

# COURT OF COMMON PLEAS OF MONTGOMERY COUNTY

## DOCKET



Docket Number: CP-46-CR-0007411-2012

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Michael Smagalski

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### CASE INFORMATION

Judge Assigned: Carluccio, Carolyn T.

Date Filed: 10/09/2012

Initiation Date: 03/21/2012

OTN: L 696382-1

LOTN:

Originating Docket No: MJ-38121-CR-0000169-2012

Initial Issuing Authority: Robert M. Sobeck

Final Issuing Authority: Robert M. Sobeck

Arresting Agency: Whitpain Twp Police Dept

Arresting Officer: Rippert, Francis P.

Complaint/Incident #: 20120321031

Case Local Number Type(s)

Case Local Number(s)

### STATUS INFORMATION

<u>Case Status:</u>	<u>Status Date</u>	<u>Processing Status</u>	<u>Arrest Date:</u>
Closed	09/13/2013	Sentenced/Penalty Imposed	03/21/2012
	09/13/2013	Awaiting Sentencing	
	03/15/2013	Awaiting Trial	
	01/24/2013	Awaiting Pre-Trial Conference	
	01/23/2013	Awaiting Trial	
	11/01/2012	Awaiting Pre-Trial Conference	
	10/09/2012	Awaiting Formal Arraignment	
	10/09/2012	Awaiting Filing of Information	
	10/09/2012	Awaiting Formal Arraignment	

Complaint Date: 05/14/2012

### CALENDAR EVENTS

<u>Case Calendar</u>	<u>Schedule</u>	<u>Start</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u>
<u>Event Type</u>	<u>Start Date</u>	<u>Time</u>			<u>Status</u>
Formal Arraignment	11/07/2012	9:30 am	Courtroom A	Senior Judge S. Gerald Corso	Scheduled
Pre-Trial Conference	01/17/2013	9:00 am	Courtroom 8	Senior Judge Joseph A. Smyth	Scheduled
Pre-Trial Conference	02/13/2013	9:00 am	Courtroom 8	Senior Judge Joseph A. Smyth	Scheduled
Pre-Trial Conference	03/13/2013	9:00 am	Courtroom 8	Senior Judge Joseph A. Smyth	Scheduled
Motion to Increase/Decrease/ Reduce Bail	04/02/2013	9:30 am	Courtroom 6	Senior Judge S. Gerald Corso	Scheduled
Call of the Trial List	06/06/2013	9:00 am	Courtroom 8	Senior Judge Joseph A. Smyth	Scheduled
Call of the Trial List	09/13/2013	9:00 am	Courtroom 8	Senior Judge Joseph A. Smyth	Scheduled

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### DEFENDANT INFORMATION

Date Of Birth: 01/09/1984      City/State/Zip: Harleysville, PA 19438

Alias Name

Smagalski, Michael  
 Smagalski, Michael M.  
 Smagalski, Michael Matthew  
 Smagalski, Michael Matthew

### CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Smagalski, Michael

### BAIL INFORMATION

**Smagalski, Michael** **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	09/25/2012	ROR		\$0.00	Posted	09/25/2012

### CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>OTN</u>
1	1	M	35 § 780-113 §§A16	Int Poss Contr Subst By Per Not Reg	03/21/2012	L 696382-1
2	2	M	35 § 780-113 §§A32	Use/Poss Of Drug Paraph	03/21/2012	L 696382-1
3	3	S	18 § 5503 §§A4	Disorder Conduct Hazardous/Physi Off	03/21/2012	L 696382-1

### 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 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>		

<b>Held for Court (Lower Court)</b>	Defendant Was Present		
Lower Court Disposition	09/25/2012	Not Final	
1 / Int Poss Contr Subst By Per Not Reg	Held for Court (Lower Court)	M	35 § 780-113 §§ A16
2 / Use/Poss Of Drug Paraph	Held for Court (Lower Court)	M	35 § 780-113 §§ A32
3 / Disorder Conduct Hazardous/Physi Off	Held for Court (Lower Court)	S	18 § 5503 §§ A4

