

COURT OF COMMON PLEAS OF LUZERNE COUNTY

DOCKET



Docket Number: CP-40-CR-0002771-2017

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Akee Miller

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CASE INFORMATION

Judge Assigned: Lupas, David W.

Date Filed: 08/11/2017

Initiation Date: 05/30/2017

OTN: X 102771-4

LOTN: X 102771-4

Originating Docket No: MJ-11102-CR-0000474-2017

Initial Issuing Authority: Thomas F. Malloy Sr.

Final Issuing Authority: Thomas F. Malloy Sr.

Arresting Agency: Wilkes Barre City Police Dept

Arresting Officer: Conmy, James

Complaint/Incident #: 170113402

Case Local Number Type(s)

Case Local Number(s)

STATUS INFORMATION

<u>Case Status:</u>	<u>Adjudicated</u>	<u>Status Date</u>	<u>Processing Status</u>	<u>Complaint Date:</u>	<u>05/30/2017</u>
		09/05/2019	Awaiting PSI		
		09/05/2019	Awaiting Sentencing		
		08/21/2019	Awaiting PSI		
		08/21/2019	Awaiting Sentencing		
		08/21/2019	Awaiting PSI		
		08/21/2019	Awaiting Sentencing		
		07/17/2018	Sentenced/Penalty Imposed		
		07/17/2018	Awaiting Sentencing		
		11/02/2017	Awaiting Trial		
		10/06/2017	Awaiting Formal Arraignment		
		08/25/2017	Awaiting Trial		
		08/11/2017	Awaiting Formal Arraignment		
		08/11/2017	Awaiting Filing of Information		

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CALENDAR EVENTS

<u>Case Calendar</u> <u>Event Type</u>	<u>Schedule</u> <u>Start Date</u>	<u>Start</u> <u>Time</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u> <u>Status</u>
Formal Arraignment	10/05/2017	10:00 am	Luzerne County Courthouse, 3rd Floor	Judge David W. Lupas	Scheduled
Formal Arraignment	11/02/2017	10:00 am	Luzerne County Courthouse, 3rd Floor	Judge David W. Lupas	Scheduled
Suppression Hearing	04/12/2018	2:00 pm	Luzerne County Courthouse, 3rd Floor	Judge David W. Lupas	Scheduled
Suppression Hearing	05/01/2018	9:30 am	Luzerne County Courthouse, 3rd Floor	Judge David W. Lupas	Scheduled
Suppression Hearing	05/25/2018	1:30 pm	Luzerne County Courthouse, 3rd Floor	Judge David W. Lupas	Scheduled
Suppression Hearing	06/07/2018	11:00 am	Luzerne County Courthouse, 3rd Floor	Judge David W. Lupas	Scheduled
Suppression Hearing	07/17/2018	11:00 am	Luzerne County Courthouse, 3rd Floor	Judge David W. Lupas	Scheduled
Gagnon I Hearing	04/30/2019	11:00 am	Penn Place Building, 3rd Floor		Scheduled
Revocation Hearing	05/31/2019	1:30 pm	Luzerne County Courthouse, 3rd Floor	Judge David W. Lupas	Continued
Revocation Hearing	06/06/2019	1:30 pm	Luzerne County Courthouse, 3rd Floor	Judge Joseph F. Sklarosky Jr.	Cancelled
Revocation Hearing	06/21/2019	11:00 am	Luzerne County Courthouse, 3rd Floor	Judge David W. Lupas	Continued
Revocation Hearing	07/02/2019	1:30 pm	Luzerne County Courthouse, 3rd Floor	Judge David W. Lupas	Scheduled
Sentencing	08/20/2019	9:30 am	Luzerne County Courthouse, 3rd Floor	Judge David W. Lupas	Continued

