

# COURT OF COMMON PLEAS OF CENTRE COUNTY

## DOCKET



Docket Number: CP-14-CR-0000411-2012

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Jamshid Assadinia

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### CASE INFORMATION

Cross Court Docket Nos: 1928 MDA 2013, 795 MAL 2014

Judge Assigned: Kistler, Thomas King

Date Filed: 03/05/2012

Initiation Date: 01/26/2012

OTN: T 142683-2

LOTN:

Originating Docket No: MJ-49101-CR-0000023-2012

Initial Issuing Authority: Carmine W. Prestia Jr.

Final Issuing Authority: Carmine W. Prestia Jr.

Arresting Agency: Pennsylvania Office of Attorney General

Arresting Officer: Waugaman, David A.

Complaint/Incident #: 54400255

Case Local Number Type(s)

Case Local Number(s)

### STATUS INFORMATION

<u>Case Status:</u>	<u>Status Date</u>	<u>Processing Status</u>	<u>Complaint Date:</u>
Closed	03/16/2015	Appeal Decided	01/26/2012
	10/25/2013	Awaiting Appellate Court Decision	
	10/22/2013	Completed	
	04/16/2013	Sentenced/Penalty Imposed	
	12/26/2012	Awaiting Sentencing	
	12/26/2012	Awaiting PSI	
	12/21/2012	Awaiting Sentencing	
	03/28/2012	Awaiting Pre-Trial Conference	
	03/26/2012	Awaiting Formal Arraignment	
	03/23/2012	Awaiting Pre-Trial Conference	
	03/05/2012	Awaiting Filing of Information	

### CALENDAR EVENTS

<u>Case Calendar</u>	<u>Schedule</u>	<u>Start</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u>
<u>Event Type</u>	<u>Start Date</u>	<u>Time</u>			<u>Status</u>
Pre-Trial Conference	05/22/2012	8:00 am	Courtroom 1	President Judge Pamela A. Ruest	Scheduled
Pre-Trial Conference	11/15/2012	8:00 am	Courtroom 1	Judge Thomas King Kistler	Scheduled
Guilty Plea	12/21/2012	9:00 am	Courtroom 1	Judge Thomas King Kistler	Scheduled
Sentencing	04/16/2013	9:00 am	Courtroom 1	Judge Thomas King Kistler	Scheduled
PCRA Conference	08/16/2013	11:00 am	Judge's Chambers	Judge Thomas King Kistler	Scheduled
PCRA Hearing	09/17/2013	3:00 pm	Courtroom 1	Judge Thomas King Kistler	Scheduled

### DEFENDANT INFORMATION

Date Of Birth: 10/04/1958 City/State/Zip: State College, PA 16803

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### CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Assadinia, Jamshid

### BAIL INFORMATION

Assadinia, Jamshid Nebbia Status: None

<u>Bail Action</u>	<u>Date</u>	<u>Bail Type</u>	<u>Percentage</u>	<u>Amount</u>	<u>Bail Posting Status</u>	<u>Posting Date</u>
Set	01/26/2012	ROR		\$0.00		

### CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>OTN</u>
1	1	F3	18 § 4117 §§A2	False/Fraud/Incomp Insurance Claim	06/05/2006	T 142683-2
2	2	F3	18 § 3922 §§A1	Theft By Decep-False Impression	06/05/2006	T 142683-2

### DISPOSITION SENTENCING/PENALTIES

Disposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>	
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u>	<u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>	
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>	
<u>Sentence Conditions</u>			

**Waived for Court (Lower Court)**      Defendant Was Present

Lower Court Disposition	02/28/2012	Not Final	
1 / False/Fraud/Incomp Insurance Claim	Waived for Court (Lower Court)	F3	18 § 4117 §§ A2
2 / Theft By Decep-False Impression	Waived for Court (Lower Court)	F3	18 § 3922 §§ A1

**Proceed to Court**

Information Filed	03/26/2012	Not Final	
1 / False/Fraud/Incomp Insurance Claim	Proceed to Court	F3	18 § 4117 §§ A2
2 / Theft By Decep-False Impression	Proceed to Court	F3	18 § 3922 §§ A1

**Nolo Contendere**

Guilty Plea	12/21/2012	Final Disposition	
1 / False/Fraud/Incomp Insurance Claim	Nolo Contendere	F3	18 § 4117 §§ A2
Kistler, Thomas King	04/16/2013		
Probation	Min of 90.00 Days		
	Max of 6.00 Months		
	Other		

Pay all fines and costs and restitution in accordance with a contract in which a payment schedule will be established by the Centre County Probation and Parole Department. This contract will be approved by the court.

