

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

AMY MCFALLS, JASON CRUNETTI,	:	
VINCENT ESPOSITO, GREGORY	:	
JACKSON, and BRENDA LACY, on behalf	:	No. _____
of themselves and all persons similarly	:	Class Action
situated,	:	Original Jurisdiction
	:	
<i>Plaintiffs,</i>	:	
	:	
v.	:	
	:	
38 TH JUDICIAL DISTRICT, Hon.	:	
THOMAS M. DELRICCI, President Judge	:	
(in his official capacity),	:	
MICHAEL R. KEHS, Esq. Court	:	
Administrator (in his official capacity), and	:	
LORI SCHREIBER, Clerk of Courts (in her	:	
official capacity),	:	
	:	
<i>Defendants.</i>	:	

NOTICE TO PLEAD

To the Defendants: You are hereby notified to file a written response to the Petitioners' enclosed Class Action Petition for Review within twenty (20) days from service hereof, or such other time as the Court prescribes, or judgment may be entered again you.

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days, or within the time set by order of the court, after this petition for review and notice are served, by entering a written appearance personally or by attorney and filling in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case

may proceed without you and a judgment may be entered against you by the court without further notice for

any money claimed in the complaint or for any other claims or relief requested by the plaintiff. You may lose money or property or other rights important to you. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to

find out where you can get legal help.

Montgomery Bar Association
Lawyer Reference Service
100 West Airy Street (REAR)
Norristown, PA 19401
(610) 279-9660, Extension 201

/s/ John J. Grogan

John J. Grogan
PA I.D. No. 72443
David A. Nagdeman
PA I.D. No. 327652
LANGER, GROGAN & DIVER P.C.
1717 Arch St., Ste 4020
Philadelphia, PA 19103
Tel: (215) 320-5660
Fax: (215) 320-5703
jgrogan@langergrogan.com
dnagdeman@langergrogan.com

Andrew C. Christy
PA I.D. No. 322053
Mary Catherine Roper
PA I.D. No. 71107
ACLU OF PENNSYLVANIA
P.O. Box 60173
Philadelphia, PA 19102
Tel: (215) 592-1513
Fax: (215) 592-1343
achristy@aclupa.org
mroper@aclupa.org

Seth Kreimer
PA ID No. 26102
3501 Sansom Street
Philadelphia, PA 19104
(215) 898-7447
skreimer@law.upenn.edu

AMY MCFALLS, JASON CRUNETTI,
VINCENT ESPOSITO, GREGORY
JACKSON, and BRENDA LACY, on behalf
of themselves and all persons similarly
situated,

Plaintiffs,

v.

38TH JUDICIAL DISTRICT, Hon.
THOMAS M. DELRICCI, President Judge
(in his official capacity),
MICHAEL R. KEHS, Esq. Court
Administrator (in his official capacity), and
LORI SCHREIBER, Clerk of Courts (in her
official capacity),

Defendants.

I. NATURE OF THE ACTION

1. This is a class action brought to declare and remedy violations of the United States Constitution, the Pennsylvania Constitution, and long-standing Pennsylvania law. The violations arise from the persistent practice and policy of the 38th Judicial District Court of Common Pleas in Montgomery County, its President Judge, the Administrator of that Court, and its Clerk of Courts, of assessing and collecting unlawful duplicative court costs in arbitrarily selected criminal cases (including cases with only summary offenses). This practice

contravenes statutory authority, the Rules of Criminal Procedure, and the common law. The Defendants' constitutional violations include imposing such unauthorized costs without any rational basis, and imposing such costs (and all costs) without timely and adequate notice of the costs to be imposed in the form of a bill of costs, thereby depriving the individual Plaintiffs and class members of any meaningful opportunity to recognize and contest the imposition of these unauthorized and unconstitutional costs.

2. Pennsylvania law permits courts to impose costs in criminal cases only as specifically provided for by statute.

3. In no instance does Pennsylvania law authorize courts to impose duplicative costs on multiple charges arising from the same incident or occurrence in a single criminal proceeding against a single defendant. The imposition of such duplicative costs constitutes unauthorized and unconstitutional conduct.

4. Notwithstanding this clear law, Defendants have, for years, engaged in these illegal and unconstitutional practices.

5. These duplicative and illegal costs are imposed regardless of whether there is an explicit order of a judge authorizing them, and they are then assessed and collected by court administration. As a result of these unlawful and unconstitutional practices and policies, thousands of defendants in Montgomery County criminal cases have been taxed with, have paid in part or full, and—in

many cases—still owe illegal costs that add up to hundreds or thousands of dollars per case.

6. As the ACLU and others have documented, most people with criminal convictions struggle to pay their fines, costs and restitution, and it is no different in Montgomery County. The median public defender client in Montgomery County still owes hundreds of dollars, even ten years after case disposition. *See* Jeffrey Ward, et al., “Imposition and Collection of Fines, Costs, and Restitution in Pennsylvania Criminal Courts: Research in Brief,” at 9, ACLU of Pennsylvania (Dec. 18, 2020) (Table 6), www.aclupa.org/courtdebt.

7. Defendants’ practice of imposing illegal duplicative costs makes it even harder for the affected individuals to resolve their criminal cases. Criminal court debt is a barrier to reintegration, particularly for individuals leaving prison, and unpaid (or unpayable) court debt can trigger devastating collateral and legal consequences, from arrest for “failure to pay” bench warrants, to probation revocation or extension, to denial of some public benefits. *See* Jeffrey Ward, et al., “Imposition and Collection of Fines, Costs, and Restitution in Pennsylvania Criminal Courts: Research in Brief,” at 2, ACLU of Pennsylvania (Dec. 18, 2020), www.aclupa.org/courtdebt.

8. By letter dated May 29, 2018, the American Civil Liberties Union of Pennsylvania (prior to its representation of any Plaintiff or class member) brought

this conduct to the attention of Defendants and sought an end to the practice. *See* Exhibit A.

9. Despite repeated requests from the ACLU, Defendants refused to halt this conduct. In fact, upon information and belief, the 38th Judicial District adopted an internal policy, after receiving the ACLU's letter, explicitly allowing for the imposition of duplicative costs in a single criminal case.

10. Publicly available case data from courts of common pleas across the Commonwealth show that the Montgomery County Court of Common Pleas has illegally imposed duplicative costs far more often than other courts, and in numbers that bely any argument that such conduct is a mistake. Prior to the ACLU's letter, the 38th Judicial District imposed unauthorized and unconstitutional costs in some 1,500 cases a year. More than a year after the ACLU's letter, the 38th Judicial District is still an outlier, imposing these illegal costs in more cases than any court other than the 52nd Judicial District in Lebanon County, as shown in the chart below, using data from the Administrative Office of Pennsylvania Courts ("AOPC") for cases adjudicated from January 1, 2019 through October 26, 2020:

County	Duplicate Costs in Criminal Cases	Duplicate Costs in Summary Appeal cases	Total
Lebanon	1069	23	1092
Montgomery	467	123	590
Luzerne	403	0	403
McKean	293	2	295
Chester	202	0	202
Schuylkill	56	6	62
Lackawanna	42	0	42
Philadelphia	32	0	32
Allegheny	21	2	23
Clarion	17	4	21
Carbon	12	7	19
York	11	12	23
Clearfield	11	0	11
Columbia	11	0	11
Monroe	9	1	10
Warren	7	0	7
Mercer	7	2	9
Venango	7	0	7
Wyoming	7	1	8
Clinton	7	0	7
Lehigh	6	0	6
Dauphin	6	0	6
Mifflin	6	0	6
Lawrence	6	0	6
Butler	5	9	14
Delaware	5	1	6
Washington	5	0	5
Adams	4	3	7
Potter	4	1	5
Pike	4	0	4
Bucks	4	0	4
Cambria	4	0	4
Blair	4	27	31
Sullivan	4	0	4
Armstrong	3	11	14
Wayne	3	0	3
Franklin	3	0	3

Lycoming	2	0	2
Union	2	0	2
Westmoreland	2	0	2
Beaver	2	0	2
Bedford	2	0	2
Susquehanna	1	3	4
Erie	1	1	2
Indiana	1	2	3
Bradford	1	0	1
Crawford	1	1	2
Huntingdon	1	0	1
Lancaster	1	1	2
Snyder	1	0	1
Cumberland	0	15	15
Greene	0	7	7
Juniata	0	5	5
Berks	0	2	2
Northampton	0	2	2
Northumberland	0	1	1

11. That eleven-month period is not an outlier. AOPC data also shows that from the beginning of 2008 through the end of 2018, Montgomery County assessed duplicative court costs in 12,918 cases—far more than any other county.

12. Defendants have further compounded the harm by failing to provide a bill of costs at the time of sentencing in criminal cases. Instead—weeks after sentencing—defendants in *some* criminal cases receive a demand for payment letter which only informs them of the total amount of fines, costs, and restitution owed. At no point are defendants in criminal cases informed in writing of their right to object to the imposition of such costs, nor is the procedure for doing so explained in a written notice. Defendants’ failure to tell litigants what specific

costs the court will impose means that defendants in criminal cases never know that they have been assessed duplicative costs and cannot challenge this unlawful conduct.

13. This case is brought by individuals against whom unauthorized duplicative costs were imposed by the 38th Judicial District, on behalf of themselves and on behalf of all persons similarly situated.

14. The class on whose behalf the named Plaintiffs bring this action is composed of persons who have been, or will be, subjected to the imposition and collection of unconstitutional and unauthorized duplicative costs in criminal cases, including those with summary charges, in the Montgomery County Court of Common Pleas and is more precisely defined below.

15. This action seeks declaratory and injunctive relief only.

II. JURISDICTION AND VENUE

16. The Commonwealth Court has original jurisdiction over this action and all forms of relief requested pursuant to 42 Pa.C.S. § 761(a)(1).

III. THE PARTIES

17. Plaintiff Amy McFalls was assessed duplicative court costs without notice in CP-46-CR-0002346-2018 and still owes money to the Montgomery County Court of Common Pleas. Ms. McFalls is a resident of New Castle County, Delaware.

18. Plaintiff Jason Crunetti was assessed duplicative court costs without notice in CP-46-CR-0002332-2019 and still owes money to the Montgomery County Court of Common Pleas. Mr. Crunetti is a resident of Montgomery County, Pennsylvania.

19. Plaintiff Vincent Esposito was assessed duplicative court costs without notice in CP-46-CR-0002750-2018 and still owes money to the Montgomery County Court of Common Pleas. Mr. Esposito is a resident of Montgomery County, Pennsylvania.

20. Plaintiff Gregory Jackson was assessed duplicative court costs without notice in CP-46-CR-0003593-2019 and still owes money to the Montgomery County Court of Common Pleas. Mr. Jackson is a resident of Philadelphia County, Pennsylvania.

21. Plaintiff Brenda Lacy was assessed duplicative court costs without notice in CP-46-CR-0003398-2017 and still owes money to the Montgomery County Court of Common Pleas. Ms. Lacy is a resident of Bucks County, Pennsylvania.

22. Defendant 38th Judicial District, which sits in Montgomery County, Pennsylvania, is a judicial district of Pennsylvania's Unified Judicial System, and includes the Montgomery County Court of Common Pleas.

23. Defendant the Hon. Thomas M. DelRicci is the current President

Judge of the 38th District and as such is charged with administrative responsibility for the functioning of the courts. Defendant DelRicci maintains a policy or practice of permitting the assessment and collection of illegal duplicative court costs. Judge DelRicci is aware that duplicative court costs are imposed in an arbitrary manner in the Montgomery County Court of Common Pleas, but has done nothing to halt the practice, instead expressly permitting it. He is sued here for declaratory and injunctive relief in his official capacity.

24. Defendant Michael Kehs is currently the District Court Administrator of the 38th Judicial District. As District Court Administrator, he supervises and directs the court administrative staff that completes the paperwork attendant to criminal proceedings, including sentencing forms. Defendant Kehs maintains a policy or practice, through that staff, of assessing duplicative court costs in individual criminal cases, even though such assessments are not authorized by law. The result is that Defendant Kehs, through his staff, imposes the illegal costs described herein. Defendant Kehs is aware that duplicative court costs are imposed in an arbitrary manner in the Montgomery County Court of Common Pleas, but has done nothing to halt the practice, instead permitting it. He is sued for declaratory and injunctive relief in his official capacity.

25. Defendant Lori Schreiber is currently the Clerk of Courts for Montgomery County. As Clerk of Courts, she is responsible for the maintenance of

all criminal court records. She supervises and directs the staff that enters sentencing and other docket information in criminal cases into the Common Pleas Case Management System ("CPCMS") computer system. In addition, Defendant Schreiber supervises staff that collects all fines, costs, and restitution arising from criminal cases. Defendant Schreiber maintains a policy or practice, through her staff, of entering duplicative court costs into the docket and calculating the costs, thereby effecting the imposition of those illegal costs. Defendant Schreiber is aware that duplicative court costs are imposed in an arbitrary manner in the Montgomery County Court of Common Pleas, but has done nothing to halt the practice, instead permitting it. In addition, Defendant Schreiber maintains a policy or practice, through her collections staff, of collecting these illegal costs. She is sued for declaratory and injunctive relief in her official capacity.

IV. FACTUAL ALLEGATIONS

A. Imposition of Costs in Criminal Cases Under Pennsylvania Law.

26. Court costs, unlike fines or restitution, are not part of a criminal sentence and are instead “an incident of the judgment.” *Commonwealth v. Giacco*, 202 A.2d 55, 58 (Pa. 1964), *reversed on other grounds*, *Giacco v. Pennsylvania*, 382 U.S. 399 (1966).

27. A defendant in a criminal case may be required to pay specifically enumerated costs only when they are authorized by statute. Attached hereto as

Exhibit B is a listing of all of the court costs, and underlying statutory authority, that Defendants may impose on criminal defendants in Montgomery County.

