

# COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

## DOCKET



Docket Number: CP-51-CR-0011536-2012

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

John D. Leck

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### CASE INFORMATION

Judge Assigned: Sarmina, M. Teresa

Date Filed: 09/27/2012

Initiation Date: 09/27/2012

OTN: N 813074-3

LOTN:

Originating Docket No: MC-51-CR-0027868-2012

Initial Issuing Authority: Teresa Carr Deni

Final Issuing Authority: Teresa Carr Deni

Arresting Agency: Philadelphia Pd

Arresting Officer: Affiant

Complaint/Incident #:

Case Local Number Type(s)

Case Local Number(s)

District Control Number

1215065384

### STATUS INFORMATION

<u>Case Status:</u>	<u>Closed</u>	<u>Status Date</u>	<u>Processing Status</u>	<u>Arrest Date:</u>	<u>07/08/2012</u>
		12/02/2013	Sentenced/Penalty Imposed		
		10/15/2013	Awaiting Sentencing		
		10/15/2013	Awaiting PSI		
		10/15/2013	Awaiting Sentencing		
		08/23/2013	Awaiting Pre-Trial Conference		
		08/23/2013	Awaiting Trial		
		04/12/2013	Awaiting Pre-Trial Conference		
		03/14/2013	Awaiting Trial Readiness Conference		
		03/14/2013	Awaiting Trial		
		02/12/2013	Awaiting Pre-Trial Conference		
		12/07/2012	Awaiting Filing of Information		
		10/17/2012	Awaiting Pre-Trial Conference		
		09/28/2012	Awaiting Formal Arraignment		
		09/27/2012	Awaiting Filing of Information		

Complaint Date: 07/09/2012

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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	10/17/2012	11:00 am	1104	Trial Commissioner Linda Mariani	Scheduled
Pre-Trial Conference	11/07/2012	9:00 am	1105	Judge Benjamin Lerner	Continued
Pre-Trial Conference	12/07/2012	9:00 am	1105	Judge Benjamin Lerner	Continued
Pre-Trial Conference	02/12/2013	9:00 am	1105	Judge Benjamin Lerner	Continued
Pre-Trial Conference	03/14/2013	9:00 am	1105	Judge Benjamin Lerner	Scheduled
Trial Readiness Conference	04/12/2013	9:00 am	507	Judge M. Teresa Sarmina	Scheduled
Pre-Trial Conference	09/13/2013	9:00 am	507	Judge M. Teresa Sarmina	Continued
Pre-Trial Conference	09/20/2013	9:00 am	507	Judge M. Teresa Sarmina	Continued
Pre-Trial Conference	09/25/2013	9:00 am	507	Judge M. Teresa Sarmina	Continued
Pre-Trial Conference	10/07/2013	9:00 am	507	Judge M. Teresa Sarmina	Scheduled
Trial	10/15/2013	9:00 am	507	Judge M. Teresa Sarmina	Scheduled
Trial	10/21/2013	9:00 am	507	Judge M. Teresa Sarmina	Continued
Add-On/Psychiatric Evaluation	10/22/2013	8:30 am	Mental Health Clinic		Scheduled
Sentencing	12/02/2013	9:00 am	507	Judge M. Teresa Sarmina	Scheduled

### CONFINEMENT INFORMATION

<u>Confinement</u> <u>Known As Of</u>	<u>Confinement</u> <u>Type</u>	<u>Destination</u> <u>Location</u>	<u>Confinement</u> <u>Reason</u>	<u>Still in</u> <u>Custody</u>
04/29/2014	DOC Confined	SCI Benner Township		Yes

### DEFENDANT INFORMATION

Date Of Birth: 02/28/1965      City/State/Zip: Levittown, PA 19057

### CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Leck, John D.

### 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>
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### CHARGES

Seq.	Orig Seq.	Grade	Statute	Statute Description	Offense Dt.	OTN
1	1	F1	18 § 2502 §§C	Murder Of The Third Degree	07/08/2012	N 813074-3
2	2	F2	75 § 3735 §§A	Homi By Veh While Dr Under The Infl	07/08/2012	N 813074-3
3	3	F1	18 § 2702 §§A	Aggravated Assault	07/08/2012	N 813074-3
4	4	F3	75 § 3732 §§A	Homicide By Vehicle	07/08/2012	N 813074-3
5	5	M	75 § 3802 §§A1*	DUI: Gen Imp/Inc of Driving Safely - 1st Off	07/08/2012	N 813074-3
6	6	M1	18 § 2504 §§A	Involuntary Manslaughter	07/08/2012	N 813074-3
7	7	M	75 § 3802 §§C*	DUI: Highest Rte of Alc (BAC .16+) 1st Off	07/08/2012	N 813074-3