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Disposition

Case Event

Disposition Date

Final Disposition

Sequence/Description

Offense Disposition

Grade    Section

Sentencing Judge

Sentence Date

Credit For Time Served

Sentence/Diversion Program Type

Incarceration/Diversionary Period

Start Date

Sentence Conditions

Defendant shall pay all fines, costs and fees within \_\_\_\_\_ days and in accordance with a contract in which a payment schedule will be established by the Centre County Probation and Parole Department.

This contract will be approved by the Court.

That you pay the costs of prosecution and supervision fee.

Judgment shall be entered against you and in favor of the Centre County Probation and Parole Department for all fees, costs and fines ordered to be paid by you.

That you violate no law of this Commonwealth or any other jurisdiction during your probation period.

That, if you have not already done so, you make restitution to: those persons set forth in attached schedules in the amounts shown.

That you undergo any evaluation deemed necessary as arranged by the Centre County Probation and Parole Department and participate in any treatment programs as may be recommended as a result of any evaluation, and as approved by the Centre County Probation and Parole Department.

Undergo imprisonment in the Centre County Correctional Facility for a period of not less than ninety (90) days nor more than six (6) months.

This sentence shall run concurrently to that sentence imposed on Count 2 of Centre County Criminal Information No. CP-14-CR-411-2012.

Undergo imprisonment in the Centre County Correctional Facility for a period of not less than ninety (90) days nor more than six (6) months. You shall be eligible to participate in the Centre County (Reentry Program" immediately. You shall be eligible for work release during any periods of incarceration.

Special conditions of work release include

Submit a DNA Sample, a photograph and a full set of fingerprints to be taken at the Centre County Prison as arranged by the Centre County Probation and Parole Department, and pay the mandatory cost of Two Hundred Fifty Dollars (\$250.00) associated with the procedure - DNA Detection of Sexual and Violent Predators Act.

Defendant shall perform two hundred (200) hours of community service as directed by the Centre County Probation and Parole Department.

Defendant shall have no contact direct or indirect with the identified victims unless the contact is initiated by the victim.

2 / Theft By Decep-False Impression	Nolo Contendere	F3	18 § 3922 §§ A1
Kistler, Thomas King	04/16/2013		
Confinement	Min of 90.00 Days Max of 6.00 Months Other		05/01/2013

Pay the costs of Prosecution, Supervision Fee, and Costs of Incarceration.

That defendant pay a fine in the amount of \$10,000.00.

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## DISPOSITION SENTENCING/PENALTIES

### Disposition

#### Case Event

#### Disposition Date

#### Final Disposition

#### Sequence/Description

#### Offense Disposition

#### Grade    Section

#### Sentencing Judge

#### Sentence Date

#### Credit For Time Served

#### Sentence/Diversion Program Type

#### Incarceration/Diversionary Period

#### Start Date

#### Sentence Conditions

If you have not already done so, make restitution to those persons set forth in the attached schedules in the amounts shown.

Pay all costs and restitution in accordance with a contract in which a payment schedule will be established by the Centre County Probation and Parole Dept. This contract will be approved by the court.

Judgment shall be entered against you and in favor of the Centre County Probation and Parole Dept. for costs and restitution ordered to be paid by you.

Undergo any evaluation deemed necessary and as arranged by the Centre County Probation and Parole Department and participate in any treatment programs as may be recommended as a result of any evaluation, and as approved by the Centre County Probation and Parole Department.

Undergo imprisonment in the Centre County Prison for a period of not less than ninety (90) days nor more than six (6) months. This period of incarceration shall commence on May 1, 2013 at 9 o'clock at the Centre County Correctional Facility.

The defendant is eligible for a re-entry plan.

Defendant shall be considered for work release during any periods of incarceration.

Defendant required to submit DNA sample, photo and fingerprints.