28. Moreover, courts are under a legal obligation to strictly construe all statutory provisions governing the imposition of costs because they are penal in nature.

29. When costs are imposed in a criminal case, the court must provide a “bill of costs” to the defendant at sentencing and give that person an opportunity to object to the costs. If the trial court rejects a defendant’s objections to costs, that decision may be appealed as of right.

30. Plaintiffs, and the class they seek to represent, have been assessed costs in their Montgomery County criminal cases that are not authorized by law and as to which they have had no meaningful opportunity to object.

B. Unlawful Imposition of Costs on Multiple Charges in the Same Case.

31. The Defendants violate Pennsylvania law by imposing duplicative costs in some criminal cases. Sometimes Defendants impose a complete set of costs on each charge in a case even though those charges all arise out of a single incident or occurrence. Other times, without any apparent, distinguishing reason, Defendants duplicate only a limited number of costs when they impose duplicate costs in a single case. Whether Defendants impose duplicative costs, which costs they duplicate, and the criminal charges to which they assign these different costs

changes from defendant to defendant.

32. Under Pennsylvania law, such costs may only be imposed once in a single criminal proceeding arising out of a single incident or occurrence, regardless of the number of charges for which that defendant has been found or pled guilty. Absent specific statutory authorization, there is no lawful basis to impose such costs on more than one charge of a case.

33. There are approximately two dozen separate court costs that, pursuant to statutory authority, Defendants could impose on criminal defendants following conviction. None of the applicable statutory provisions provide for imposition of a cost on multiple charges against a single defendant. A complete list of the relevant costs is attached as Exhibit B.

34. By way of illustration, the “Access to Justice” fee authorized by 42 Pa.C.S. § 3733.1(a)(3), 42 Pa.C.S. § 3733(a.1)(1)(ii) and 72 P.S. § 1795.1-E(b)(2), may be imposed “in any criminal *proceeding*.” The “County and State Court Cost,” authorized by 42 Pa.C.S. § 1725.1(b), applies in “every criminal *case*.” And the assessment for the “Judicial Computer Project” authorized by 42 Pa.C.S. § 3733(a.1), applies “for the initiation of any criminal *proceeding*.” None of these authorizing statutes allow courts to impose these costs for “each charge” or “per charge” or for “every separate offense.”

35. Notwithstanding this, the Defendants have imposed duplicative costs,

per charge, against the named Plaintiffs and the other class members.

36. Upon information and belief, the 38th Judicial District has institutionalized this practice by adopting a policy that allows judges of the Court of Common Pleas to exercise arbitrary discretion to impose duplicative costs.

37. These costs are not imposed in every criminal case where a defendant is convicted of multiple charges. Data from AOPC shows that duplicated costs were imposed in over 500 cases between the beginning of 2019 and October 26, 2020.

38. The operation and impact of this practice is well-illustrated in the cases of the named Plaintiffs in this action.

39. Plaintiff Amy McFalls was convicted in case CP-46-CR-0002346-2018 of driving under the influence, aggravated harassment by a prisoner, and institutional vandalism, which arose out of a single occurrence. At sentencing on December 11, 2019, the judge imposed a sentence of incarceration, probation, a \$300 fine, and “costs.” Neither the transcript nor the sentencing order, attached here as Exhibit C, specified the amount of costs or a breakdown thereof; the sentencing order only says she is to “pay the costs of prosecution.”

40. Neither Ms. McFalls nor her attorney was ever given or served with any document that listed the breakdown of costs, let alone the list of costs per charge.

41. Ms. McFalls was aware of and regularly reviewed the electronic docket sheet on the UJS portal; sometime after sentencing, whenever Defendants added information about the fines and costs in her case to CPCMS, she first saw that the court had imposed approximately \$3,500 in costs. She looked up the Acts associated with some of the costs and saw that they had been enacted by the legislature and seemed to describe the associated costs on her docket sheet. At no time, however, was Ms. McFalls aware that certain costs were assessed on multiple charges.

42. Defendants billed Ms. McFall a total of \$3,576.50 in court costs. However, Defendants duplicated the following costs, assessing twice the authorized amount: ATJ; CJES; Commonwealth Cost; Court Cost; Court Child Care; Crime Victims Compensation; Firearms and Education Training Fund; JCPS; Judicial Computer Project; OAG-JCP; State Court Costs; Substance Abuse Education; Variable Amount to be Distributed CVC/VWS (which appears four times and should appear only twice), and Victim Witness Service. This overbilling amounted to approximately \$276.25. Ms. McFall still owes \$2,441.45 on this case.

43. Plaintiff Jason Crunetti pled guilty in case CP-46-CR-0002332-2019 to driving under the influence and to resisting arrest, which arose out of the same occurrence. At sentencing on July 11, 2019, the judge imposed a \$1,000 fine and a period of incarceration. At the request of Mr. Crunetti's counsel, who explained

that Mr. Crunetti was unable to afford to pay costs, the sentencing judge stated: “I will waive the costs.” Nevertheless, Defendants imposed costs in Mr. Crunetti’s case. The sentencing order, attached as Exhibit D, did not specify the amount of costs or a breakdown thereof.

44. Neither Mr. Crunetti nor his attorney was ever given or served with any document that listed the breakdown of costs, let alone the list of costs per charge.

45. Mr. Crunetti was unaware that the electronic docket sheet on the UJS portal was eventually updated to include a list of costs in his case. Moreover, Mr. Crunetti was incarcerated after sentencing and did not have access to the electronic docket.

46. Defendants billed Mr. Crunetti a total of \$1,782.75 in costs. However, Defendants duplicated the following costs by assessing them for each charge: ATJ, CJES, Commonwealth Cost, County Court Cost, Court Child Care, Crime Victims Compensation, Firearms Education and Training Fund, JCPS, Judicial Computer Project, OAG-JCP, State Court Costs, Substance Abuse Education, Variable Amount to be Distributed CVC/VWS (which appears four times and should appear only twice), and Victim Witness Service. All of these costs should have been waived, per the decision of the sentencing judge, and the duplicated costs amounted to approximately \$258.75. Mr. Crunetti still owes \$1,782.75 on this

case.

47. Plaintiff Vincent Esposito pled guilty in case CP-46-CR-0002750-2018 to theft and carrying a firearm without a license, which arose out of the same occurrence. At sentencing on October 17, 2019, the judge imposed a sentence of incarceration and probation, and the judge ordered Mr. Esposito to pay “costs.” Neither the transcript nor the sentencing order, attached here as Exhibit E, specified the amount of costs or a breakdown thereof.

48. Neither Mr. Esposito nor his attorney were ever given or served with any document that listed the breakdown of costs, let alone the list of costs per charge.

49. Mr. Esposito was unaware that the electronic docket sheet on the UJS portal was eventually updated to include a list of costs in his case. Moreover, as a result of his incarceration in this matter, he did not have access to the electronic docket sheet.

50. Defendants billed Mr. Esposito a total of \$1,562.75 in costs. However, Defendants duplicated the following costs by assessing them for each charge: ATJ, CJES, Commonwealth Cost, Costs of Prosecution – CJEA, County Court Cost, Court Child Care, Crime Victims Compensation, Domestic Violence Compensation, Firearms Education and Training Fund, JCPS, Judicial Computer Project, OAG – JCP, State Court Costs, Variable Amount to be Distributed

CVC/VWS (which appears four times and should appear only twice), and Victim Witness Service. This overbilling amounted to approximately \$276.25. Mr. Esposito still owes \$725.00 on this case.

51. Plaintiff Gregory Jackson pled guilty in case CP-46-CR-0003593-2019 to charges of robbery and criminal conspiracy, which arose out of the same occurrence. At sentencing on December 5, 2019, the judge imposed a sentence of incarceration but did not mention costs at the sentencing hearing. The sentencing order, attached here as Exhibit F, does not specify the amount of costs or a breakdown thereof.

52. Neither Mr. Jackson nor his attorney was ever given or served with any document that listed the breakdown of costs, let alone the list of costs per charge.

53. Mr. Jackson was unaware that the electronic docket sheet on the UJS portal was eventually updated to include a list of costs in his case. Moreover, because he has been continuously incarcerated as a result of other convictions, he has not had access to the electronic docket sheet.

54. Defendants billed Mr. Jackson a total of \$1,160.75 in costs. However, Defendants duplicated the following costs by assessing them for each charge: ATJ, CJES, Commonwealth Cost, Costs of Prosecution – CJEa, County Court Cost, Crime Victims Compensation, Domestic Violence Compensation, Firearms

Education and Training Fund, JCPS, Judicial Computer Project, OAG-JCP, State Court Costs, Variable Amount to be Distributed CVC/VWS (which appears four times and should appear only twice), and Victim Witness Service. This overbilling amounted to approximately \$272.75. Mr. Jackson still owes \$1,160.75 on this case.

55. Plaintiff Brenda Lacy pled guilty in case CP-46-CR-0003398-2017 to two counts of possessing a controlled substance, which arose out of the same occurrence. At sentencing on October 4, 2019, the judge imposed a period of probation but did not mention costs at the sentencing hearing. The sentencing order, attached here as Exhibit G, does not specify the amount of costs or a breakdown thereof.

56. Ms. Lacy was never given or served any document that listed the total amount of costs or the breakdown of costs. Ms. Lacy was unaware that the electronic docket sheet on the UJS portal was eventually updated to include a list of costs in her case. Moreover, because she has been continuously incarcerated as a result of other convictions, she has not had access to the electronic docket sheet.

57. Defendants billed Ms. Lacy a total of \$1,083.25 in costs. However, Defendants duplicated the following costs by assessing them for each charge: ATJ, CJES, Commonwealth Cost, Costs of Prosecution – CJEA, County Court Cost, Court Child Care, Crime Victims Compensation, Domestic Violence Compensation, Firearms Education and Training Fund, JCPS, Judicial Computer

Project, State Court Costs, Substance Abuse Education, Variable Amount to be Distributed CVC/VWS (which appears four times and should appear only twice), and Victim Witness Service. This overbilling amounted to approximately \$411.50. Ms. Lacy still owes \$1,083.25 on this case.

58. The named Plaintiffs now suffer and will continue to suffer injury as a result of the unauthorized costs imposed on them because the Defendants maintain public records showing that those costs are due and owing, and continue to send letters in an effort to collect those costs which threaten the named Plaintiffs with various coercive measures that include the threat of contempt or probation revocation proceedings, the issuance of warrants for arrest, and the referral of the matter to collection agencies with a consequent additional 25% assessment on the balance due. *See Exhibit H.*¹

C. Defendants' Unlawful Policy or Practice Results in Duplicative Costs Being Imposed with No Rational Basis that Explains or Justifies Imposition of Unauthorized Costs in Some Cases but Not in Others.

59. Insofar as Plaintiffs are able to discern, under Defendants' unlawful

¹ Because Defendants do not keep copies of such notices after they are mailed to criminal defendants, the example in Exhibit H is a typical copy that, upon information and belief, is in the same form as is always used. This Exhibit consists of three separate notices. The three notices include a first notice that is sent sometime after sentencing, a second notice that is sent if the defendant has defaulted on payment, and a third and final notice that is sent before the case is referred to a private debt collection agency.

policy or practice, the choice of which defendants suffer duplicative costs is an arbitrary one. No rational justification supports imposing unauthorized costs in any given case and not in others.

60. In some cases identified by Plaintiffs' counsel, duplicative costs are assessed without any express order from the court.

61. According to the most recent publicly available data, duplicative costs were imposed between January 1, 2019 and October 26, 2020 in some cases before nearly all of the Montgomery County judges currently hearing criminal matters.

D. Failure to Provide Timely and Effective Notice of the Costs Imposed

62. Based on the court records—including transcripts—reviewed by Plaintiffs' counsel, judges of the 38th Judicial District determine at the time of sentencing whether a criminal defendant must pay court costs, but they do not enumerate those costs to the defendant or the defendant's counsel.

63. Upon information and belief, a clerk sitting in the court room reduces the oral sentencing proceedings to a written order by filling in a pre-printed form, supplied by Defendants and not by the Administrative Office of the Pennsylvania Courts, to be signed by the judge.

64. That pre-printed form disaggregates all of the charges that have been brought against the defendant. The courtroom clerk uses the form to specify the charges to which the defendant pleads guilty or to which the defendant has been

found guilty. Some clerks use this form to note the assessment of costs on multiple charges, even though such duplicative costs are not legal.

65. The use of this form, which appears to be unique to the 38th Judicial District, is one of the ways in which Defendants have institutionalized the practice of assessing duplicative costs in some cases.

66. Even this pre-printed sentencing form, however, does not itemize the costs to be imposed on a defendant nor, where multiple charges are involved, does it correlate the costs imposed to any particular criminal charge. Finally, it does not contain any reference or citation to the statutes authorizing the imposition of any costs.

67. The pre-printed form provides no space for the clerk to specify the total amount of the costs of prosecution, let alone to itemize those costs.

68. Upon information and belief, this sentencing form is the only information about costs included in the case file.

69. Upon information and belief, once the sentencing form is delivered to the Clerk of Courts, staff in that office enter the sentence into the Common Pleas Case Management System (“CPCMS”) computer system. It is at this point that staff for the Clerk of Courts, interpreting the judge’s order (as reduced to writing by court administrative staff), puts in the computer system the specific itemized costs that the defendant owes.

70. Sometime after the sentencing order is signed, the Clerk of Courts mails a Payment Plan Introduction Letter to the defendant. The passage of time between the sentencing and the issuance of the Payment Plan Introduction Letter may be days or weeks after the sentencing order is issued. (A copy of a sample Payment Plan letter is incorporated in Exhibit H).

