. Did I say July?

22 MS. CAPPELLI: Think you said 14th.

23 THE COURT: July 14th.

24 MS. CAPPELLI: Yes.

1 THE COURT: 7/14/25. Okay. I think we got you
2 covered for today.

3 MS. CAPPELLI: You copies are ---

4 MR. ROACH: Okay.

5 MS. CAPPELLI: I give you the -- for standby
6 counsel, I'll give.

7 THE COURT: That person should contact you. We
8 have your address, phone number, and email and ---

9 MS. CAPPELLI: Oh, never mind. You already gave
10 the -- I just wanted to make sure the new address is on
11 there.

12 MR. ROACH: It is, everything is up to date.

13 THE COURT: Okay. You good for today?

14 MR. ROACH: Yes, Your Honor.

15 THE COURT: All right.

16 MR. ROACH: Appreciate.

17 THE COURT: Take care, Mr. Melvin.

18 MR. ROACH: May I be excused today?

19 THE COURT: All right. Have a good one.

20 MR. ROACH: You too.

21 [Proceeding concluded]
22

C E R T I F I C A T E

I, Richard Coogan, hereby certify that the proceedings and evidence are contained fully and accurately on digital multi-track recording; that the recording was reduced to typewriting by my direction; and that this is a correct transcript of the same.

Richard Coogan, Director
Electronic Recording Center

Officemotive, Inc. DBA Capital Typing., hereby certifies that the attached pages represent an accurate transcript of the multi-track digital sound recording of the proceedings in the Court of Common Pleas of Delaware County, Pennsylvania, in the matter of:

COMMONWEALTH OF PENNSYLVANIA

vs.

MELVIN ROACH

CR-3711-24

BY:



Christian Hartselle, CET-2774
Transcriber for
Officemotive, Inc. DBA Capital Typing

The foregoing record of the proceedings upon the hearing of the above cause is hereby approved and directed to be filed.

Judge