### 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>			

**Lower Court Proceeding (generic)**

Preliminary Hearing	09/26/2012	Not Final	
1 / Murder Of The Third Degree	Held for Court	F1	18 § 2502 §§ C
2 / Homi By Veh While Dr Under The Infl	Held for Court	F2	75 § 3735 §§ A
3 / Aggravated Assault	Held for Court	F1	18 § 2702 §§ A
4 / Homicide By Vehicle	Held for Court	F3	75 § 3732 §§ A
5 / DUI: Gen Imp/Inc of Driving Safely - 1st Off	Held for Court	M	75 § 3802 §§ A1*
6 / Involuntary Manslaughter	Held for Court	M1	18 § 2504 §§ A

**Proceed to Court**

Information Filed	09/28/2012	Not Final	
1 / Murder Of The Third Degree	Held for Court	F1	18 § 2502 §§ C
2 / Homi By Veh While Dr Under The Infl	Held for Court	F2	75 § 3735 §§ A
3 / Aggravated Assault	Held for Court	F1	18 § 2702 §§ A
4 / Homicide By Vehicle	Held for Court	F3	75 § 3732 §§ A
5 / DUI: Gen Imp/Inc of Driving Safely - 1st Off	Held for Court	M	75 § 3802 §§ A1*
6 / Involuntary Manslaughter	Held for Court	M1	18 § 2504 §§ A

**Held for Court**      Defendant Was Present

Pre-Trial Conference	12/07/2012	Not Final	
1 / Murder Of The Third Degree	Held for Court	F1	18 § 2502 §§ C
2 / Homi By Veh While Dr Under The Infl	Held for Court	F2	75 § 3735 §§ A
3 / Aggravated Assault	Nolle Prossed	F1	18 § 2702 §§ A
4 / Homicide By Vehicle	Held for Court	F3	75 § 3732 §§ A

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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>			
5 / DUI: Gen Imp/Inc of Driving Safely - 1st Off	Held for Court	M	75 § 3802 §§ A1*
6 / Involuntary Manslaughter	Held for Court	M1	18 § 2504 §§ A
<b>Guilty Plea - Non-Negotiated</b>			
Trial	10/15/2013	Final Disposition	
1 / Murder Of The Third Degree	Guilty Plea - Non-Negotiated	F1	18 § 2502 §§ C
Sarmina, M. Teresa	12/02/2013		
Confinement	10 to 20 years		
Credit to be calculated by the Phila. Prison System			
Defendant is to pay imposed mandatory court costs and restitution in the amount of Fifteen Thousand Dollars (\$15,000.00) from his prison account and thereafter			
Probation	Max of 10.00 Years		
	10 years		
This probation is to run consecutively to the sentence imposed on Ct. 1- Murder of the Third Degree			
Defendant is not permitted to drive for the entire period of this sentence			
2 / Homi By Veh While Dr Under The Infl	Guilty Plea - Non-Negotiated	F2	75 § 3735 §§ A
Sarmina, M. Teresa	12/02/2013		
Confinement	Min of 5.00 Years		
	Max of 10.00 Years		
	5 - 10 years		
Credit to be calculated by the Phila. Prison System			
This sentence is to run concurrently with the sentence imposed on Ct. 1- Murder of the Third Degree			
Defendant is to pay a DUI fine of One Thousand Dollars (\$1,000.00)			
3 / Aggravated Assault	Nolle Prossed	F1	18 § 2702 §§ A
Sarmina, M. Teresa	12/02/2013		
4 / Homicide By Vehicle	Nolle Prossed	F3	75 § 3732 §§ A
Sarmina, M. Teresa	12/02/2013		
5 / DUI: Gen Imp/Inc of Driving Safely - 1st Off	Nolle Prossed	M	75 § 3802 §§ A1*
Sarmina, M. Teresa	12/02/2013		
6 / Involuntary Manslaughter	Nolle Prossed	M1	18 § 2504 §§ A
Sarmina, M. Teresa	12/02/2013		
7 / DUI: Highest Rte of Alc (BAC .16+) 1st Off	Guilty Plea - Non-Negotiated	M	75 § 3802 §§ C*
Sarmina, M. Teresa	12/02/2013		
Merged			