71. The Payment Plan Letter states the total amount owed by the defendant. The amounts are not itemized, nor correlated to specific charges. The defendant is informed only of the total amount owed, the date by which payments are due and the means by which payment can be made, e.g., by money order, or cashier's check etc.

72. Upon information and belief, the Payment Plan Introduction Letter is mailed to defendant, but no copy is retained by the Clerk of Courts and a copy is not placed in the case file.

73. The Payment Plan Letter is the only written communication regarding the imposition of costs that is received by a defendant in a criminal case. It is not sent to all defendants, and incarcerated defendants never receive this from Defendants.

74. If a defendant does not pay as instructed, the Clerk of Courts sends a collections letter which reiterates the total amount originally owed, the amount currently still owed, the amount of immediate payment required to forestall

adverse consequences, and a listing of potential adverse consequences if payment is not made. Again, there is neither itemization of the costs, nor correlation of costs to specific charges.

75. Upon information and belief, the only place that a defendant ever can see what costs have been imposed in his case is when those costs are itemized on the electronic docket sheets on a website administered by the AOPC.

76. Plaintiffs and the class members were not informed by Defendants that the electronic docket sheet exists, or that it contains information about their court costs.

77. The electronic docket includes a section titled “Case Financial Information,” which provides an itemization of the various costs imposed including the amounts and a descriptor of the nature of each cost and some reference to the statute authorizing the imposition of the cost. It distinguishes between costs and fines. It shows payments made with respect to those costs and fines.

78. However, even the electronic docket does not correlate the costs imposed with any specific charges in the case, meaning that, for a defendant to detect that he has been assessed duplicative costs, he would have to review the list of costs and note which costs appear more than once, as well as knowing which costs he was expected to pay. Thus, a defendant has no way of knowing, for

example, that if the Access to Justice appears more than once on the docket sheet, that it was assessed on more than one charge. Neither the docket sheet nor any other notice provided the defendant tells him if the Access to Justice cost (for example) must be paid twice per charge, or once per charge, or on what basis Defendants have assessed it at all.

79. Moreover, at least one cost—the “Offender Supervision Program” cost (probation supervision fees), or “OSP” as it appears on the docket—is supposed to appear twice, as half of the funds go to the county and half to the Pennsylvania Parole Board. There is, of course, nothing to tell Plaintiffs or the class members that this cost should appear twice in a single case but that other costs should not.

80. Upon information and belief, the data contained in the electronic docket comes from the CPCMS maintained on a state-wide basis by AOPC. The public can access electronic dockets through the Unified Judicial System website administered by AOPC.

81. Upon information and belief, this financial information appears on the electronic docket days or weeks after sentencing. Even after it is posted on the electronic docket, neither the defendant nor his or her counsel, if any, is informed it has been posted or served with a copy.

82. The electronic docket does not contain any information informing a

defendant of his right to object or to appeal the imposition of unauthorized costs.

83. In no place other than the electronic docket are defendants and their counsel even able to access the financial information about the case.

84. While the general public has access to the electronic docketing reports provided they know it exists, the person must have access to a computer, the internet, and the skill and information necessary to search for and locate the appropriate record.

85. To compound the problem, although judges in the 38th Judicial District announce the specific amount of any fines and restitution at the time of sentencing, they do not specify the total amount of costs at sentencing. At most, they simply state that the defendant must pay costs. No Plaintiffs nor their counsel, nor any other defendants in criminal cases in Montgomery County, receive a bill of costs at the time of sentencing to review and make contemporaneous objections at the time those costs are imposed.

86. Therefore, although criminal defendants become liable for costs at the time that they are imposed—at sentencing—they are unaware of the total amount they owe, how the costs were calculated, or whether Defendants erred in their imposition.

87. Neither Plaintiffs nor any other defendants in criminal cases in Montgomery County were provided at sentencing with an itemized bill of costs

that showed precisely the amounts they owe, the itemized accounting of the various costs imposed, the correlation of costs imposed to the various charges that may have been pending against them, or the statutes authorizing the imposition of the costs lodged against them.

88. As a result, Plaintiffs and the class members in Montgomery County are not provided notice that would allow them to determine the specific nature of the costs imposed on them, to determine if any costs have been imposed in a duplicative manner contrary to statutory authorization, to determine whether the costs are authorized; and finally, they are not provided notice of their right to appeal or object to the imposition of costs nor informed how to do so.

V. CLASS ACTION ALLEGATIONS

89. Plaintiffs bring this action on behalf of themselves and as a class action under Rules 1701-1717 of the Pennsylvania Rules of Civil Procedure on behalf of all persons who fall within the definition of the following Class:

All individuals who have appeared or will appear as defendants in criminal cases in the 38th Judicial District and against whom any duplicated costs have been or will be imposed in one criminal case when the charges arise out of the same occurrence.

90. The class of persons encompassed in the proposed class definition is so numerous that joinder of all members is impracticable. The exact number of class members is unknown to the Plaintiffs and their counsel but can be determined

by the records of the Defendants. Data from the Administrative Office of the Pennsylvania Courts shows more than 500 cases between January 1, 2019 and October 26, 2020 in which duplicative costs have been assessed in criminal cases in the Montgomery County Court of Common Pleas.

91. There are numerous questions of fact and law common to the class. Some of the common questions include the following:

- a. Whether and at what time an itemized bill of costs was provided to members of the class;
- b. Whether and at what time notice of the costs imposed on members of the class was provided;
- c. Whether the notice of costs imposed on members of the class constitutes adequate notice under the due process clauses of the United States and/or Pennsylvania Constitutions;
- d. Whether and to what extent costs were imposed on members of the class on multiple charges in the same case where the statute authorizing such costs does not authorize the imposition of costs multiple times against a single defendant.
- e. Whether the Payment Plan Introduction Letter sent by Defendants to a defendant constitutes constitutionally timely and adequate notice of the costs imposed;

f. Whether the electronic docket, which is not provided to or served on a defendant and which provides no information about the means to challenge or object to the imposition of costs, constitutes constitutionally timely and adequate notice;

g. Whether the 38th Judicial District has a policy or practice of allowing judges to impose duplicative costs at their discretion;

h. Whether the 38th Judicial District has a policy or practice of recording duplicative costs that are not authorized by statute;

i. Whether and at what time, the Defendants became aware that unlawful costs were being imposed in some criminal cases;

j. Whether, having learned that unlawful costs were being imposed in some criminal cases, the Defendants made any efforts to halt this practice.

92. The claims and defenses of the representative parties are typical of the claims or defenses of the class.

93. The representative parties will fairly and adequately assert and protect the interests of the class under the criteria set forth in Pa.R.C.P. 1709 in that the Plaintiffs are represented by counsel who are well-experienced in the prosecution of complex, constitutional matters and in the prosecution of class litigation; the Plaintiffs have no conflict of interest in the maintenance of the class action; and the

Plaintiffs have or can acquire the adequate financial resources to assure that the interest of the class will not be harmed.

94. A class action provides a fair and efficient method for adjudication of the controversy under the criteria set forth in Pa.R.C.P. 1708 in that common questions of fact or law predominate over any question affecting only individual members; the number of people encompassed in the class and the nature of the claims in the class action are best and most efficiently managed through a class action because prosecution of these claims on an individual basis would result in multiple individual lawsuits raising identical claims and would burden the courts; further prosecution of these claims in individual cases would pose a risk of inconsistent or varying adjudications that would likely subject the party opposing the class to incompatible standards of conduct; the adjudication of the claims of the representative parties on an individual basis would likely be dispositive of the interests of other members not party to the adjudication and would substantially impair or impede their ability to protect their interests; and this forum is appropriate for the resolution of these claims as this Court has original jurisdiction over these claims. Finally, Plaintiffs allege that the Defendants have acted and refused to act on grounds generally applicable to the class, and therefore, any final equitable or declaratory relief ordered by this Court will be appropriate with respect to all members of the class.

VI. CLAIMS FOR RELIEF

COUNT I

(*Ultra Vires* Imposition of Duplicative Costs in a Criminal Case, against all Defendants)

95. Plaintiffs incorporate by reference each preceding paragraph as though fully set forth herein.

96. The 38th Judicial District and President Judge DelRicci maintain a policy or practice of allowing the imposition of duplicative court costs on multiple charges of a criminal case that arise out of a single incident or occurrence.

97. Defendant Kehs supervises the court administrative staff and maintains a policy or practice, through that staff, of documenting in the sentencing form and therefore implementing duplicative—and therefore illegal—costs.

98. Defendant Schreiber, as the Clerk of Courts for Montgomery County, maintains a policy or practice, through her staff, of entering sentencing orders into the docket and calculating the costs, thereby effecting the imposition of those illegal costs.

99. In addition, Defendant Schreiber maintains a policy or practice, through her collections staff, of collecting these illegal costs.

100. No Pennsylvania statute governing the imposition of costs in criminal matters authorizes the imposition of costs multiple times on multiple charges in a single criminal proceeding against a single defendant. In fact, Pennsylvania law

forbids such duplication of costs.

101. As a direct and proximate result of the conduct of the Defendants, the named Plaintiffs and the members of the putative class now suffer or will suffer and will continue to suffer injury as a result of such unauthorized costs imposed on them because the Defendants purport that those costs are authorized and are lawfully imposed, maintain public records showing that those costs are due and owing, continue to make efforts to collect those costs with letters that threaten the named Plaintiffs with various coercive measure including the threat of contempt proceedings, issuance of a warrant for arrest, and referral of the matter to collection agency and a consequent additional 25% assessment on the balance due.

102. For all the reasons stated, Plaintiffs and members of the Class are entitled to declaratory and injunctive relief because the Defendants have and are acting *ultra vires* in their imposition and collection of duplicative costs. Plaintiffs therefore seek a declaration that the practice of imposing duplicative costs against a single defendant convicted of multiple criminal charges is not authorized by statute, that such practices are unlawful, and that any and all such costs imposed are declared void, as well as an injunction to enjoin Defendants from imposing or collecting such costs going forward.

COUNT II
(Violations of the Due Process of Law Guaranteed by the Pennsylvania
Constitution's Declaration of Rights including Article I § 1, 9, and 11 against
all Defendants)

103. Plaintiffs incorporate by reference each preceding paragraph as though fully set forth herein.

104. The Pennsylvania Constitution, in its Declaration of Rights including but not limited to Article 1, Sections 1, 9, and 11, guarantees the fundamental protection of the due process of law. Included within this protection is the right to timely and adequate notice and an opportunity to challenge the invasion of those interests by a hearing and right to be heard.

105. Plaintiffs have protected reputational and property interests in being free from the imposition of costs incident to their plea to or conviction of criminal charges unless those costs are clearly authorized by statute, especially where the Defendants subject Plaintiffs to collections activity demanding payment of such costs and letters that threaten an array of coercive measures including contempt proceedings, arrest, referral to commercial collection agencies and the imposition of additional costs including a 25% increased assessment.

106. The Defendants have violated Plaintiffs' rights to due process of law as guaranteed under the Pennsylvania Constitution by failing to provide adequate and timely notice of the imposition of all court costs at the time of sentencing in the form of a bill of costs.

107. Defendants have also failed to inform Plaintiffs of the means by which to challenge and seek timely review of the imposition of costs.

108. Plaintiffs have been directly injured in their reputational and property interests by Defendants' violation of their state constitutional due process rights in that they have been burdened by the imposition of unauthorized and unlawful costs, subjected to collection efforts with regard to these costs accompanied by various threats of coercion if they fail to pay these costs including the threat of, *inter alia*, contempt charges, arrest, and increased costs.

109. For all the reasons stated, Plaintiffs and members of the Class are entitled to injunctive and declaratory relief in that Defendants have deprived them of rights, secured by the Pennsylvania Constitution; Defendants' actions have deprived and threaten to deprive Plaintiffs of property and interests without due process of law in violation of the Pennsylvania Constitution.

COUNT III
(Violation of the Due Process Clause of the Fourteenth Amendment of U.S. Constitution Pursuant to 42 U.S.C. § 1983, against Defendants DelRicci, Kehs and Schreiber)

110. Plaintiffs incorporate by reference each preceding paragraph as though fully set forth herein.

111. The Due Process Clause of the Fourteenth Amendment to the United States Constitution bars governmental actors from depriving an individual of a property interest without due process of law. Included within these protections are

the right to timely and adequate notice and an opportunity to challenge the invasion of those interests by a hearing and right to be heard.

112. Plaintiffs have a protected property interest in being free from the imposition of unauthorized and unlawful imposition of costs incident to their plea to or conviction of criminal charges, especially where the Defendants subject Plaintiffs to collections activity demanding payment of such costs and sending letters that threaten an array of coercive measures including contempt proceedings, arrest, referral to commercial collection agencies, and the imposition of additional charges including a 25% increased assessment.

113. The Defendants, acting at all times under color of state law, have violated Plaintiffs' and the class members' rights to due process of law as guaranteed under the 14th Amendment of the United States Constitution by failing to provide adequate and timely notice of the imposition of all court costs at the time of sentencing in the form of a bill of costs.

114. Defendants have also failed to inform Plaintiffs of the means by which to challenge and seek timely review of the imposition of costs.

115. Plaintiffs have been directly injured in their property interests by Defendants' violation of their federal constitutional due process rights in that they have been burdened by the imposition of unauthorized and unlawful costs, subjected to collection efforts with regard to these costs accompanied by various

threats of coercion if they fail to pay these costs including the threat of, *inter alia*, contempt charges, arrest, and increased costs.

116. For all the reasons stated, Plaintiffs and members of the Class are persons entitled to injunctive and declaratory relief, as well as attorneys' fees and costs, pursuant to 42 U.S.C. § 1983 in that, under color of statute, ordinance, regulation, custom, or usage the Defendants have deprived them of rights, secured by the Constitution of the United States; Defendants' actions have deprived and threaten to deprive Plaintiffs of their property interest without due process of law in violation of the right of Due Process guaranteed by the 14th Amendment.