### LINKED SENTENCES:

#### Link 1

CP-14-CR-0000411-2012 - Seq. No. 1 (18§ 4117 §§ A2) - Probation is Concurrent with

CP-14-CR-0000411-2012 - Seq. No. 2 (18§ 3922 §§ A1) - Confinement

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### COMMONWEALTH INFORMATION

Name: Gregory Joseph Simatic  
Attorney General

Supreme Court No: 201019

Phone Number(s):  
412-565-2748 (Phone)

Address:  
PA Office of Attorney General  
564 Forbes Ave  
Pittsburgh, PA 15219-2992

Name: Dennis Allen Kistler  
Attorney General

Supreme Court No: 039351

Phone Number(s):  
412-880-0129 (Phone)

Address:  
Attorney General's Office - Pennsylvania  
Office of Atty General  
564 Forbes Avenue 6th Floor  
Pittsburgh, PA 15219

### ATTORNEY INFORMATION

Name: Vincent J. Quinn  
Private

Supreme Court No: 026113

Rep. Status: Active

Phone Number(s):  
717-290-7971 (Phone)

Address:  
Eager Stengel Quinn & Sofilka  
1347 Fruitville Pike  
Lancaster, PA 17601-4001

Representing: Assadinia, Jamshid

### ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	01/26/2012		Prestia, Carmine W. Jr.
Bail Set - Assadinia, Jamshid			
1/1	03/05/2012		Donaldson, Robert Scott
Entry of Appearance Centre County District Attorney's Office 03/13/2012			
2/2	03/05/2012		Donaldson, Robert Scott
Important Notice of Required Court Appearances			
3/3	03/05/2012		Court of Common Pleas - Centre County
Original Papers Received from Lower Court			
4/1	03/23/2012		Donaldson, Robert Scott
Waiver of Appearance at Arraignment			
5/1	03/26/2012		Unknown Filer
Information Filed			

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6/2 Entry of Appearance	03/26/2012		Kistler, Dennis Allen
7/1 Order Granting Motion for Continuance and Waiver of Pa.R.Crim.P. 600/1013 Kistler, Dennis Allen 05/24/2012	05/23/2012		Ruest, Pamela A.
8/1 Order Granting Motion for Continuance and Waiver of Pa.R.Crim.P. 600/1013 Kistler, Dennis Allen 07/13/2012	07/13/2012		Lunsford, Bradley P.
9/1 Order Granting Motion for Continuance and Waiver of Pa.R.Crim.P. 600/1013 Donaldson, Robert Scott 09/19/2012	09/19/2012		Ruest, Pamela A.
10/1 Order Granting Motion for Continuance and Waiver of Pa.R.Crim.P. 600/1013 Kistler, Dennis Allen 11/16/2012	11/15/2012		Ruest, Pamela A.
11/1 Entry of Appearance Kistler, Dennis Allen 12/28/2012	12/19/2012		Pletcher, Scott Nathan
1 Nolo Contendere	12/21/2012		Kistler, Thomas King
2 Disposition Filed	12/21/2012		Kistler, Thomas King
12/1 Written Nolo Contendere Plea Colloquy	04/01/2013		Pletcher, Scott Nathan
13/1 Case Correspondence	04/10/2013		Bradburn, Wayne E. Jr.

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14/2	04/10/2013		Bradburn, Wayne E. Jr.
Defendant, Jamshid K. Assadinia's Sentencing Memorandum			
15/1	04/16/2013	04/17/2013	Kistler, Thomas King
Order - Sentence/Penalty Imposed			
Centre County District Attorney's Office			
04/18/2013			
Centre County Prison			
04/18/2013			
Centre County Probation			
04/18/2013			
Pletcher, Scott Nathan			
04/18/2013			
1	04/18/2013		Court of Common Pleas - Centre County
Penalty Assessed			
1	04/19/2013		Court of Common Pleas - Centre County
Penalty Satisfied			
16/1	04/26/2013	04/26/2013	Kistler, Thomas King
Amended Order Filed			
Centre County Probation Department			
04/26/2013			
Commonwealth of Pennsylvania			
04/26/2013			
Pletcher, Scott Nathan			
04/26/2013			
17/1	05/08/2013		Kistler, Thomas King
Transcript of Proceedings of Guilty Plea held December 21, 2012			
18/2	05/08/2013		Kistler, Thomas King
Transcript of Proceedings of Sentencing held April 16, 2013			