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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>
Sentencing	09/05/2019	9:30 am	Luzerne County Courthouse, 3rd Floor	Judge David W. Lupas	Continued
Sentencing	09/12/2019	10:30 am	Luzerne County Courthouse, 3rd Floor	Judge David W. Lupas	Scheduled
Gagnon I Hearing	03/10/2020	11:30 am	Courtroom D		Scheduled
Revocation Hearing	03/27/2020	9:30 am	Luzerne County Courthouse, 3rd Floor	Judge David W. Lupas	Moved
Revocation Hearing	05/22/2020	1:30 pm	Luzerne County Courthouse, 3rd Floor	Judge David W. Lupas	Moved
Revocation Hearing	06/24/2020	1:30 pm	Luzerne County Courthouse, 3rd Floor	Judge David W. Lupas	Continued
Revocation Hearing	09/09/2020	9:30 am	Luzerne County Courthouse, 3rd Floor	Judge David W. Lupas	Scheduled

DEFENDANT INFORMATION

Date Of Birth: 03/16/1991 City/State/Zip: Exeter, PA 18643

Alias Name

Miller, Akee Y.
Miller, Akee Yamire
Miller, Michael

CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Miller, Akee

BAIL INFORMATION

Miller, Akee					Nebbia Status: None	
<u>Bail Action</u>	<u>Date</u>	<u>Bail Type</u>	<u>Percentage</u>	<u>Amount</u>	<u>Bail Posting Status</u>	<u>Posting Date</u>
Set	05/30/2017	Monetary		\$150,000.00		
Change Bail Percentage	07/05/2017	Monetary	10.00%	\$150,000.00		

CHARGES

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CHARGES

Seq.	Orig Seq.	Grade	Statute	Statute Description	Offense Dt.	OTN
1	4	F	35 § 780-113 §§ A30	Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver	05/30/2017	X 102771-4
2	1	F3	18 § 6106 §§ A1	Firearms Not To Be Carried W/O License	05/30/2017	X 102771-4
3	2	F3	18 § 3925 §§ A	Receiving Stolen Property	05/30/2017	X 102771-4
4	6	M	35 § 780-113 §§ A32	Use/Poss Of Drug Paraph	05/30/2017	X 102771-4
5	5	M	35 § 780-113 §§ A32	Use/Poss Of Drug Paraph	05/30/2017	X 102771-4
99,999	3	F	35 § 780-113 §§ A30	Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver	05/30/2017	X 102771-4

DISPOSITION SENTENCING/PENALTIES

Disposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>	
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u>	<u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>	
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>	
<u>Sentence Conditions</u>			
Waived for Court (Lower Court)		Defendant Was Present	
Lower Court Disposition	07/05/2017	Not Final	
1 / Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver	Waived for Court (Lower Court)	F	35 § 780-113 §§ A30
2 / Firearms Not To Be Carried W/O License	Waived for Court (Lower Court)	F3	18 § 6106 §§ A1
3 / Receiving Stolen Property	Waived for Court (Lower Court)	F3	18 § 3925 §§ A
5 / Use/Poss Of Drug Paraph	Waived for Court (Lower Court)	M	35 § 780-113 §§ A32
99,999 / Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver	Waived for Court (Lower Court)	F	35 § 780-113 §§ A30
Proceed to Court (Arraignment Waived)		Defendant Was Not Present	
Information Filed	11/02/2017	Not Final	
1 / Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver	Held for Court	F	35 § 780-113 §§ A30
2 / Firearms Not To Be Carried W/O License	Held for Court	F3	18 § 6106 §§ A1
3 / Receiving Stolen Property	Held for Court	F3	18 § 3925 §§ A
4 / Use/Poss Of Drug Paraph	Added by Information	M	35 § 780-113 §§ A32
5 / Use/Poss Of Drug Paraph	Held for Court	M	35 § 780-113 §§ A32
99,999 / Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver	Withdrawn	F	35 § 780-113 §§ A30
Guilty Plea			
Suppression Hearing	07/17/2018	Final Disposition	
1 / Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver	Guilty Plea	F	35 § 780-113 §§ A30
Lupas, David W.	07/17/2018		

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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>			
Confinement	Min of 11.00 Months 29.00 Days Max of 23.00 Months 28.00 Days Other		
Probation	Min of 7.00 Years Max of 7.00 Years Other		
2 / Firearms Not To Be Carried W/O License Lupas, David W. Confinement	Guilty Plea 07/17/2018 Min of 11.00 Months 29.00 Days Max of 23.00 Months 28.00 Days Other	F3	18 § 6106 §§ A1
3 / Receiving Stolen Property Lupas, David W.	Withdrawn 07/17/2018	F3	18 § 3925 §§ A
4 / Use/Poss Of Drug Paraph Lupas, David W.	Withdrawn 07/17/2018	M	35 § 780-113 §§ A32
5 / Use/Poss Of Drug Paraph Lupas, David W.	Withdrawn 07/17/2018	M	35 § 780-113 §§ A32
99,999 / Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver Lupas, David W.	Withdrawn 07/17/2018	F	35 § 780-113 §§ A30