COUNT IV
(Violation of the Equal Protection of the Laws as Guaranteed by the
Pennsylvania Constitution Article I, §§ 1 and 26, against all Defendants)

117. Plaintiffs incorporate by reference each preceding paragraph as though fully set forth herein.

118. Article I, § 26 of the Pennsylvania Constitution provides that “neither the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right.”

119. Under Article I, § 1 of the Pennsylvania Constitution, governmental actors, including the Defendants, may not draw distinctions between persons with respect to the enforcement of the laws or the distribution of public benefits unless,

at the very least, there is a reason for the distinction which bears a reasonable relationship to a legitimate governmental interest.

120. The Plaintiffs and the class they purport to represent are similarly situated in all relevant respects to all other defendants in Montgomery County and in counties throughout the Commonwealth of Pennsylvania.

121. However, the unauthorized costs are not imposed uniformly on all defendants, but only a subset including Plaintiffs and the class.

122. There is no rational basis that justifies the Defendants' practice of arbitrarily imposing such costs on some defendants but not all, and on imposing only some costs per count but others per case—a practice that varies from defendant to defendant.

123. By imposing unauthorized costs on Plaintiffs and the proposed class, the Defendants have unconstitutionally discriminated against Plaintiffs, and denied their rights to equal treatment under the Pennsylvania Constitution.

124. As a direct and proximate result of the Defendants' violation of the Plaintiffs' and the proposed class's constitutional rights to equal treatment, Plaintiffs and the proposed class have been subject to injury and will continue to be subject to injury to constitutionally protected interests in property and reputation.

125. For all the reasons stated, Plaintiffs and members of the Class are entitled to injunctive and declaratory relief in that Defendants have deprived them

of rights, secured by the Pennsylvania Constitution.

COUNT V
(Violation of the Equal Protection Clause of the Fourteenth Amendment of
the U.S. Constitution Pursuant to 42 U.S.C. § 1983 against Defendants
DelRicci, Kehs and Schreiber)

126. Plaintiffs incorporate by reference each preceding paragraph as though fully set forth herein.

127. The Fourteenth Amendment to the United States Constitution, enforceable against the Defendants pursuant to 42 U.S.C. § 1983, provides that no state shall “deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV, § 1.

128. Under the Equal Protection Clause of the Fourteenth Amendment, governmental actors, including the Defendants, may not draw distinctions between persons with respect to the enforcement of the laws or the distribution of public benefits unless, at the very least, there is a reason for such distinction which bears a rational relationship to a legitimate governmental interest.

129. The Plaintiffs and the class they represent are similarly situated in all relevant respects to all other defendants in Montgomery County and defendants in counties throughout the Commonwealth of Pennsylvania.

130. However, the unauthorized costs that are the subject of this litigation are not imposed uniformly on all defendants either in Montgomery County or in other counties throughout the Commonwealth of Pennsylvania, but only a subset

including Plaintiffs and the class.

131. There is no rational basis that justifies the Defendants' practice of imposing such costs on some defendants but not all, and on imposing only some costs per count but others per case—a practice that varies from defendant to defendant.

132. By imposing unauthorized costs on Plaintiffs and the proposed class, the Defendants have violated and will violate the Plaintiffs' and the proposed class' rights to equal protection of the laws.

133. As a direct and proximate result of the Defendants' violation of the Plaintiffs' and the proposed class' equal protection rights, Plaintiffs and the proposed class have been subject to and will continue to be subject to injury.

134. For all the reasons stated, Plaintiffs and members of the Class are persons entitled to injunctive and declaratory relief, as well as attorneys' fees and costs, pursuant to 42 U.S.C. § 1983 in that, under color of statute, ordinance, regulation, custom, or usage the Defendants have deprived them of rights, secured by the Constitution of the United States, to wit, the right of Equal Protection of the law guaranteed by the 14th Amendment.

COUNT VI
(For Declaratory Relief Pursuant to 42 Pa.C.S. § 7531 et seq., against all Defendants)

135. Plaintiffs incorporate by reference each preceding paragraph as

though fully set forth herein.

136. Plaintiffs are engaged in an actual controversy regarding the lawfulness of the costs imposed upon them without statutory authorization and without providing a bill of costs at sentencing. Plaintiffs contend that the Defendants' practices of imposing duplicative costs against defendants convicted of multiple criminal charges is unauthorized by any governing statute and is therefore an *ultra vires* act and the imposition of such costs is unlawful. Plaintiffs are and will continue to be injured by the imposition of these unlawful costs, particularly when this is done without any notice of the costs imposed at sentencing and without an opportunity to object. The Defendants purport that the imposition of such costs is lawful. Unless addressed, this controversy is, and would likely continue to be, a source of litigation between the parties.

137. A declaration by this Court would terminate this controversy and remove an uncertainty.

138. Plaintiffs therefore seek a declaration that the practices of imposing costs without providing a bill of costs at sentencing violates the U.S. and Pennsylvania Constitutions.

139. Plaintiffs also seek a declaration that the practice of imposing duplicative costs against a single defendant convicted of multiple criminal charges is *ultra vires* and violates the U.S. and Pennsylvania constitutions, that such

practices are unlawful, and that any and all such costs imposed are declared void.

VII. RELIEF REQUESTED

WHEREFORE, Plaintiffs request the following relief:

1. A declaration that the imposition of costs on multiple charges in a single criminal proceeding against a single defendant is unlawful and that all such costs imposed on Plaintiffs and the class are declared null and void.
2. A declaration that a court cannot lawfully impose costs on a criminal defendant unless it provides effective and timely notice of the imposition of those costs in the form of a bill of costs provided to a defendant and counsel at sentencing.
3. An injunction ordering the Defendants:
 - a. to cease immediately the imposition of any duplicative costs in a single criminal proceeding against a single defendant (hereinafter “Unauthorized Costs”);
 - b. to cease immediately any collection activity related to Unauthorized Costs;
 - c. to adjust the balance of all cases with unpaid balances to remove all Unauthorized Costs, and to provide notice to the Class members that their balances have been adjusted;
 - d. to develop within 30 days a program of effective and timely notice

which is to include an itemized bill of all costs given to defendants and counsel at the time of sentencing that correlates the costs imposed to the charges in the case, and a rewritten form of sentencing order providing for the itemization of costs, the statutory authorization for all such costs, and the notice of the right to object to and challenge the imposition of costs and the procedural means for doing so. In so developing this plan, Defendants are directed to consult with counsel for the Plaintiffs and the class, and upon completion of such plan, but within not less than 30 days, to submit said plan for judicial approval;

e. to make as soon as practical arrangements to inform all credit reporting agencies of the adjustments to credit reports of the Plaintiffs and members of the class of the relief specified herein.

4. An award of attorney's fees and costs to the Plaintiffs.

5. Such other relief as the Court may deem appropriate.

Respectfully submitted,

Dated: January 5, 2021

/s/John J. Grogan

John J. Grogan

PA I.D. No. 72443

David A. Nagdeman

PA I.D. No. 327652

LANGER, GROGAN & DIVER P.C.

1717 Arch St., Ste 4020

Philadelphia, PA 19103
Tel: (215) 320-5660
Fax: (215) 320-5703
jgrogan@langergrogan.com
dnagdeman@langergrogan.com

Andrew C. Christy
PA I.D. No. 322053
Mary Catherine Roper
PA I.D. No. 71107
ACLU OF PENNSYLVANIA
P.O. Box 60173
Philadelphia, PA 19102
Tel: (215) 592-1513
Fax: (215) 592-1343
achristy@aclupa.org
mroper@aclupa.org

Seth Kreimer
PA ID No. 26102
3501 Sansom Street
Philadelphia, PA 19104
(215) 898-7447
skreimer@law.upenn.edu

Counsel for the Plaintiffs

VERIFICATION

I, Andrew Christy, counsel for the Plaintiffs in this matter, hereby verify that the statements made in the foregoing Petition for Review are true and correct to the best of my knowledge, information and belief. None of the parties, individually, has sufficient knowledge or information about all of the facts to verify this petition, so accordingly I verify it pursuant to Pa.R.C.P. 1024(c). I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities

Dated: December 29, 2020

Signed: Andrew Christy

VERIFICATION

I, Amy McFalls, verify that the facts set forth in the foregoing complaint concerning me are true and correct to the best of my information, knowledge, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Dated: 12/4/2020

Signed: Amy J McFalls

VERIFICATION

I, JASON C. MATH, verify that the facts set forth in the foregoing complaint concerning me are true and correct to the best of my information, knowledge, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Dated: 12-12-24

Signed: 

VERIFICATION

I, Vincent Esposito, verify that the facts set forth in the foregoing complaint concerning me are true and correct to the best of my information, knowledge, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Dated: 12-9-20

Signed: 

VERIFICATION

I, Gregory Jackson verify that the facts set forth in the foregoing complaint concerning me are true and correct to the best of my information, knowledge, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Dated: 12-8-20

Signed: 

VERIFICATION

I, Brenda Lacy, verify that the facts set forth in the foregoing complaint concerning me are true and correct to the best of my information, knowledge, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Dated: 12/9/20

Signed: Brenda Lacy

EXHIBIT A



Eastern Region Office
PO Box 60173
Philadelphia, PA 19102
215-592-1513 T
215-592-1343 F

Central Region Office
PO Box 11761
Harrisburg, PA 17108
717-238-2258 T
717-236-6895 F

Western Region Office
PO Box 23058
Pittsburgh, PA 15222
412-681-7736 T
412-681-8707 F

May 29, 2018

The Hon. Thomas M. Del Ricci
President Judge
Montgomery County Court of Common Pleas
2 East Airy Street
PO Box 311
Norristown, PA 19404

Ann Thornburg Weiss, Esq.
Clerk of Courts
Montgomery County Court of Common Pleas
2 East Airy Street
PO Box 311
Norristown, PA 19404

**Re: Imposing costs on charges withdrawn through a nolle
prosequi and imposing duplicate sets of court costs**

Dear President Judge Del Ricci and Ms. Weiss:

We write to ask you to correct erroneous Montgomery County Court of Common Pleas costs practices that result in the Clerk of Courts: 1) assessing costs as to criminal charges that have been withdrawn by the Commonwealth through a nolle prosequi; and 2) assessing costs on each separate charge in a case (for a single defendant), rather than just once for the entire case (for a single defendant). As far as we are aware, these two practices are unique to Montgomery County, and neither comports with Pennsylvania law. Accordingly, we request that the Court take such steps as are necessary – which, it appears, includes changing the sentencing form currently in use – to end these practices, and to provide relief for defendants who have been assessed these duplicative costs in the past.

The ACLU of Pennsylvania became aware of these issues after consulting with counsel for an individual who was charged with 54 counts, pled guilty to 27, and had 27 withdrawn through a nolle prosequi. In every other Pennsylvania court with which we are familiar, the defendant would be assessed all of the standard costs and assessments (along with any costs of prosecution particular to

the case) once. Yet this defendant had many of the statutory costs assessed 54 times—for both the counts to which he pled guilty and for those that were withdrawn. As a result, the total amount of money he owed went from under \$1,000 to over \$10,000.¹

A. Montgomery County’s practice.

An attorney from our office, Andrew Christy, met with Deputy Clerk of Courts Michael Paston to better understand how the Clerk of Courts assesses costs. Mr. Paston and one of his colleagues explained that the sentencing form used by the Court permits the judge to assess costs on charges withdrawn through a nolle prosequi. The sentencing form also permits a judge to specify costs on specific counts, rather than just on the case as a whole. Mr. Paston explained that, while different judges take different approaches, to this day there are judges who impose costs on the defendant for charges withdrawn through a nolle prosequi and judges who include court costs among the sentencing information for each charge. He also noted that the clerks, who are not present for sentencing, cannot be certain what the judge intends, but that they interpret such orders as requiring that they impose duplicate sets of court costs on each individual count.

While Mr. Christy was with Mr. Paston, they called the Chester County Clerk of Courts to ask about their practice. That clerk explained that in Chester County, costs are only assessed once per case and are tied to the lead charge; costs are also never imposed on defendants on charges that are withdrawn through a nolle prosequi. To the best of our knowledge, that is the common practice throughout Pennsylvania. One of our volunteers searched docket sheets in eight counties, looking for cases in which a defendant pled or was found guilty of multiple counts. The uniform results were that each defendant had only one set of costs imposed—unless that defendant was in Montgomery County. For example, consider the following dockets:

County Name	Docket Number	Counts Charged	Counts Guilty	Number of Sets of Costs
Adams	CP-01-CR-0000598-2005	5	2	1
Adams	CP-01-CR-0000948-2011	11	2	1
Allegheny	CP-02-CR-0012849-2012	5	2	1
Allegheny	CP-02-SA-0001799-2014	5	5	1
Berks	CP-06-CR-0000919-2011	4	2	1
Bucks	CP-09-CR-0004580-2017	2	2	1
Bucks	CP-09-CR-0006516-2016	6	6	1
Chester	CP-15-CR-0003251-2013	17	2	1
Chester	CP-15-CR-0003038-2013	15	3	1
Chester	CP-15-CR-0004401-2014	23	11	1
Delaware	CP-23-CR-0003745-2017	8	2	1
Delaware	CP-23-CR-0002435-2016	6	2	1
Delaware	CP-23-CR-0001852-2014	64	1	1
Montgomery	CP-46-CR-0001952-2016	9	2	2

¹ For reasons that are not entirely clear, some individual costs were assessed only once, and others were assessed 26 times, 27 times, 50 times, or 54 times. There was likely some clerical error involved, which is why the amount owed is not 54 times the single amount.