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### 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>			

**LINKED SENTENCES:**

**Link 1**

CP-51-CR-0011536-2012 - Seq. No. 1 (18§ 2502 §§ C) - Probation is Consecutive to  
 CP-51-CR-0011536-2012 - Seq. No. 1 (18§ 2502 §§ C) - Confinement

**Link 2**

CP-51-CR-0011536-2012 - Seq. No. 2 (75§ 3735 §§ A) - Confinement is Concurrent with  
 CP-51-CR-0011536-2012 - Seq. No. 1 (18§ 2502 §§ C) - Confinement

#### COMMONWEALTH INFORMATION

Name: Philadelphia County District Attorney's  
 Office  
 Prosecutor

Supreme Court No:

Phone Number(s):  
 215-686-8000 (Phone)

Address:

3 South Penn Square  
 Philadelphia, PA 19107

#### ATTORNEY INFORMATION

Name: Michael Kevin Parlow  
 Private

Supreme Court No: 066590

Rep. Status: Active

Phone Number(s):  
 215-639-4400 (Phone)

Address:

Gallant & Parlow PC  
 3618 Hulmeville Rd  
 Bensalem, PA 19020-4449

Representing: Leck, John D.

#### ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	09/27/2012		Court of Common Pleas - Philadelphia County
Held for Court			
3	09/27/2012		Amabile, Jennifer
Transferred from Municipal Court			
1	09/28/2012		Commonwealth of Pennsylvania
Information Filed			
1	10/04/2012		Parlow, Michael Kevin
Writ of Habeas Corpus			

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<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
5	10/17/2012		Court of Common Pleas - Philadelphia County
Hearing Notice			
4	11/07/2012		Court of Common Pleas - Philadelphia County
Hearing Notice			
5	11/07/2012		Commonwealth of Pennsylvania
Defense Request for Further Investigation			
ADA: Jacqueline Coelho Def. Atty: Michael Parlow Steno: Michael Ammann Court Clerk: Kathryn Morris			
Defense request for further investigation and motion to quash. Discovery passed. Notes are to be provided to the court one week prior to hearing. Time ruled excludable. NCD: 12/7/2012 room 1105			
1	12/07/2012		Lerner, Benjamin
Order Denying Motion to Quash			
Judge: Hon. Benjamin Lerner ADA: Jacqueline Coelho Def. Atty: Michael Parlow Steno: Megan Clark Court Clerk: Kathryn Morris			
5	12/07/2012		Court of Common Pleas - Philadelphia County
Hearing Notice			
6	12/07/2012		Lerner, Benjamin
Held for Court			
Defense motion to quash is denied as to all charges. The Commonwealth nolle prossed count #3 aggravated assault F1. Defense request for further investigation. Time ruled excludable. NCD: 2/12/2013 room 1105 - Judge: Hon. Benjamin Lerner/ ADA: Jacqueline Coelho/ Def. Atty: Michael Parlow/ Steno: Megan Clark/ Court Clerk: Kathryn Morris			
7	12/07/2012		Lerner, Benjamin
Disposition Filed			
4	02/12/2013		Court of Common Pleas - Philadelphia County
Hearing Notice			

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5	02/12/2013		Commonwealth of Pennsylvania
Defense Request for Further Investigation			
Judge: Hon. Benjamin Lerner      ADA: Jacqueline Coelho      Def. Atty: Michael Parlow      Steno: Melissa Weidermiller/ Court Clerk: Kathryn Morris			
Defense request for further investigation and discussions with the Commonwealth. Time ruled excludable. NCD: 3/14/2013 room 1105			
3	03/14/2013		Court of Common Pleas - Philadelphia County
Hearing Notice			
5	03/14/2013		Lerner, Benjamin
Counsel Attached for Trial			
The Court orders Michael Parlow and ADA Jacqueline Coleho attached for a 1 week Jury Trial on 10/21/2013 in Courtroom 507			
6	03/14/2013		Lerner, Benjamin
Order Granting Motion for Continuance			
Judge: Hon. Benjamin Lerner      ADA: Jacqueline Coelho      Def. Atty: Michael Parlow      Steno: Melissa Weidenmiller      Court Clerk: Kathryn Morris			
This case is assigned for trial with Judge Sarmina on October 21, 2013 room 507. Trial readiness conference date is April 12, 2013 room 507. Counsel are attached for trial.			
4	04/12/2013		Court of Common Pleas - Philadelphia County
Hearing Notice			
5	04/12/2013		Sarmina, M. Teresa
Scheduling Conference Held			
Hon. M. T. Sarmina ADA: J. Coelho    ATTY: M. Parlow    STENO: D. Zweizig    CLERK: B. Dirscherl List for one week jury trial. Pre-trial conference date 9/20/13. Trial date 10/21/13 room 507 to remain			
1	04/25/2013		Sarmina, M. Teresa
Order to Comply			