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19/1	06/05/2013		Quinn, Vincent J.
Petition for Post Conviction Collateral Relief Forwarded to Judge 6/6/13			
-----			
20/1	06/20/2013		Simatic, Gregory Joseph
Entry of Appearance			
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21/2	06/25/2013	06/25/2013	Kistler, Thomas King
Order Scheduling Status Conference			
Kistler, Dennis Allen			
06/26/2013			
Quinn, Vincent J.			
06/26/2013			
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22/1	07/24/2013		Simatic, Gregory Joseph
Response to Petition for Post-Conviction Collateral Relief			
-----			
23/1	07/31/2013	07/29/2013	Kistler, Thomas King
Order Granting Parole			
(Probation served copies)			
-----			
24/1	08/16/2013		Quinn, Vincent J.
Supplement to Witness List			
-----			
25/1	08/19/2013	08/16/2013	Kistler, Thomas King
Order Scheduling Evidentiary Hearing			
Kistler, Dennis Allen			
08/20/2013			
Quinn, Vincent J.			
08/20/2013			
-----			
26/1	09/06/2013		Quinn, Vincent J.
Motion to Amend Petition for Post Conviction Relief			
(Sent to Judge - 09/09/13)			
Quinn, Vincent J.			
09/09/2013			
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27/1	09/10/2013	09/10/2013	Kistler, Thomas King
Proposed Order to Amend the Motion for PCRA			



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<u>Service To</u>		<u>Service By</u>	
<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
Quinn, Vincent J. 09/12/2013			
Simatic, Gregory Joseph 09/12/2013			
-----			
28/1	09/25/2013	09/17/2013	Kistler, Thomas King
Order Directing Memorandum of Law to be Submitted			
Quinn, Vincent J. 09/26/2013			
Simatic, Gregory Joseph 09/26/2013			
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29/1	09/30/2013		Simatic, Gregory Joseph
Commonwealth's Post-Hearing Memorandum (sent to Judge 10/1/13)			
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30/1	10/22/2013	10/22/2013	Kistler, Thomas King
Opinion and Order (PCRA is Denied)			
Quinn, Vincent J. 10/23/2013			
Simatic, Gregory Joseph 10/23/2013			
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31/1	10/25/2013		Quinn, Vincent J.
Notice of Appeal to the Superior Court from the final order filed OOctober 22, 2013, filed. (Mailed a copy of the Notice of Appeal and check for \$73.50 to Superior Court 10/28/13)			
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32/1	10/28/2013	10/25/2013	Kistler, Thomas King
Concise Statement Order			
Quinn, Vincent J. 10/28/2013			
Simatic, Gregory Joseph 10/28/2013			
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33/1 Pre-Sentence Investigation Report Filed	10/30/2013		Centre County Probation Department
34/1 Docketing Statement from Superior Court (1928 MDA 2013)	11/04/2013		Superior Court of Pennsylvania - Middle District
35/1 Transcript of Proceedings of PCRA Evidentiary Hearing held September 17, 2013 (Commonwealth's Exhibit A attached) (Defendant's Exhibits 1 & 2 attached)	11/05/2013		Kistler, Thomas King
36/1 Concise Statement of Errors Complained on Appeal	11/08/2013		Quinn, Vincent J.
37/1 Opinion in Response to Matters Complained of on Appeal Quinn, Vincent J. 11/15/2013 Simatic, Gregory Joseph 11/15/2013	11/14/2013	11/14/2013	Kistler, Thomas King
1 Appeal Docket Sheet Prepared Quinn, Vincent J. 01/06/2014 Simatic, Gregory Joseph 01/06/2014	01/06/2014		Immel, Debra Corman
1 Certificate and Transmittal of Record to Appellate Court (Mailed Entire Record to Superior Court via Fed Ex - 01/08/14)	01/08/2014		Immel, Debra Corman
1 Acknowledgment of Receipt of Entire Record (Received - 01/10/14)	01/23/2014		Superior Court of Pennsylvania - Middle District

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1	03/13/2015		Supreme Court of Pennsylvania - Middle District
Supreme Court Order Petition for Allowance of Appeal is Denied.			
1	03/16/2015		Superior Court of Pennsylvania - Middle District
Superior Court Decision (Appeal Dismissed)(Received the original record from Superior Court 3/16/15) (PSI Returned to Probation on 3-17-2015)			
1	03/18/2015		Centre County Probation Department
Acknowledgement of Receipt of PSI Report			