Montgomery	CP-46-CR-0004843-2015	54	21	21
Montgomery	CP-46-CR-0006852-2015	154	2	154
York	CP-67-CR-0007401-2015	5	4	1

Our experience in courts across the state is that judges and lawyers are often unaware of how court costs are calculated, which costs are applicable to any given case, and how much money the defendant will owe. It may be that individual judges are simply unaware of the law, as we outline below, that governs the assessment of court costs and may not even intend for duplicative court costs to be assessed in cases. The result of Montgomery County’s current practice – and, in particular, the use of the current sentencing form – is that defendants are routinely assessed thousands of extra dollars that they would not otherwise owe.

B. Costs cannot lawfully be imposed on charges that have been withdrawn through a nolle prosequi.

Withdrawing charges through a nolle prosequi means that there has been no adjudication of guilt. In the same way that costs in a civil case are taxable only against the party that has lost, costs in a criminal case may be imposed only against a defendant if there has been a finding of guilt. Costs are not punishment and “are not part of the criminal’s sentence but are . . . incident to the judgment”—but there is no judgment against a defendant without a finding of guilt. *Commonwealth v. Rivera*, 95 A.3d 913, 916 (Pa. Super. Ct. 2014). While Pa.R.Crim.P. 585 permits that “[u]pon a nolle prosequi, costs may be imposed as the court may direct,” the Superior Court has explained that “the assessment of costs on charges withdrawn or dismissed is illegal.” *Commonwealth v. Gill*, 432 A.2d 1001, 1009 (Pa. Super. Ct. 1981) (instructing the trial court on remand not to impose any costs on charges that were withdrawn after a motion of nolle prosequi). *See also Commonwealth v. Bollinger*, 418 A.2d 320, 328 n.14 (Pa. Super. Ct. 1979) (en banc) (defendant “not liable for the costs of prosecution on any of the charges on which he was not convicted”).²

Moreover, a defendant “may be required to only pay costs authorized by statute.” *Commonwealth v. Coder*, 415 A.2d 406, 410 (Pa. 1980). Yet none of the statutes that impose court costs—all of which are detailed in the spreadsheet attached to this letter—permit those costs to be imposed if the charges have been withdrawn through a nolle prosequi. Instead, the various costs can only be assessed if a defendant has been admitted to ARD or another diversionary program, has pled guilty or been convicted, or entered a plea of nolo contendere. In the absence of statutory authority, these costs cannot lawfully be imposed.

Finally, imposing costs for charges that have been withdrawn also violates the United States Constitution. Last year, the United States Supreme Court, in *Colorado v. Nelson*, 137 S. Ct.

² Rule 585 was enacted in 1964 (then as Rule 314). At the time, Pennsylvania law regarding costs was quite different. For example, none of the current itemized costs such as the County Court Cost (enacted in 1976) or the Crime Victim Compensation Fund (enacted in 1984) existed. Instead, the only costs were the costs of prosecution—the money that the District Attorney spent to prosecute the case, through witnesses, subpoenas, experts, etc. Pennsylvania law also permitted the jury to place costs on individuals acquitted of misdemeanors—a practice ruled unconstitutional by the United States Supreme Court in *Giaccio v. Pennsylvania*, 382 U.S. 399 (1966). *See generally Commonwealth v. Smith*, 361 A.2d 881, 882 (Pa. Super. Ct. 1976) (en banc) (defendant convicted of misdemeanor but acquitted of felony could not be required to pay costs on felony charge).

1249, 1257 (2017), explained that a state has “zero claim” on costs paid once a conviction is overturned because there has been no adjudication of guilt. That is because the “presumption of innocence” prevents a state from presuming that “a person, adjudged guilty of no crime, [is] nonetheless guilty enough for monetary exactions.” *Id.* at 1255-56. Yet a court does precisely that when it imposes costs on charges that have been withdrawn. Such action is no different than suggesting that the Commonwealth could assess costs against every single person for whom there is probable cause to believe that the person committed a crime. That does not comport with *Nelson*, and it does not comport with defendants’ Due Process rights.

C. Court costs may be assessed only once per case.

The second and equally concerning practice is that individuals who are convicted of multiple counts in an individual case are charged duplicative costs for each count. As is noted above, this appears to be a practice unique to Montgomery County, and, again, a result of the sentencing form used by the Court. This practice also has no statutory basis. The statutes imposing court costs, which are detailed on the attached spreadsheet, use varying language to explain when they may be imposed. For example, the Access to Justice fee may be imposed in “any criminal proceeding,” while the cost imposed by the County and State Court Costs apply “in every criminal case,” and the cost imposed by the Crime Victim Compensation and Victim Witness Service funds apply when a defendant “is convicted of a crime.”³

The meanings of these statutory provisions are relatively clear: costs are imposed in a proceeding, in a case, or on a defendant who is convicted. None of these statutes use language such as “each charge,” or “per charge,” or “every separate offense” that would connote a per-charge approach. To the extent that some of the statutory language is vague, the Commonwealth Court has explained that “statutory provisions governing the imposition of the costs of prosecution must be strictly construed.” *Fordyce v. Clerk of Courts*, 869 A.2d 1049, 1053 (Pa. Commw. Ct. 2005) (under statute then in effect, costs of transportation did not “fall within the meaning of ‘costs of prosecution’”). As a result, there is simply no statutory basis for imposing more than one set of costs per case.

Such a result is also mandated by Pennsylvania law that prohibits duplicating court costs in proceedings. The Act of March 10, 1905, P.L. 35, 19 P.S. § 1294, read in relevant part:

It shall be unlawful, in all criminal prosecutions hereafter instituted, to tax costs in and on more than one return, information, complaint, indictment, warrant, subpoena or other writ, against the same defendant or defendants, where there has been a severance or duplication of two or more offenses which grew out of the same occurrence, or which might legally have been included in one complaint and in one indictment by the use of different counts.

This provision, which was repealed in 1978 but remains in effect as part of Pennsylvania’s common law,⁴ prohibits duplicating costs on multiple crimes or offenses that “arose out of the

³ Citations for each statute are contained on the attached spreadsheet.

⁴ The Act of March 10, 1905, P.L. 35, 19 P.S. § 1294 was repealed by Act 53 of 1978, the “Judiciary Act Repealer Act” (“JARA”), which was part of an effort to streamline and codify Pennsylvania’s judicial procedures. JARA

same occurrence or transaction.” *Commonwealth v. Dorsey*, 421 A.2d 777, 778 (Pa. Super. Ct. 1980). In such instances, “only one set of costs should have been assessed,” *id.*, because “it is very evident that [the Act’s] purpose was to prevent a duplication of costs.” *Commonwealth v. Smith*, 62 Pa. Super. 288, 290 (Pa. Super. Ct. 1916). Without either a statute or Supreme Court rule permitting duplicating court costs, the practice is unlawful in light of this common law provision.

* * *

We appreciate the Court’s attention to our lengthy explanation of the problems with Montgomery County’s current court costs practices. This issue is of critical importance for thousands of individuals who currently owe significantly inflated amounts of costs, which are sometimes thousands of dollars higher, including those that were withdrawn through a nolle prosequi. At the Court’s earliest convenience, we would welcome the opportunity to meet with you or your designee, including with staff in the Clerk of Courts’ office, to discuss how best to end these practices, as well as potential remedies for defendants who have been overcharged in the past. Mr. Christy is available at 215-592-1513 x138 or achristy@aclupa.org.

Sincerely,



Mary Catherine Roper
Deputy Legal Advisor

Andrew Christy
Independence Foundation Fellow

contains a saving clause codified in 42 P.S. § 20003(b), which provides that if there are no Supreme Court rules in effect that govern the same topic as the repealed statute, “the practice and procedure provided in the repealed statute shall continue in full force and effect, as part of the common law of the Commonwealth, until such general rules are promulgated.” Our appellate courts have repeatedly interpreted statutes repealed by JARA as remaining in effect as part of the common law. *See, e.g., Harnish v. School Dist. of Philadelphia*, 732 A.2d 596, 598 n.1 (Pa. 1999) (act governing compulsory nonsuit repealed by JARA “but remains in effect as part of the common law”); *Ricci v. Cuisine Management Services, Inc.*, 621 A.2d 163, 165 (Pa. Super. Ct. 1993) (“JARA retains repealed statutory provisions if no general rules regarding practice and procedure were in effect at the time of the repeal. Despite Appellants’ argument to the contrary, no general rule of procedure has ever been promulgated regulating the duration and scope of judgment liens, and the Judgment Lien Law of 1947 continues as a part of the common law of Pennsylvania.”); *Weaver v. Weaver*, 605 A.2d 410, 412 n.3 (Pa. 1992) (“Although repealed by the Judiciary Act Repealer Act of April 28, 1978 to the extent that it is inconsistent with duly promulgated rules of procedure, no procedural rule has been promulgated to regulate the duration of judgment liens. Therefore, section 878 of the Judgment Lien Law continues in force as part of the common law of Pennsylvania.”). In 1982, the Superior Court held that the 1905 Act was repealed, but that case did not address JARA, and the subsequent case law described above leaves no question about the Act’s continuing validity. *See also Commonwealth v. Larsen*, 682 A.2d 783, 795 (Pa. Super. Ct. 1996) (19 P.S. § 1223, which made convicted defendants liable for the costs of their prosecution, remains “as part of our common law”); *Montgomery County, Pa. v. Merscorp, Inc.*, 904 F. Supp. 2d 436, 447 (E.D. Pa. 2012) (JARA and 1 Pa. Cons. Stat. § 1978 “would apply to preserve certain statutorily created rights after repeal of the relevant statute”).

Cc: The Hon. Judge Thomas C. Branca
Michael Kehs, Esq., Court Administrator
Michael Paston, Esq., Deputy Clerk of Courts
Dean Beer, Esq., Chief Public Defender
Kevin Steele, Esq., District Attorney

EXHIBIT B

Cost Name	Description on Docket Sheet	Statutory Citation
Access to Justice	ATJ	42 Pa.C.S. § 3733.1(a)(3) (cross-references § 3733(a.1)(1)(iii)); 72 P.S. § 1795.1-E)
Appeal	Appeal to Superior Court	42 P.S. § 21061
Automation Fee	Automation Fee (Act 36 of 2000)	42 Pa.C.S. § 1725.4(b)
Booking Center	Booking Center Fee	42 Pa.C.S. § 1725.5
CAT/MCARE/General Fund	CAT/MCARE/General Fund	75 Pa.C.S. § 6506
Criminal Justice Enhancement Surcharge	CJES	71 P.S. § 720.102(a)(2)
Clerk of Courts Processing Fee	COC Processing Fee Misd/Fel	42 P.S. § 21061
Commonwealth Cost	Commonwealth Cost – HB627 (Act 167 of 1992)	42 Pa.C.S. § 3571(c)(2)
Costs of Prosecution (Criminal Justice Enhancement Account)	Costs of Prosecution – CJEA	42 Pa.C.S. § 3575(b)
County Court Cost	County Court Cost (Act 204 of 1976)	42 Pa.C.S. § 1725.1(b)
Crime Lab User Fee	County Lab Fees	42 Pa.C.S. § 1725.3(b)
Court Child Care	Court Child Care (Act 105 of 2000)	42 Pa.C.S. § 3721(c)(2)(iii)

Crime Victims Compensation	Crime Victims Compensation (Act 96 of 1984)	18 P.S. § 11.1101(a)(1)
DNA Detection Fund	DNA Detection Fund (Act 185-2004)	44 Pa.C.S. § 2322
Domestic Violence Compensation	Domestic Violence Compensation (Act 44 of 1988)	71 P.S. § 611.13
Emergency Medical Services	Emergency Medical Services (Act 45 of 1985)	75 Pa.C.S. § 3121
Firearms and Education Training Fund	Firearms Education and Training Fund (Act 158 of 1994)	61 Pa.C.S. § 6308(b)(1)
Judicial Computer Program Surcharge	JCPS	71 P.S. § 720.102(a)(1) and 72 P.S. § 1795.1-E
Judicial Computer Project	Judicial Computer Project	42 Pa.C.S. § 3733(a.1)
Office of Attorney General – Judicial Computer Project	OAG – JCP	71 P.S. § 720.102(a)(3)
Offender Supervision Program	OSP (Act 35 of 1991)	18 P.S. § 11.1102
PA Transportation Trust Surcharge	PA Transportation Trust Surcharge	75 Pa.C.S. § 6506(a)(7)
State Court Costs	State Court Costs (Act 204 of 1976)	42 Pa.C.S. § 1725.1
Substance Abuse Education	Substance Abuse Education (Act 198 of 2002)	18 Pa.C.S. § 7508.1
Crime Victim Compensation/Victim Witness Service Variable Amount	Variable Amount to be Distributed CVC/VWS (Act 96)	18 P.S. § 11.1101(a)

Victim Witness Service	Victim Witness Service (Act 111 of 1998)	18 P.S. § 11.1101(a)(1)
------------------------	---	-------------------------

EXHIBIT C

PPI/PSX

SCANNED

TRIAL/PLEA/SENTENCE

1 of ____

Commonwealth of Pennsylvania

Charge(s) and Bill(s) of Information

VS

CR - 2346 - 1B ct1 Dui gen/imp ct2 Acc dam unattach/prop
ct3 Agg Harassment by Prisoner ct4 Assault by Prisoner
ct5 SA ct6 Harassment
ct7 Institution Vandalism of A educational facility

Amy Mc Falls

SCANNED

	Jury TRIAL	OPEN GUILTY PLEA	SENTENCE
DATE	9/16/19		12/11/19
JUDGE	Todd Eisenberg		Todd Eisenberg
COURTROOM	2		2
COMMONWEALTH'S ATTY	Caroline Goldstein		Caroline Goldstein
DEFENDANT'S ATTY	Christopher Koschier		Christopher Koschier
COURT REPORTER	Karen Broundorf		Karen Broundorf
COURT CLERK	Monica Polkorny		Monica Polkorny

AND NOW, this 16th day of September 2019
☐ The Court finds that the defendant has knowingly, intelligently and voluntarily entered a plea of guilty with reference to the following Bills of Information and the Court accepts the guilty plea:

- ☐ The Court accepts the terms of the plea agreement and sentence will be imposed in accordance with it.
☐ The motion of the District Attorney to nol pros the following Bill(s) of Information is granted: _____ Costs on: ☐ Defendant ☐ County
☐ The Court sustains a motion for judgment of acquittal as to Bill(s) of Information:

☐ The Court overrules a motion for judgment of acquittal as to Bill(s) of Information:

☒ After trial, the Jury/Court finds the defendant: ct7 Institutional Vandalism (M2)

Guilty of the following Bill(s) of Information: ct3 Agg Harassment by Prisoner (F3)

Not guilty of the following Bill(s) of Information _____

Jury sworn: 9/16/17 Jury Returns: 9/17/19 Trial Days: 2

- ☒ The Court directs that the defendant forthwith register with the Adult Probation Department for:
☒ PPI Evaluation ☐ House Arrest Suitability Assessment ☐ SIP/RIP Assessment
☒ Pre-Sentence Investigation and Report ☐ Commencing Supervision ☐ Sexually Violent Predator Assessment
☒ Sentence deferred: Defendant remanded without bail/released on same bail/remanded pending posting of bail in the increased amount of \$ _____, pending sentencing.