LINKED SENTENCES:

Link 1

CP-40-CR-0002771-2017 - Seq. No. 2 (18§ 6106 §§ A1) - Confinement is Concurrent with
 CP-40-CR-0002771-2017 - Seq. No. 1 (35§ 780-113 §§ A30) - Confinement is Concurrent with
 CP-40-CR-0002770-2017 - Seq. No. 1 (35§ 780-113 §§ A30) - Confinement

Link 2

CP-40-CR-0002771-2017 - Seq. No. 1 (35§ 780-113 §§ A30) - Probation is Concurrent with
 CP-40-CR-0002770-2017 - Seq. No. 1 (35§ 780-113 §§ A30) - Probation

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COMMONWEALTH INFORMATION

Name: Luzerne County District Attorney's
Office
Prosecutor

Supreme Court No:

Phone Number(s):
570-825-1674 (Phone)

Address:

Luzerne County Courthouse
200 North River Street
Wilkes-Barre, PA 18711

ATTORNEY INFORMATION

Name: Nandakumar Palissery
Private

Supreme Court No: 073047

Rep. Status: Active

Phone Number(s):
570-331-4529 (Phone)

Address:

Palissery Law Offices
26 Pierce St
Kingston, PA 18704-4634

Representing: Miller, Akee

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	05/30/2017		Barilla, David A.
Bail Set - Miller, Akee			
1	06/16/2017		Luzerne County Public Defender's Office
Motion for Appointment of Conflict Counsel			
2	06/16/2017		Lupas, David W.
Order Granting Motion for Appointment of Conflict Counsel			
1	07/05/2017		Barilla, David A.
Order Granting Motion for Modification of Bail - Miller, Akee			
1	08/11/2017		Court of Common Pleas - Luzerne County
Original Papers Received from Lower Court			
1	08/25/2017		Solomon, Theron Jacob
Appearance and Waiver of Arraignment			
1	10/02/2017		Solomon, Theron Jacob
Appearance and Waiver of Arraignment			
1	10/04/2017		Lupas, David W.
Motion and Order Granting Comm.'s Motion for Continuance to 11-02-17 for Video Arraignment			

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1	11/02/2017		Commonwealth of Pennsylvania
Information Filed (Arraignment Waived)			
1	11/07/2017		Lupas, David W.
Order Scheduling Case for Trial Term during the weeks of 1/8/2018,1/16/2018,1/22,2018 @ 9:00 am			
1	11/13/2017		Solomon, Theron Jacob
Discovery Demand Filed			
1	01/16/2018		Solomon, Theron Jacob
Defendant's Omnibus Pretrial Motion to Suppress Evidence Nunco Pro Tunc			
Luzerne County District Attorney's Office			
01/18/2018	eService		Served
1	04/05/2018		Lupas, David W.
Order Scheduling Hearing for 4/12/2018 @ 2:00 pm			
Luzerne County District Attorney's Office			
04/06/2018	eService		Served
1	04/12/2018		Lupas, David W.
Defense Motion to Dismiss Case - Denied. Def Om. PT Motion to Supp. Evid Nunc Pro Tunc.See Comments			
Luzerne County District Attorney's Office			
04/17/2018	eService		Served
1	04/17/2018		Solomon, Theron Jacob
Defense Motion to Compel Production fo Documents by Non-Party			
Luzerne County District Attorney's Office			
04/19/2018	eService		Served
1	04/27/2018		Lupas, David W.
Order Scheduling Hearing for 5/1/2018 @ 9:30 am			
Luzerne County District Attorney's Office			
05/03/2018	eService		Served
2	05/01/2018		Lupas, David W.
Suppression Hearing continued to 5/25/2018 @ 1:30 pm			
Luzerne County District Attorney's Office			
05/10/2018	eService		Served