**Proceed to Court**

Information Filed	11/14/2012	Not Final
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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>			
1 / Int Poss Contr Subst By Per Not Reg	Held for Court	M	35 § 780-113 §§ A16
2 / Use/Poss Of Drug Paraph	Held for Court	M	35 § 780-113 §§ A32
3 / Disorder Conduct Hazardous/Physi Off	Held for Court	S	18 § 5503 §§ A4
<b>Guilty Plea</b>			
Call of the Trial List	09/13/2013	Final Disposition	
1 / Int Poss Contr Subst By Per Not Reg	Nolle Prossed	M	35 § 780-113 §§ A16
Smyth, Joseph A.	09/13/2013		
2 / Use/Poss Of Drug Paraph	Guilty Plea	M	35 § 780-113 §§ A32
Smyth, Joseph A.	09/13/2013		
Probation	Min of 1.00 Years		
	Max of 1.00 Years		
	Other		
SCI Chester.			
3 / Disorder Conduct Hazardous/Physi Off	Nolle Prossed	S	18 § 5503 §§ A4
Smyth, Joseph A.	09/13/2013		

**LINKED SENTENCES:**

**Link 1**

CP-46-CR-0007411-2012 - Seq. No. 2 (35§ 780-113 §§ A32) - Probation is Concurrent with  
 CP-46-CR-0007246-2011 - Seq. No. 7 (18§ 3925 §§ A) - Probation

**Link 2**

CP-46-CR-0007411-2012 - Seq. No. 2 (35§ 780-113 §§ A32) - Probation is Concurrent with  
 CP-46-CR-0007247-2011 - Seq. No. 1 (35§ 780-113 §§ A30) - Confinement

**Link 3**

CP-46-CR-0007411-2012 - Seq. No. 2 (35§ 780-113 §§ A32) - Probation is Concurrent with  
 CP-46-CR-0007248-2011 - Seq. No. 3 (35§ 780-113 §§ A16) - Probation

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### COMMONWEALTH INFORMATION

Name: Laura Jeanne Adshead  
District Attorney

Supreme Court No: 311156

Phone Number(s):  
610-278-3107 (Phone)

Address:  
Montgomery County Da's Ofc  
PO Box 311  
Norristown, PA 19404-0311

Name: Rebecca Wintz Strubel  
District Attorney

Supreme Court No: 206503

Address:  
PO Box 311  
Norristown, PA 19404-0311

### ATTORNEY INFORMATION

Name: Francis John Genovese  
Private

Supreme Court No: 082308

Rep. Status: Active

Phone Number(s):  
610-584-4416 (Phone)

Address:  
3881 Skippack Pk PO Box 1368  
Skippack, PA 19474

Representing: Smagalski, Michael

### ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	09/25/2012		Sobeck, Robert M.
Bail Set - Smagalski, Michael			
2	09/25/2012		Smagalski, Michael
Bail Posted - Smagalski, Michael			
1	10/09/2012		Court of Common Pleas - Montgomery County
Original Papers Received from Lower Court			
2	10/09/2012		MDJ-38-1-21
Formal Arraignment Scheduled 11/07/2012 9:30AM November 7,2012 service on September 25,2012 Smagalski, Michael 09/25/2012 Hand Delivered			
1	11/01/2012		Genovese, Francis John
Entry of Appearance/Arraignment Waived			
1	11/14/2012		Commonwealth of Pennsylvania
Information Filed			

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<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	11/30/2012		Court of Common Pleas - Montgomery County
Pre-Trial Conference Scheduled 1/17/2013 9:00AM			
1	12/10/2012		Montgomery County Court Administration
Hearing Notice			
Pre-Trial Conferences Scheduled			
Judge Smyth - Courtroom 8			
January 14 to January 17, 2013 at 9:00 a.m.			
Notices Sent First Class Mail			
DA/PD Sent Inter-office Mail			
1	01/17/2013	01/17/2013	Smyth, Joseph A.
Order to Relist for Pre-Trial Conference			
Genovese, Francis John			
01/17/2013		Orally in Open Crt Record	
Strubel, Rebecca Wintz			
01/17/2013		Orally in Open Crt Record	
1	01/23/2013		Smagalski, Michael
Waiver of Pa.R.Crim.P. 600/1013 (Prompt Trial)			
2	01/23/2013	01/23/2013	Smyth, Joseph A.
Trial Continued			
Genovese, Francis John			
01/23/2013		Orally in Open Crt Record	
Strubel, Rebecca Wintz			
01/23/2013		Orally in Open Crt Record	
1	01/24/2013		Court of Common Pleas - Montgomery County
Pre-Trial Conference Scheduled 2/13/2013 9:00AM			