☐ 90 Day Rule is waived on the record.

☒ Special Conditions: cts 1,2 Disposed of via bench trial 7/1/19

C/W not proceeding on cts 4, 5, 6

- ☐ Defendant's PA driver's license ☐ attached ☐ affidavit submitted ☐ to be surrendered by _____
☐ Blood Alcohol Content _____ ☐ _____ Offense ☐ Refusal

AND NOW, 12/11/19

- ☐ Defendant is sentenced to undergo **Imprisonment** for not less than years nor more than years in such State Correctional Institution as shall be designated by the Deputy Commissioner for Programs, Department of Corrections, and sent to the State Correctional Institution at **SCI Phoenix/Muncy** for this purpose. Commitment to date from
- ☐ R.R.R.I. Minimum months ☐ Not R.R.R.I. Eligible
- ☐ DA Waives R.R.R.I. Objection ☐ DA waives objection to any duplicate time credit issues
- ☐ **Consecutive/concurrent** to all previously imposed sentences ☐ Costs on the County
- ☐ Eligible for boot camp ☐ Credit for time served from
- C+3 ☒ Defendant is sentenced to undergo **Imprisonment** for not less than 60 days months nor more than 23 months in the Montgomery County Correctional Facility. Commitment to date from 1/3/20 6pm ☐ Credit for time served from
- ☐ **Consecutive/concurrent** to all previously imposed sentences ☐ Costs on the County
- ☐ Eligible for Work Release ☐ Is not eligible for good-time credit
- ☐ Defendant is sentenced to **Intermediate Punishment** for a period of months; the first months of which is to be served in the following Restrictive Intermediate Punishment Program from: ☐ House Arrest
- ☐ Defendant is sentenced to **Restrictive Intermediate Punishment (RIP)** Program for a period of months. All treatment and supervision pursuant to 42 P.S. 89763, 89804, et seq.
- ☐ Defendant is sentenced to **State Intermediate Punishment (SIP)** Program for a period of twenty-four (24) months pursuant to 61 P.S. 84104, et seq.
- C+3 ☒ Defendant is sentenced to ~~Restorative Sanctions~~ **Probation and/or** for a period of 5 months/years in the custody of:
- ☐ Montgomery County Adult Probation/Parole Department ☐ PA Board of Probation and Parole
- C+3 ☒ **Consecutive/concurrent** to parole ☐ To date from:
- ☒ Defendant is sentenced to pay the costs of prosecution and a fine of \$ and restitution of \$ to within the first months of **supervision/release from custody** in monthly installments as directed, and as authorized by law.
- ☐ Determination of guilt without further penalty ☐ Bills merge for sentencing purposes

CONCURRENT/CONSECUTIVE SENTENCE

Information No. C+7
sentence is 2 yrs prob

☐ R.R.R.I. Min. ☐ Not R.R.R.I. Eligible
and is to run concurrently/consecutively with/to sentence imposed on Info. # C+3

CONCURRENT/CONSECUTIVE SENTENCE

Information No.
sentence is

☐ R.R.R.I. Min. ☐ Not R.R.R.I. Eligible
and is to run concurrently/consecutively with/to sentence imposed on Info. #

SPECIAL CONDITION(S) OF SENTENCE(S)

- ☐ Outpatient Treatment ☐ Inpatient Treatment ☒ KPPI Evaluation and recommended treatment & comply
- ☐ CRN Evaluation and Treatment ☐ Alcohol Highway Safety School or Safe Driving School
- ☐ Community Service: hours at site to be determined, within months/years. ☐ Comply with Megan's Law 42 PA C.S. 9799.15 registration requirements
- ☒ Defendant shall comply with any special conditions of probation/parole/state intermediate punishment imposed by the Montgomery County Adult Probation/Parole Dept, or the PA Board of Probation and Parole.
- ☒ Defendant shall pay the monthly offender supervision fee. ☐ Offender supervision fee is waived
- ☐ Eligible to Participate in a Reentry Plan ☐ Do not send to collection agency
- ☐ To be evaluated for ☐ Sex Offender, ☐ Addiction, ☐ Mental Health, Supervision
- ☒ Anger Management ☐ D/V Counseling ☐ Parenting Classes ☐ No contact with
- ☐ Parole authority retained pursuant to 75 P.S. 3804D and 3815
- ☒ Other: Deft allowed to serve sent on c/s weekends.

EMeg

TRIAL/PLEA/SENTENCE

SCANNED

1 of _____

Commonwealth of Pennsylvania
VS

Charge(s) and Bill(s) of Information

Amy McFalls

CP-2346-18: CT.1 DUI/GEN IMP
CT.2 Acc. Damage To Unatt Veh/Pers CT.3 Agg Harass By Prisoner
CT.4 Assault By Prisoner CT.5 Simple Assault
CT.6 Harass/STRIKE, SHOVE, KICK, ETC
CT.7 1st VANDALISM OF Educ Facility

	BENCH TRIAL	OPEN GUILTY PLEA	SENTENCE
DATE	6/12/19 & 7/1/19		12/11/19
JUDGE	Todd D. Eisenberg		Todd Eisenberg
COURTROOM	2		2
COMMONWEALTH'S ATTY	CAROLINE GOLDSTEIN		Caroline Goldstein
DEFENDANT'S ATTY	CHRIS KOSCHIER		Christopher Koschier
COURT REPORTER	KAREN BROWNDORF		Karen Browndorf
COURT CLERK	Tim Murray		Monica Polkover

AND NOW, THIS 1ST day of JULY, 2019

The Court finds that the defendant has knowingly, intelligently and voluntarily entered a plea of guilty with reference to the following Bills of Information and the Court accepts the guilty plea:

- ☐ The Court accepts the terms of the plea agreement and sentence will be imposed in accordance with it.
- ☐ The motion of the District Attorney to nol pros the following Bill(s) of Information is granted: _____ Costs on: ☐ Defendant ☐ County
- ☐ The Court sustains a motion for judgment of acquittal as to Bill(s) of Information: _____
- ☐ The Court overrules a motion for judgement of acquittal as to Bill(s) of Information: _____

☒ After trial, the Jury/Court finds the defendant:

Guilty of the following Bill(s) of Information CT1 - DUI/GEN IMP (1st)

Not guilty of the following Bill(s) of Information CT2 - Accidental Damage to Unattended Veh

Jury sworn: _____ Jury Returns: _____ Trial Days: _____

- ☐ The Court directs that the defendant forthwith register with the Adult Probation Department for:
- ☐ PPI Evaluation ☐ House Arrest Suitability Assessment ☐ SIP/RIP Assessment
- ☒ Pre-Sentence Investigation Report ☐ Commencing Supervision ☐ Sexually Violent Predator Assessment
- ☒ Sentence deferred: Defendant remanded without bail/released on same bail/remanded pending posting of bail in the increased amount of \$ _____, pending sentencing.
- ☐ 90 Day Rule is waived on the record

☒ Special Conditions: CW Will Proceed ON REMAINING CTs - 3, 4, 5, 6, & 7 At Jury
TRIAL SCHEDULED IN SEPT 9, 2019 9AM

- ☐ Defendant's PA driver's license ☐ attached ☐ affidavit submitted ☐ to be surrendered by _____
- ☐ Blood Alcohol Content _____ ☒ 1st Offense ☐ Refusal

AND NOW, 12/11/19

- ☐ Defendant is sentenced to undergo **Imprisonment** for not less than years nor more than years in such State Correctional Institution as shall be designated by the Deputy Commissioner for Programs, Department of Corrections, and sent to the State Correctional Institution at **SCI Phoenix/Muncy** for this purpose. Commitment to date from
- ☐ R.R.R.I. Minimum months ☐ Not R.R.R.I. Eligible
- ☐ DA Waives R.R.R.I. Objection ☐ DA waives objection to any duplicate time credit issues
- ☐ **Consecutive/Concurrent** to all previously imposed sentences ☐ Costs on the County
- ☐ Eligible for boot camp ☐ Credit for time served from
- ☐ Defendant is sentenced to undergo **Imprisonment** for not less than months nor more than months in the Montgomery County Correctional Facility. Commitment to date from ☐ Credit for time served from
- ☐ **Consecutive/Concurrent** to all previously imposed sentences ☐ Costs on the County
- ☐ Eligible for Work Release ☐ **Is not** eligible for good-time credit
- ☐ Defendant is sentenced to **Intermediate Punishment** for a period of months; the first months of which is to be served in the following Restrictive Intermediate Punishment Program from: ☐ House Arrest
- ☐ Defendant is sentenced to **Restrictive Intermediate Punishment** (RIP) Program for a period of months. All treatment and supervision pursuant to 42 P.S. §9763, §9804, *et seq.*
- ☐ Defendant is sentenced to **State Intermediate Punishment** (SIP) Program for a period of twenty-four (24) months pursuant to 61 P.S. §4104, *et seq.*
- C+1 ☒ Defendant is sentenced to **Restorative Sanctions - Probation and/or** for a period of 6 months/years in the custody of:
- ☐ Montgomery County Adult Probation/Parole Department ☐ PA Board of Probation and Parole
- ☐ **Consecutive/Concurrent** to ☒ To date from: 12/11/19
- C+1 ☒ Defendant is sentenced to pay the costs of prosecution and a fine of \$ 300 and restitution of \$ to within the first months of **supervision/release from custody** in monthly installments as directed, and as authorized by law.
- ☐ Determination of guilt without further penalty ☐ Bills merge for sentencing purposes

CONCURRENT/CONSECUTIVE SENTENCE
Information No. <u> </u> sentence is <u> </u>
<input type="checkbox"/> R.R.R.I. Min. <u> </u> <input type="checkbox"/> Not R.R.R.I. Eligible and is to run concurrently/consecutively with/to sentence imposed on Info. # <u> </u>

CONCURRENT/CONSECUTIVE SENTENCE
Information No. <u> </u> sentence is <u> </u>
<input type="checkbox"/> R.R.R.I. Min. <u> </u> <input type="checkbox"/> Not R.R.R.I. Eligible and is to run concurrently/consecutively with/to sentence imposed on Info. # <u> </u>

SPECIAL CONDITION(S) OF SENTENCE(S)

- ☐ Outpatient Treatment ☐ Inpatient Treatment ☐ PPI Evaluation and recommended treatment
- ☒ CRN Evaluation and Treatment ☒ Alcohol Highway Safety School or Safe Driving School ☒ D/A equal
- ☐ Community Service: hours at site to be determined, within months/years. ☐ Comply with Megan's Law 42 PA C.S. 9799.15 registration requirements
- ☒ Defendant shall comply with any special conditions of probation/parole/state intermediate punishment imposed by the Montgomery County Adult Probation/Parole Dept, or the PA Board of Probation and Parole.
- ☐ Defendant shall pay the monthly offender supervision fee. ☒ Offender supervision fee is waived.
- ☐ Eligible to Participate in a Reentry Plan ☐ Do not send to collection agency
- ☐ Anger Management ☐ D/V Counseling ☐ Parenting Classes ☐ No contact with
- ☐ Parole authority retained pursuant to 75 P.S. 3804D and 3815
- ☐ Other:

EXHIBIT D

ELMM

TRIAL/PLEA/SENTENCE

52

1 of ____

Commonwealth of Pennsylvania

Charge(s) and Bill(s) of Information

VS

CR 2332-19

Jasim Charles Crunetti

Ch1- Dui- Ctr Subst-Unsafe
Ch2- Dui- Gen Imp. Unsafe, Ch3- Drug Para
Ch4- Ctr Subst/Pass. Ch5- R.A.
Ch6- Acc. Dam. Att. Veh., Ch7- DUS, Ch8- Dui/Drugs
Combo

	TRIAL	OPEN GUILTY PLEA	SENTENCE
DATE		07.11.19	
JUDGE		Todd Eisenberg	
COURTROOM		D. Eisenberg	
COMMONWEALTH'S ATTY		M. Schandbacher	Same
DEFENDANT'S ATTY		E. Broward	
COURT REPORTER		R. Bexton	
COURT CLERK			

AND NOW, This 11th day of July 20 19

The Court finds that the defendant has knowingly, intelligently and voluntarily entered a plea of guilty with reference to the following Bills of Information and the Court accepts the guilty plea:

Cr. 2332-19

Ch5- R.A. (ma)

Ch2- Dui- gen imp. (ma)

The Court accepts the terms of the plea agreement and sentence will be imposed in accordance with it.