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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>
3	05/01/2018		Lupas, David W.
Transcript of Proceedings Filed (Suppression Hrg. 4/12/18)			
Luzerne County District Attorney's Office			
05/02/2018	eService		Served

1	05/29/2018		Lupas, David W.
Order Granting Motion to Continue Suppression Hearing to 6-7-18 at 11:00am			
Luzerne County District Attorney's Office			
05/31/2018	eService		Served

1	06/07/2018		Lupas, David W.
Continuance GRANTED to 7-17-18 at 11:00am			
Luzerne County District Attorney's Office			
06/18/2018	eService		Served

1	07/16/2018		Luzerne County District Attorney's Office
Plea Agreement			

1	07/17/2018		Solomon, Theron Jacob
Motion to Suppress is Withdrawn by Defense			
Luzerne County District Attorney's Office			
07/20/2018	eService		Served

2	07/17/2018		Lupas, David W.
Guilty Plea			
Luzerne County District Attorney's Office			
07/20/2018	eService		Served

3	07/17/2018		Lupas, David W.
Order - Sentence/Penalty Imposed			
Luzerne County District Attorney's Office			
07/20/2018	eService		Served

1	07/20/2018		Hoggarth, Joan
DL-21D to be Prepared			

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2	07/20/2018		Hoggarth, Joan
DL-21D was prepared			
1	07/23/2018		Unknown Filer
DL-21D Sent to PennDOT			
1	07/25/2018		Court of Common Pleas - Luzerne County
Penalty Assessed			
1	09/27/2018		Court of Common Pleas - Luzerne County
Entry of Civil Judgment			
1	05/31/2019		Lupas, David W.
continued to 6-21-2019 @ 11:00 am			
Luzerne County District Attorney's Office			
06/12/2019	eService		Served
Solomon, Theron Jacob			
06/12/2019	eService		Served
1	06/13/2019		Palissery, Nandakumar
Motion to Continue Gagnon II Hearing			
Luzerne County District Attorney's Office			
06/14/2019	eNotice		Notified
Solomon, Theron Jacob			
06/14/2019	eService		Served
1	06/14/2019		Lupas, David W.
Order Granting Motion for Continuance of Gagnon II Hearing to 7-2-19 @ 1:30pm			
Luzerne County District Attorney's Office			
06/17/2019	eService		Served
Palissery, Nandakumar			
06/17/2019	eService		Served
Solomon, Theron Jacob			
06/17/2019	eService		Served
1	07/02/2019		Lupas, David W.
Revocation of Probation /Parole Revoke and Reinstated Deft Deemed maxed out 5/31/2019			
Luzerne County District Attorney's Office			

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<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
07/03/2019	eService		Served
Palissery, Nandakumar			
07/03/2019	eService		Served
Solomon, Theron Jacob			
07/03/2019	eService		Served

1	08/20/2019		Lupas, David W.
Sentencing Hearing Scheduled For 9/5/19 At 9:39AM			
Luzerne County District Attorney's Office			
08/21/2019	eService		Served
Palissery, Nandakumar			
08/21/2019	eService		Served
Solomon, Theron Jacob			
08/21/2019	eService		Served

1	09/05/2019		Lupas, David W.
Continued To 9/12/2019 @ 10:30 am			
Luzerne County District Attorney's Office			
09/10/2019	eService		Served
Palissery, Nandakumar			
09/10/2019	eService		Served
Solomon, Theron Jacob			
09/10/2019	eService		Served

1	09/12/2019		Lupas, David W.
Revoke and Reinstate			
Luzerne County District Attorney's Office			
09/16/2019	eService		Served
Palissery, Nandakumar			
09/16/2019	eService		Served
Solomon, Theron Jacob			
09/16/2019	eService		Served

2	02/13/2020		Luzerne County Adult Probation Unit
Violation Report Filed			
Luzerne County District Attorney's Office			
02/14/2020	eService		Served

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<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
Palissery, Nandakumar	02/14/2020	eService	Served
Solomon, Theron Jacob	02/14/2020	eService	Served

1	03/11/2020		Lupas, David W.
Order Scheduling Revocation Hearing for 3/27/2020 @ 9:30 am			
Luzerne County District Attorney's Office			
03/11/2020	eService		Served
Palissery, Nandakumar	03/11/2020	eService	Served
Solomon, Theron Jacob	03/11/2020	eService	Served