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1	01/25/2013		Montgomery County Court Administration
Hearing Notice Pre-Trial Conferences Scheduled Judge Smyth - Courtroom 8 February 11 to February 14, 2013 at 9:00 a.m. Notices Sent First Class Mail DA/PD Sent Inter-office Mail			
1	02/13/2013		Smagalski, Michael
Waiver of Pa.R.Crim.P. 600/1013 (Prompt Trial)			
2	02/13/2013	02/13/2013	Smyth, Joseph A.
Order to Relist for Pre-Trial Conference Genovese, Francis John 02/13/2013 Orally in Open Crt Record Strubel, Rebecca Wintz 02/13/2013 Orally in Open Crt Record			
1	02/21/2013		Court of Common Pleas - Montgomery County
Pre-Trial Conference Scheduled 3/13/2013 9:00AM			
2	02/21/2013		Montgomery County Court Administration
Hearing Notice Pre-Trial Conferences Scheduled Judge Smyth - Courtroom 8 March 11 to March 14, 2013 at 9:00 a.m. Notices Sent First Class Mail DA/PD Sent Inter-office Mail			
1	03/07/2013		Strubel, Rebecca Wintz
Motion to Revoke and/or Increase Bail			
1	03/11/2013		Kehs, Michael R.
Order Scheduling Hearing Motion to Revoke/Increase Bail April 2, 2013 at 9:30 a.m. Courtroom "6" Genovese, Francis John 03/11/2013 First Class Smagalski, Michael			

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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>
03/11/2013	First Class		
Strubel, Rebecca Wintz			
03/11/2013	Interoffice		
-----			
1	03/15/2013	03/15/2013	Smyth, Joseph A.
Order to be Scheduled for Call of the Trial List 60 Days			
Genovese, Francis John			
03/15/2013	Orally in Open Crt Record		
Strubel, Rebecca Wintz			
03/15/2013	Orally in Open Crt Record		
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2	03/15/2013		Smagalski, Michael
Waiver of Pa.R.Crim.P. 600/1013 (Prompt Trial)			
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1	04/02/2013	04/02/2013	Corso, S. Gerald
Order Dismissing Motion to Increase/Decrease/Reduce Bail Dismissed as Moot			
Genovese, Francis John			
04/02/2013	Hand Delivered		
Genovese, Francis John			
04/02/2013	Orally in Open Crt Record		
Strubel, Rebecca Wintz			
04/02/2013	Hand Delivered		
Strubel, Rebecca Wintz			
04/02/2013	Orally in Open Crt Record		
-----			
1	04/22/2013		Montgomery County Court Administration
Call of the Trial List Scheduled 06/06/2013 9:00AM			
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1	05/10/2013		Montgomery County Court Administration
Hearing Notice Call of the Trial List Scheduled Judge Smyth - Courtroom 8 June 6, 2013 at 9:00 a.m. Notices Sent First Class Mail DA/PD Sent Inter-office Mail			
1	06/06/2013	06/06/2013	Smyth, Joseph A.
Order to be Rescheduled for Call of the Trial List Genovese, Francis John 06/06/2013 Orally in Open Crt Record Strubel, Rebecca Wintz 06/06/2013 Orally in Open Crt Record			
1	08/15/2013		Montgomery County Court Administration
Call of the Trial List Scheduled 09/13/2013 9:00AM			
2	08/15/2013		Montgomery County Court Administration
Hearing Notice Call of the Trial List Scheduled Judge Smyth - Courtroom 8 September 13, 2013 at 9 am and 1 pm Notices Sent First Class Mail DA/PD Sent Inter-office Mail			
1	09/04/2013		O'Neill, Steven T.
Drug Court Application - Denial Order Genovese, Francis John 09/06/2013 First Class Strubel, Rebecca Wintz 09/06/2013 Interoffice			
1	09/13/2013		Smagalski, Michael
Guilty Plea Questionnaire			
2	09/13/2013		Smyth, Joseph A.
Guilty Plea			