The motion of the District Attorney to nol pros the following Bill(s) of Information is granted: All Remaining Counts

Costs on: ☐ Defendant ☒ County

The Court sustains a motion for judgment of acquittal as to Bill(s) of Information:

The Court overrules a motion for judgment of acquittal as to Bill(s) of Information:

After trial, the Jury/Court finds the defendant:

Guilty of the following Bill(s) of Information:

Not guilty of the following Bill(s) of Information:

Jury sworn: _____ Jury Returns: _____ Trial Days: _____

The Court directs that the defendant forthwith register with the Adult Probation Department for:

- ☐ PPI Evaluation ☐ House Arrest Suitability Assessment ☐ SIP/RIP Assessment
☐ Pre-Sentence Investigation and Report ☒ Commencing Supervision ☐ Sexually Violent Predator Assessment
☐ Sentence deferred: Defendant remanded without bail/released on same bail/remanded pending posting of bail in the increased amount of \$ _____, pending sentencing.
☐ 90 Day Rule is waived on the record.
☐ Special Conditions: _____

☐ Defendant's PA driver's license ☐ attached ☐ affidavit submitted ☐ to be surrendered by _____
☒ Blood Alcohol Content gen imp W-Crash ☒ 1st Offense ☐ Refusal

AND NOW,

07.11.19

- ☐ Defendant is sentenced to undergo **Imprisonment** for not less than _____ years nor more than _____ years in such State Correctional Institution as shall be designated by the Deputy Commissioner for Programs, Department of Corrections, and sent to the State Correctional Institution at SCI Phoenix/Muncy for this purpose. Commitment to date from _____
- ☐ R.R.R.I. Minimum _____ months ☐ Not R.R.R.I. Eligible
- ☐ DA Waives R.R.R.I. Objection ☐ DA waives objection to any duplicate time credit issues
- ☐ **Consecutive/concurrent** to all previously imposed sentences ☐ Costs on the County
- ☐ Eligible for boot camp ☐ Credit for time served from _____

C45 ☒ Defendant is sentenced to undergo **Imprisonment** for not less than TS months nor more than 23 months in the Montgomery County Correctional Facility. Commitment to date from 3.12.19 ☒ Credit for time served from _____

☐ **Consecutive/concurrent** to all previously imposed sentences ☐ Costs on the County

☐ Eligible for Work Release ☐ Is not eligible for good-time credit

☐ Defendant is sentenced to **Intermediate Punishment** for a period of _____ months; the first _____ months of which is to be served in the following Restrictive Intermediate Punishment Program from: _____ ☐ House Arrest

☐ Defendant is sentenced to **Restrictive Intermediate Punishment (RIP)** Program for a period of _____ months. All treatment and supervision pursuant to 42 P.S. 89763, 89804, et seq.

☐ Defendant is sentenced to **State Intermediate Punishment (SIP)** Program for a period of twenty-four (24) months pursuant to 61 P.S. 84104, et seq.

☐ Defendant is sentenced to **Restorative Sanctions - Probation and/or** _____ for a period of _____ months/years in the custody of: _____

☐ Montgomery County Adult Probation/Parole Department ☐ PA Board of Probation and Parole

C45 ☒ Defendant is sentenced to pay the costs of prosecution, and a fine of \$ _____ and restitution of \$ _____ to _____ within the first _____ months of supervision/release from custody in monthly installments as directed, and as authorized by law.

☐ Determination of guilt without further penalty _____ ☐ Bills merge for sentencing purposes

CONCURRENT/CONSECUTIVE SENTENCE

Information No. cta2. Dui-gen. imp. (Um)
sentence is _____

TS - 6 months. TDF. 3.12.19
1st OFF. \$1000.00 ftc

☐ R.R.R.I. Min. _____ ☐ Not R.R.R.I. Eligible
and is to run concurrently/consecutively with/to sentence imposed on Info. # C45

CONCURRENT/CONSECUTIVE SENTENCE

Information No. _____
sentence is _____

☐ R.R.R.I. Min. _____ ☐ Not R.R.R.I. Eligible
and is to run concurrently/consecutively with/to sentence imposed on Info. # _____

SPECIAL CONDITION(S) OF SENTENCE(S)

- ☐ Outpatient Treatment ☐ Inpatient Treatment ☒ PPI Evaluation and recommended treatment **Comply**
- ☒ CRN Evaluation and Treatment ☒ Alcohol Highway Safety School or Safe Driving School
- ☐ Community Service: _____ hours at site to be determined, within _____ months/years. ☐ Comply with Megan's Law 42 PA C.S. 9799.15 registration requirements
- ☒ Defendant shall comply with any special conditions of probation/parole/state intermediate punishment imposed by the Montgomery County Adult Probation/Parole Dept, or the PA Board of Probation and Parole.
- ☒ Defendant shall pay the monthly offender supervision fee. ☐ Offender supervision fee is waived
- ☐ Eligible to Participate in a Reentry Plan ☐ Do not send to collection agency
- ☐ To be evaluated for ☐ Sex Offender, ☐ Addiction, ☐ Mental Health, Supervision
- ☐ Anger Management ☐ D/V Counseling ☐ Parenting Classes ☐ No contact with _____
- ☐ Parole authority retained pursuant to 75 P.S. 3804D and 3815

☒ Other:

12 month license suspension
PPI Can done from After release

EXHIBIT E

ETD

SCANNED

TRIAL/PLEA/SENTENCE

(E) THV

1 of 1

Commonwealth of Pennsylvania

Charge(s) and Bill(s) of Information

VS

CR-2750-18

Vincent Esposito

C14 Belt from motor vehicle; C12 TRUT;
 C13 RSP; C14 firearms not to be carried
 w/o license; C15 Pass sm! Ant; Mary;
 C16 Drug Para

	TRIAL	OPEN GUILTY PLEA	SENTENCE
DATE		9/23/19	10/17/19
JUDGE		Richard P. Haaz	Richard P. Haaz
COURTROOM		9	9
COMMONWEALTH'S ATTY		V. Konrad	G. Hughes
DEFENDANT'S ATTY		M. Quigg	M. Quigg
COURT REPORTER		B. Berardelli	B. Berardelli
COURT CLERK		T. DAguilano	T. DAguilano

AND NOW, this 23rd day of

September

20 19

☒ The Court finds that the defendant has knowingly, intelligently and voluntarily entered a plea of guilty with reference to the following Bill(s) of Information and the Court accepts the guilty plea:

CR-2750-18

C12 TRUT (F2)

C14 firearms not to be carried w/o license (F3)

☐ The Court accepts the terms of the plea agreement and sentence will be imposed in accordance with it.

☒ The motion of the District Attorney to nol pros the following Bill(s) of Information is granted: All remaining counts @ sentenced Costs on: ☐ Defendant ☒ County

☐ The Court sustains a motion for judgment of acquittal as to Bill(s) of Information:

☐ The Court overrules a motion for judgment of acquittal as to Bill(s) of Information:

☐ After trial, the Jury/Court finds the defendant:

Guilty of the following Bill(s) of Information:

Not guilty of the following Bill(s) of Information:

Jury sworn: _____ Jury Returns: _____ Trial Days: _____

The Court directs that the defendant forthwith register with the Adult Probation Department for:

- ☒ PPI Evaluation ☐ House Arrest Suitability Assessment ☐ SIP/RIP Assessment
☐ Pre-Sentence Investigation and Report ☐ Commencing Supervision ☐ Sexually Violent Predator Assessment
☒ Sentence deferred: Defendant remanded without bail, released on same bail, remanded pending posting of bail in the increased amount of \$ _____, pending sentencing.
☐ 90 Day Rule is waived on the record.
☐ Special Conditions: _____

☐ Defendant's PA driver's license ☐ attached ☐ affidavit submitted ☐ to be surrendered by _____
☐ Blood Alcohol Content _____ ☐ _____ Offense ☐ Refusal

October 17, 2019

AND NOW,

042,4 X
(concurrent)

Defendant is sentenced to undergo Imprisonment for not less than 1 1/2 years nor more than 3 years in such State Correctional Institution as shall be designated by the Deputy Commissioner for Programs, Department of Corrections, and sent to the State Correctional Institution at SCI Phoenix/Muncy for this purpose. Commitment to date from 10/17/19

☐ R.R.R.I. Minimum _____ months ☒ Not R.R.R.I. Eligible
☐ DA Waives R.R.R.I. Objection ☐ DA waives objection to any duplicate time credit issues
☐ Consecutive/concurrent to all previously imposed sentences ☐ Costs on the County
☐ Eligible for boot camp ☒ Credit for time served from 10/19/17 - 10/20/17

☐ Defendant is sentenced to undergo Imprisonment for not less than _____ months nor more than _____ months in the Montgomery County Correctional Facility. Commitment to date from _____ ☐ Credit for time served from _____

☐ Consecutive/concurrent to all previously imposed sentences ☐ Costs on the County
☐ Eligible for Work Release ☐ Is not eligible for good-time credit

☐ Defendant is sentenced to Intermediate Punishment for a period of _____ months; the first _____ months of which is to be served in the following Restrictive Intermediate Punishment Program from: _____ ☐ House Arrest

☐ Defendant is sentenced to Restrictive Intermediate Punishment (RIP) Program for a period of _____ months. All treatment and supervision pursuant to 42 P.S. 89763, 89804, et seq.

☐ Defendant is sentenced to State Intermediate Punishment (SIP) Program for a period of twenty-four (24) months pursuant to 61 P.S. 84104, et seq.

☐ Defendant is sentenced to Restorative Sanctions - Probation and/or _____ for a period of _____ months/years in the custody of:
☐ Montgomery County Adult Probation/Parole Department ☐ PA Board of Probation and Parole

☐ Consecutive/concurrent to _____ ☐ To date from: _____
Defendant is sentenced to pay the costs of prosecution, and a fine of \$ _____ and restitution of \$ _____ to _____ within the first _____ months of supervision/release from custody in monthly installments as directed, and as authorized by law.

☐ Determination of guilt without further penalty _____ ☐ Bills merge for sentencing purposes

042,4 X

CONCURRENT/CONSECUTIVE SENTENCE

Information No. _____
sentence is _____

☐ R.R.R.I. Min. _____ ☐ Not R.R.R.I. Eligible
and is to run concurrently/consecutively with/to sentence imposed on Info. # _____

CONCURRENT/CONSECUTIVE SENTENCE

Information No. _____
sentence is _____

☐ R.R.R.I. Min. _____ ☐ Not R.R.R.I. Eligible
and is to run concurrently/consecutively with/to sentence imposed on Info. # _____

SPECIAL CONDITION(S) OF SENTENCE(S)

- ☐ Outpatient Treatment ☐ Inpatient Treatment ☐ PPI Evaluation and recommended treatment
- ☐ CRN Evaluation and Treatment ☐ Alcohol Highway Safety School or Safe Driving School
- ☐ Community Service: _____ hours at site to be determined, within _____ months/years. ☐ Comply with Megan's Law 42 PA C.S. 9799.15 registration requirements
- X Defendant shall comply with any special conditions of probation/parole/state intermediate punishment imposed by the Montgomery County Adult Probation/Parole Dept. or the PA Board of Probation and Parole. Defendant shall pay the monthly offender supervision fee. ☒ Offender supervision fee is waived
- ☐ Eligible to Participate in a Reentry Plan ☐ Do not send to collection agency
- ☐ To be evaluated for ☐ Sex Offender, ☐ Addiction, ☐ Mental Health, Supervision
- ☐ Anger Management ☐ D/V Counseling ☐ Parenting Classes ☐ No contact with _____
- ☐ Parole authority retained pursuant to 75 P.S. 3804D and 3815

X Other:

Firearm may be returned to Ryan Capaldi
Serial # 6BU 0024144

EXHIBIT F

52. *FM*

TRIAL/PLEA/SENTENCE

Commonwealth of Pennsylvania

Charge(s) and Bill(s) of Information

VS

CR-3593-19 (CT1) Robb/fear of serious bodily
(CT2) Robb/bodily injury (CT3) Robb/
take prop from other force (CT 4-6)
coleng Robbery (CT7) TBUT; (CT8) RSP
(CT9) PIC w/int (CT 10) S.A

Gregory Jackson

	TRIAL	OPEN GUILTY PLEA	SENTENCE
DATE		12-5-19	
JUDGE		Wm F. Casper	
COURTROOM			
COMMONWEALTH'S ATTY		L. Fander	Same
DEFENDANT'S ATTY		W. Saadgoi	
COURT REPORTER		J. Collins	
COURT CLERK		J. Leviser	

AND NOW, this 5th day of December 2019

☒ The Court finds that the defendant has knowingly, intelligently and voluntarily entered a plea of guilty with reference to the following Bills of Information and the Court accepts the guilty plea:

CR 3593-19. CT1 Robbery (P1)

CT 4 CSPW Robbery (F1)

☒ The Court accepts the terms of the plea agreement and sentence will be imposed in accordance with it.

☒ The motion of the District Attorney to nol pros the following Bill(s) of Information is granted: all remaining counts. Costs on: ☐ Defendant ☒ County

☐ The Court sustains a motion for judgment of acquittal as to Bill(s) of Information:

☐ The Court overrules a motion for judgment of acquittal as to Bill(s) of Information:

☐ After trial, the Jury/Court finds the defendant:

Guilty of the following Bill(s) of Information:

Not guilty of the following Bill(s) of Information:

Jury sworn: _____ Jury Returns: _____ Trial Days: _____

☒ The Court directs that the defendant forthwith register with the Adult Probation Department for:

- ☐ PPI Evaluation ☐ House Arrest Suitability Assessment ☐ SIP/RIP Assessment
- ☐ Pre-Sentence Investigation and Report ☒ Commencing Supervision ☐ Sexually Violent Predator Assessment
- ☐ Sentence deferred: Defendant remanded without bail/released on same bail/remanded pending posting of bail in the increased amount of \$_____, pending sentencing.