1	06/24/2020		Lupas, David W.
Continued To 9/9/20 @ 9:30 a.m.			
Luzerne County District Attorney's Office			
06/29/2020	eService		Served
Palissery, Nandakumar	06/29/2020	eService	Served
Solomon, Theron Jacob	06/29/2020	eService	Served

PAYMENT PLAN SUMMARY

<u>Payment Plan No</u>	<u>Payment Plan Freq.</u>	<u>Next Due Date</u>	<u>Active</u>	<u>Overdue Amt</u>
<u>Responsible Participant</u>				<u>Next Due Amt</u>
40-2019-P000001431	Single Payment	04/08/2019	Yes	\$8,286.00
Miller, Akee			No	\$8,286.00
Payment Plan History:				
	<u>Receipt Date</u>		<u>Payor Name</u>	<u>Participant Role</u>
	11/14/2018	Payment	Miller, Akee Yamire	Payor
	01/09/2019	Payment	Miller, Akee Yamire	Payor
	02/13/2019	Payment	Miller, Akee Yamire	Payor
	03/20/2019	Payment	Miller, Akee Yamire	Payor
				Amount
				\$100.00
				\$50.00
				\$100.00
				\$20.00

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CASE FINANCIAL INFORMATION

Last Payment Date: 02/13/2019

Total of Last Payment: -\$60.00

Miller, Akee Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Total</u>
Costs/Fees					
Subpoenas (Luzerne)	\$3.25	(\$3.25)	\$0.00	\$0.00	\$0.00
ATJ	\$4.00	\$0.00	\$0.00	\$0.00	\$4.00
Automation Fee (LCAP) (Luzerne)	\$5.00	\$0.00	\$0.00	\$0.00	\$5.00
CJES	\$2.25	\$0.00	\$0.00	\$0.00	\$2.25
Clerk of Court Filing Fee (Luzerne)	\$120.00	\$0.00	\$0.00	\$0.00	\$120.00
Commonwealth Cost - HB627 (Act 167 of 1992)	\$20.65	\$0.00	\$0.00	\$0.00	\$20.65
County Court Cost (Act 204 of 1976)	\$30.10	\$0.00	\$0.00	\$0.00	\$30.10
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	\$0.00	\$0.00	\$0.00	\$250.00
Domestic Violence Compensation (Act 44 of 1988)	\$10.00	\$0.00	\$0.00	\$0.00	\$10.00
Firearm Education and Training Fund	\$5.00	\$0.00	\$0.00	\$0.00	\$5.00
JCPS	\$21.25	\$0.00	\$0.00	\$0.00	\$21.25
Judicial Computer Project	\$8.00	\$0.00	\$0.00	\$0.00	\$8.00
State Court Costs (Act 204 of 1976)	\$13.75	\$0.00	\$0.00	\$0.00	\$13.75
Substance Abuse Education (Act 198 of 2002)	\$50.00	\$0.00	\$0.00	\$0.00	\$50.00
Substance Abuse Education (Act 198 of 2002)	\$50.00	\$0.00	\$0.00	\$0.00	\$50.00
Victim Witness Service (Act 111 of 1998)	\$25.00	(\$25.00)	\$0.00	\$0.00	\$0.00
Costs of Prosecution - CJEA	\$50.00	\$0.00	\$0.00	\$0.00	\$50.00
LC Cost Additional Count (Luzerne)	\$26.00	\$0.00	\$0.00	\$0.00	\$26.00
Crime Lab User Fee - State Police	\$4,155.00	\$0.00	\$0.00	\$0.00	\$4,155.00
Costs of Transportation (Act 143-2006)	\$82.30	\$0.00	\$0.00	\$0.00	\$82.30
Costs of Transportation (Act 143-2006)	\$41.15	\$0.00	\$0.00	\$0.00	\$41.15
Costs/Fees Totals:	\$5,007.70	(\$63.25)	\$0.00	\$0.00	\$4,944.45
Grand Totals:	\$5,007.70	(\$63.25)	\$0.00	\$0.00	\$4,944.45

** - Indicates assessment is subrogated