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3	09/13/2013		Smyth, Joseph A.
Order - Sentence/Penalty Imposed			
4	09/13/2013	09/13/2013	Smyth, Joseph A.
Call of the Trial List Order - Resolved by Negotiated Plea Da Meintyre Genovese, Francis John 09/13/2013 Orally in Open Crt Record Strubel, Rebecca Wintz 09/13/2013 Orally in Open Crt Record			
1	09/24/2013		Weiss, Ann Thornburg
DL-21D to be Prepared			
2	09/24/2013		Weiss, Ann Thornburg
DL-21D was prepared			
1	09/25/2013		Unknown Filer
DL-21D Sent to PennDOT			
1	10/18/2013	09/13/2013	Court of Common Pleas - Montgomery County
Notes of Testimony Guilty Plea, Sentencing September 13, 2013 at 11:55 am before J Smyth			
1	02/18/2014		Smagalski, Michael
Pro Se Correspondence			
1	11/21/2014		Smagalski, Michael
Pro Se Correspondence			
1	11/28/2014		Smagalski, Michael
Pro Se Correspondence			
1	12/22/2014		Smagalski, Michael
Pro Se Correspondence			
1	12/21/2015		Smagalski, Michael
Motion to Correct Fines/Costs			

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<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	04/15/2016		Strubel, Rebecca Wintz
Change of Prosecutor			
1	06/23/2016	06/23/2016	Carluccio, Carolyn T.
Exoneration from Costs Order			
CR-7411-2012 is vacated.			
Montgomery County District Attorney's Office			
06/23/2016	Interoffice		
Smagalski, Michael			
06/23/2016	First Class		

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### CASE FINANCIAL INFORMATION

Last Payment Date:	Total of Last Payment:				
<b>Smagalski, Michael</b> Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Total</u>
<b>Costs/Fees</b>					
County Lab Fees (Montgomery)	\$94.00	\$0.00	-\$94.00	\$0.00	\$0.00
ATJ	\$3.00	\$0.00	-\$3.00	\$0.00	\$0.00
Automation Fee (Act 36 of 2000) (Montgomery)	\$5.00	\$0.00	-\$5.00	\$0.00	\$0.00
CJES	\$2.25	\$0.00	-\$2.25	\$0.00	\$0.00
COC Processing Fee Misd/Fel (Montgomery)	\$331.50	\$0.00	-\$331.50	\$0.00	\$0.00
Commonwealth Cost - HB627 (Act 167 of 1992)	\$9.60	\$0.00	-\$9.60	\$0.00	\$0.00
County Court Cost (Act 204 of 1976)	\$31.20	\$0.00	-\$31.20	\$0.00	\$0.00
Court Child Care (Act 105 of 2000) (Montgomery)	\$5.00	\$0.00	-\$5.00	\$0.00	\$0.00
Crime Victims Compensation (Act 96 of 1984)	\$35.00	\$0.00	-\$35.00	\$0.00	\$0.00
Domestic Violence Compensation (Act 44 of 1988)	\$10.00	\$0.00	-\$10.00	\$0.00	\$0.00
Firearm Education and Training Fund	\$5.00	\$0.00	-\$5.00	\$0.00	\$0.00
JCPS	\$10.25	\$0.00	-\$10.25	\$0.00	\$0.00
Judicial Computer Project	\$8.00	\$0.00	-\$8.00	\$0.00	\$0.00
State Court Costs (Act 204 of 1976)	\$11.20	\$0.00	-\$11.20	\$0.00	\$0.00
Substance Abuse Education (Act 198 of 2002)	\$50.00	\$0.00	-\$50.00	\$0.00	\$0.00
Substance Abuse Education (Act 198 of 2002)	\$50.00	\$0.00	-\$50.00	\$0.00	\$0.00
Victim Witness Service (Act 111 of 1998)	\$25.00	\$0.00	-\$25.00	\$0.00	\$0.00
Costs/Fees Totals:	\$686.00	\$0.00	-\$686.00	\$0.00	\$0.00
Grand Totals:	\$686.00	\$0.00	-\$686.00	\$0.00	\$0.00

\*\* - Indicates assessment is subrogated