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### CASE FINANCIAL INFORMATION

Last Payment Date: 10/28/2013

Total of Last Payment: -\$60.00

Assadinia, Jamshid Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Total</u>
<b>Costs/Fees</b>					
ATJ	\$3.00	-\$3.00	\$0.00	\$0.00	\$0.00
Automation Fee (Centre)	\$5.00	-\$5.00	\$0.00	\$0.00	\$0.00
Booking Center Fee (Centre)	\$200.00	-\$200.00	\$0.00	\$0.00	\$0.00
CJES	\$2.25	-\$2.25	\$0.00	\$0.00	\$0.00
Clerk of Courts Costs (Centre)	\$60.00	-\$60.00	\$0.00	\$0.00	\$0.00
Commonwealth Cost - HB627 (Act 167 of 1992)	\$19.20	-\$19.20	\$0.00	\$0.00	\$0.00
Costs of Prosecution - CJEA	\$50.00	-\$50.00	\$0.00	\$0.00	\$0.00
County Court Cost (Act 204 of 1976)	\$28.00	-\$28.00	\$0.00	\$0.00	\$0.00
Court Order Fee (Centre)	\$5.00	-\$5.00	\$0.00	\$0.00	\$0.00
Crime Victims Compensation (Act 96 of 1984)	\$35.00	-\$35.00	\$0.00	\$0.00	\$0.00
DNA Detection Fund (Act 185-2004)	\$250.00	-\$250.00	\$0.00	\$0.00	\$0.00
District Attorney Fee (Centre)	\$37.50	-\$37.50	\$0.00	\$0.00	\$0.00
Domestic Violence Compensation (Act 44 of 1988)	\$10.00	-\$10.00	\$0.00	\$0.00	\$0.00
Firearm Education and Training Fund	\$5.00	-\$5.00	\$0.00	\$0.00	\$0.00
JCPS	\$10.25	-\$10.25	\$0.00	\$0.00	\$0.00
Judicial Computer Project	\$8.00	-\$8.00	\$0.00	\$0.00	\$0.00
Prothonotary 236 Judgment Fee (Centre)	\$32.00	-\$35.00	\$3.00	\$0.00	\$0.00
State Court Costs (Act 204 of 1976)	\$12.80	-\$12.80	\$0.00	\$0.00	\$0.00
Victim Witness Service (Act 111 of 1998)	\$25.00	-\$25.00	\$0.00	\$0.00	\$0.00
CS - Community Service Insurance (Centre)	\$10.00	-\$10.00	\$0.00	\$0.00	\$0.00
Room/Board (Centre)	\$900.00	-\$900.00	\$0.00	\$0.00	\$0.00
OSP (Centre/State) (Act 35 of 1991)	\$45.00	-\$45.00	\$0.00	\$0.00	\$0.00
OSP (Centre/State) (Act 35 of 1991)	\$45.00	-\$45.00	\$0.00	\$0.00	\$0.00
Appellate Court Appeal Filing Fee (Centre)	\$60.00	-\$60.00	\$0.00	\$0.00	\$0.00
Costs/Fees Totals:	\$1,858.00	-\$1,861.00	\$3.00	\$0.00	\$0.00
<b>Fines</b>					
Crimes Code, etc.	\$10,000.00	-\$10,000.00	\$0.00	\$0.00	\$0.00
Fines Totals:	\$10,000.00	-\$10,000.00	\$0.00	\$0.00	\$0.00

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Assadinia, Jamshid Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Total</u>
<b>Restitution</b>					
Insurance Company Restitution	\$243.00	-\$243.00	\$0.00	\$0.00	\$0.00
Insurance Company Restitution	\$2,870.00	-\$2,870.00	\$0.00	\$0.00	\$0.00
Insurance Company Restitution	\$1,165.60	\$0.00	-\$1,165.60	\$0.00	\$0.00
Insurance Company Restitution	\$4,245.24	-\$4,245.24	\$0.00	\$0.00	\$0.00
Insurance Company Restitution	\$15,922.85	-\$15,922.85	\$0.00	\$0.00	\$0.00
Restitution Totals:	\$24,446.69	-\$23,281.09	-\$1,165.60	\$0.00	\$0.00
Grand Totals:	\$36,304.69	-\$35,142.09	-\$1,162.60	\$0.00	\$0.00

\*\* - Indicates assessment is subrogated