☐ 90 Day Rule is waived on the record.

☐ Special Conditions: _____

- ☐ Defendant's PA driver's license ☐ attached ☐ affidavit submitted ☐ to be surrendered by _____
- ☐ Blood Alcohol Content _____ ☐ _____ Offense ☐ Refusal

William B. Casper

AND NOW:

12/5/19

CT1

- ☒ Defendant is sentenced to undergo **Imprisonment** for not less than 5 years nor more than 15 years in such State Correctional Institution as shall be designated by the Deputy Commissioner for Programs, Department of Corrections, and sent to the State Correctional Institution at SCI Phoenix/Money for this purpose. Commitment to date from 5/15/19.
- ☐ R.R.R.I. Minimum _____ months ☒ Not R.R.R.I. Eligible
- ☒ DA Waives R.R.R.I. Objection ☐ DA waives objection to any duplicate time credit issues
- ☒ ~~Consecutive~~/concurrent to all previously imposed sentences ☐ Costs on the County
- ☐ Eligible for boot camp ☐ Credit for time served from _____
- ☐ Defendant is sentenced to undergo **Imprisonment** for not less than _____ months nor more than _____ months in the Montgomery County Correctional Facility. Commitment to date from _____ ☐ Credit for time served from _____
- ☐ **Consecutive/concurrent** to all previously imposed sentences ☐ Costs on the County
- ☐ Eligible for Work Release ☐ Is not eligible for good-time credit
- ☐ Defendant is sentenced to **Intermediate Punishment** for a period of _____ months; the first _____ months of which is to be served in the following Restrictive Intermediate Punishment Program from: _____ ☐ House Arrest
- ☐ Defendant is sentenced to **Restrictive Intermediate Punishment (RIP)** Program for a period of _____ months. All treatment and supervision pursuant to 42 P.S. 89763, 89804, *et seq.*
- ☐ Defendant is sentenced to **State Intermediate Punishment (SIP)** Program for a period of twenty-four (24) months pursuant to 61 P.S. 84104, *et seq.*
- ☐ Defendant is sentenced to **Restorative Sanctions - Probation and/or** _____ for a period of _____ months/years in the custody of:
- ☐ Montgomery County Adult Probation/Parole Department ☐ PA Board of Probation and Parole
- ☒ **Consecutive/concurrent** to _____ ☐ To date from: _____
- ☒ Defendant is sentenced to pay the costs of prosecution, and a fine of \$ _____ and restitution of \$ _____ to _____ within the first 36 months of supervision/~~release from custody~~ in monthly installments as directed, and as authorized by law.
- ☐ Determination of guilt without further penalty _____ ☐ Bills merge for sentencing purposes

CT1

CONCURRENT/CONSECUTIVE SENTENCEInformation No.
sentence is

CT4.

5-15 yrs SCI + cost.

☐ R.R.R.I. Min. _____ ☒ Not R.R.R.I. Eligible
and is to run concurrently/consecutively with/to sentence imposed
on Info. # CT1

CONCURRENT/CONSECUTIVE SENTENCEInformation No.
sentence is

☐ R.R.R.I. Min. _____ ☐ Not R.R.R.I. Eligible
and is to run concurrently/consecutively with/to sentence imposed
on Info. # _____

SPECIAL CONDITION(S) OF SENTENCE(S)

- ☐ Outpatient Treatment ☐ Inpatient Treatment ☐ PPI Evaluation and recommended treatment
- ☐ CRN Evaluation and Treatment ☐ Alcohol Highway Safety School or Safe Driving School
- ☐ Community Service: _____ hours at site to be determined, within _____ months/years. ☐ Comply with Megan's Law 42 PA C.S. 9799.15 registration requirements
- ☒ Defendant shall comply with any special conditions of probation/parole/state intermediate punishment imposed by the Montgomery County Adult Probation/Parole Dept, or the PA Board of Probation and Parole.
- ☒ Defendant shall pay the monthly offender supervision fee. ☐ Offender supervision fee is waived
- ☐ Eligible to Participate in a Reentry Plan ☐ Do not send to collection agency
- ☐ To be evaluated for ☐ Sex Offender, ☐ Addiction, ☐ Mental Health, Supervision
- ☐ Anger Management ☐ D/V Counseling ☐ Parenting Classes ☐ No contact with _____
- ☐ Parole authority retained pursuant to 75 P.S. 3804D and 3815
- ☐ Other: _____

WDR [signature]

EXHIBIT G

PS/HT/PI
Mental Health eval

E-111
TRIAL/PLEA/SENTENCE

SCANNED 1 of _____

Commonwealth of Pennsylvania

Charge(s) and Bill(s) of Information

VS

CR-3398-17 Ct 1 Poss Ct 2 Poss Ct 3 Poss

Ct 4 Poss Ct 5 Poss Ct 6 Poss Ct 7 Poss

Brenda Jary

	TRIAL	OPEN GUILTY PLEA	SENTENCE
DATE		6/20/19	10/4/19
JUDGE		Todd Eisenberg	TODD D. EISENBERG
COURTROOM		2	2
COMMONWEALTH'S ATTY		Samantha Thompson	DOUG LAVENBERG
DEFENDANT'S ATTY		Michael Gottlieb	MICHAEL GOTTLIEB
COURT REPORTER		Karen Brownell	Paula Meszaro
COURT CLERK		Monica P. Brown	Mary Lyons

AND NOW, this 20th day of June, 2019

☒ The Court finds that the defendant has knowingly, intelligently and voluntarily entered a plea of guilty with reference to the following Bills of Information and the Court accepts the guilty plea:

CR-3398-17 Ct 1 Poss (un)
Ct 2 Poss (un)

☐ The Court accepts the terms of the plea agreement and sentence will be imposed in accordance with it.

☒ The motion of the District Attorney to nol pros the following Bill(s) of Information is granted: _____
Costs on: ☐ Defendant ☒ County

☐ The Court sustains a motion for judgment of acquittal as to Bill(s) of Information: _____

☐ The Court overrules a motion for judgment of acquittal as to Bill(s) of Information: _____

☐ After trial, the Jury/Court finds the defendant:

Guilty of the following Bill(s) of Information _____

Not guilty of the following Bill(s) of Information _____

Jury sworn: _____ Jury Returns: _____ Trial Days: _____

☒ The Court directs that the defendant forthwith register with the Adult Probation Department for:

☒ PPI Evaluation ☐ House Arrest Suitability Assessment ☐ SIP/RIP Assessment

☒ Pre-Sentence Investigation Report ☐ Commencing Supervision ☐ Sexually Violent Predator Assessment

☒ Sentence deferred: Defendant remanded without bail/released on same bail/remanded pending posting of bail in the increased amount of \$ _____, pending sentencing.

☒ 90 Day Rule is waived on the record

☐ Special Conditions: _____

☐ Defendant's PA driver's license ☐ attached ☐ affidavit submitted ☐ to be surrendered by _____

☐ Blood Alcohol Content _____ ☐ Offense ☐ Refusal

AND NOW,

this 4th October, 2019

- ☐ Defendant is sentenced to undergo **Imprisonment** for not less than _____ years nor more than _____ years in such State Correctional Institution as shall be designated by the Deputy Commissioner for Programs, Department of Corrections, and sent to the State Correctional Institution at **SCI Phoenix/Muncy** for this purpose. Commitment to date from _____
- ☐ R.R.R.I. Minimum _____ months ☐ Not R.R.R.I. Eligible
- ☐ DA Waives R.R.R.I. Objection ☐ DA waives objection to any duplicate time credit issues
- ☐ **Consecutive/Concurrent** to all previously imposed sentences ☐ Costs on the County
- ☐ Eligible for boot camp ☐ Credit for time served from _____
- ☐ Defendant is sentenced to undergo **Imprisonment** for not less than _____ months nor more than _____ months in the Montgomery County Correctional Facility. Commitment to date from _____ ☐ Credit for time served from _____
- ☐ **Consecutive/Concurrent** to all previously imposed sentences ☐ Costs on the County
- ☐ Eligible for Work Release ☐ Is not eligible for good-time credit
- ☐ Defendant is sentenced to **Intermediate Punishment** for a period of _____ months; the first _____ months of which is to be served in the following Restrictive Intermediate Punishment Program from: _____ ☐ House Arrest
- ☐ Defendant is sentenced to **Restrictive Intermediate Punishment** (RIP) Program for a period of _____ months. All treatment and supervision pursuant to 42 P.S. 89763, 89804, et seq.
- ☐ Defendant is sentenced to **State Intermediate Punishment** (SIP) Program for a period of twenty-four (24) months pursuant to 61 P.S. 84104, et seq.
- ☒ Defendant is sentenced to ~~Restorative Sanctions~~ **Probation** and/or _____ for a period of _____ months/years in the custody of:
- ☐ Montgomery County Adult Probation/Parole Department ☐ PA Board of Probation and Parole
- ☒ ~~Consecutive/Concurrent~~ to CT1 & CT2 ☒ To date from: 10-4-19
- ☒ Defendant is sentenced to pay the costs of prosecution, and a fine of \$ _____ and restitution of \$ _____ to _____ within the first _____ months of **supervision/release from custody** in monthly installments as directed, and as authorized by law.
- ☐ Determination of guilt without further penalty _____ ☐ Bills merge for sentencing purposes

CONCURRENT/CONSECUTIVE SENTENCE

Information No. _____

sentence is _____

☐ R.R.R.I. Min. _____ ☐ Not R.R.R.I. Eligible

and is to run concurrently/consecutively with/to sentence imposed on Info. # _____

CONCURRENT/CONSECUTIVE SENTENCE

Information No. _____

sentence is _____

☐ R.R.R.I. Min. _____ ☐ Not R.R.R.I. Eligible

and is to run concurrently/consecutively with/to sentence imposed on Info. # _____

SPECIAL CONDITION(S) OF SENTENCE(S)

- ☐ Outpatient Treatment ☐ Inpatient Treatment ☐ PPI Evaluation and recommended treatment
- ☐ CRN Evaluation and Treatment ☐ Alcohol Highway Safety School or Safe Driving School
- ☐ Community Service: _____ hours at site to be determined, within _____ months/years. ☐ Comply with Megan's Law 42 PA C.S. 9799.15 registration requirements
- ☒ Defendant shall comply with any special conditions of ~~probation/parole~~ **state intermediate punishment** imposed by the ~~Montgomery County Adult Probation/Parole Dept.~~ or the **PA Board of Probation and Parole.**
- ☒ Defendant shall pay the monthly offender supervision fee. ☐ Offender supervision fee is waived.
- ☐ Eligible to Participate in a Reentry Plan ☐ Do not send to collection agency
- ☐ Anger Management ☐ D/V Counseling ☐ Parenting Classes ☐ No contact with _____
- ☐ Parole authority retained pursuant to 75 P.S. 3804D and 3815

☒ Other: to run concurrent to CR-4185-18

EXHIBIT H

Our records indicate you recently appeared in court. Your financial obligation is as follows:

Case Number:



Amount Due:	\$360.00
Costs/Fees:	\$360.00
Fines:	\$0.00
Restitution:	\$0.00

The payment schedule to satisfy the terms of your sentence requires a payment on the 29th of each month of \$40.00 beginning 02/29/2020. If you cannot make the scheduled payment, please contact your county probation officer or state parole agent.

Court of Common Pleas - Montgomery County
Clerk of Courts Office
P.O. Box311
Norristown, PA 19404



Addressee



Date

02/05/2020

Payment Plan No
Case Number



Money order, cashiers check, or certified check should be made payable to 'Clerk of Courts'. Please include your case number. Payment may be made in full at any time.

WARNING: \$38.25 fee charged for checks returned for insufficient funds. To make a payment online or by phone, go to coc.montcopa.org/coc and follow the instructions.

[REDACTED]

Our records indicate that you are now more than three hundred forty-five (345) days past due concerning the payment of the court-ordered costs, fines, restitution, and fees in the above-captioned case(s).

As of the date of this letter, you owe \$1303.77 towards your total outstanding balance of \$1580.78. Please forward payment immediately. Failure to pay this amount may result in adverse action being taken against you including but not limited to:

- 1) Contempt of court proceedings being instituted against you
- 2) A warrant for your arrest being issued
- 3) Revocation of Accelerated Rehabilitation Disposition
- 4) Referral of this matter to a collection agency with an additional assessment of 25% of balance due.

You may contact this office regarding any questions you have about this notice .

Sincerely,

Montgomery County Court of Common Pleas

Court of Common Pleas - Montgomery County
Clerk of Courts Office
P.O. Box311
Norristown, PA 19404



[REDACTED]

Payment Methods via mail: Money Order, Certified Check Payment Methods in our office: Cash, Money Order, Certified Check, Debit Card, Discover, Master Card, Visa
WARNING: \$38.25 fee charged for checks returned for insufficient funds.

To make a payment online or by phone, go to coc.montcopa.org/coc and follow the instructions.

Be advised that failure to pay on your account has resulted in your account being submitted to a third party for collection. This action may result in affecting your credit rating. An immediate payment of \$618.06 is required to stay this action. Failure to remit payment will result in your balance of \$7734.80 being submitted for collection. An additional 25.00% collection charge of \$1933.70 will be added to your account balance for a new balance of \$9668.50. Your entire balance must be paid in full. If you cannot make the scheduled payment, please contact the County Adult Probation Department in writing.

Court of Common Pleas - Montgomery County
Clerk of Courts Office
P.O. Box311
Norristown, PA 19404



Addressee:



Date:

02/05/2020

Payment Plan No.:



Case Number:

Money order, cashiers check, or certified check should be made payable to "Clerk of Courts". Please include your case number. Payment may be made in full at any time.

WARNING: \$38.25 fee charged for checks returned for insufficient funds

To make a payment online or by phone, go to coc.montcopa.org/coc and follow the instructions.