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<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	08/21/2013		Philadelphia County District Attorney's Office
Motion in Limine Motion in Limine filed on behalf of Commonwealth Of Pennsylvania.			
3	08/23/2013		Court of Common Pleas - Philadelphia County
Hearing Notice			
6	08/23/2013		Court of Common Pleas - Philadelphia County
Hearing Notice			
1	09/03/2013		Parlow, Michael Kevin
Motion in Limine			
3	09/13/2013		Court of Common Pleas - Philadelphia County
Hearing Notice			
4	09/13/2013		Sarmina, M. Teresa
Order Granting Motion for Continuance Hon. M. T. Sarmina ADA: J. Coelho ATTY: M. Parlow STENO: M. McCarthy CLERK: B. Dirscherl Advanced defense request, pre-trial conference continued. Next court date 9/25/13 room 507 Defendant in custody at PICC			
1	09/14/2013		Philadelphia County District Attorney's Office
Motion to Amend Bills of Information Motion to Amend Bills of Information filed on behalf of Commonwealth Of Pennsylvania.			
1	09/18/2013		Philadelphia County District Attorney's Office
Answer/Response Answer/Response filed on behalf of Commonwealth Of Pennsylvania.			
1	09/19/2013		Parlow, Michael Kevin
Motion in Limine			



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1	09/23/2013		Parlow, Michael Kevin
Brief in Opposition to Motion In Limine			
1	09/25/2013		Sarmina, M. Teresa
Pre-Trial Conference Scheduled			
Commonwealth's request to amend the DUI bill to include subsection 75 3802 C is GRANTED.			
Two (2) photos of shoe are permitted into evidence; remaining photos are disallowed.			
Commonwealth is to provide powerpoint disc to defense counsel at his expense.			
Commonwealth's motion for jury view of crash scene is DENIED.			
List for Further Pre-Trial Conference. Defendant's presence is waived for this listing.			
NCD- 10/07/2013 Rm 507, 1:00 PM.			
Hon. M. Teresa Sarmina			
ADA- Jacqueline Coelho/ Def- Michael K. Parlow, Esq. and Paul Lang, Esq./ Ct. Rept- Bill Geftman/ Ct. Clk- Lisa Corbitt			
Defendant in custody- PICC			
4	09/25/2013		Court of Common Pleas - Philadelphia County
Hearing Notice			
1	09/26/2013		Parlow, Michael Kevin
Motion to Quash			
1	10/15/2013		Sarmina, M. Teresa
Guilty Plea - Non-Negotiated			
ADA: J. Coelho ATTY: M. Parlow STENO: B. Geftman CLERK: B. Dirscherl			
Open guilty plea. Sentence deferred. Pre-sentence investigation and mental health evaluations ordered. Next court date 12/2/13 room 507			
2	10/15/2013		Evers, Joseph H.
DL-21 to be Prepared			
5	10/15/2013		Court of Common Pleas - Philadelphia County
Hearing Notice			

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1	12/02/2013		Sarmina, M. Teresa
Order - Sentence/Penalty Imposed			
Hon. M. Teresa Sarmina			
ADA- Jacqueline Coelho/ Def- Michael K. Parlow, Esq./ Ct. Rept- Megan Soule/ Ct. Clk- Lisa Corbitt			
SENTENCE- the defendant is sentenced to a term of not less than ten (10) years nor more than twenty (20) years at the State Correctional Institution with credit for time served followed by ten (10) years state reporting probation on the charges of Murder of the Third Degree. Defendant is ordered to pay restitution in the amount of Fifteen Thousand Dollars (\$15,000.00). Defendant is also to pay mandatory court costs. As to the, Homicide by Vehicle while Driving Under the Influence, defendant is sentenced to a concurrent term of not less than five (5) years nor more than ten (10) years plus a One Thousand Dollar (\$1,000.00) fine. DUI merges for sentencing purposes. Defendant is not permitted to drive under the Court's sentence.			
2	12/02/2013		Court of Common Pleas - Philadelphia County
Penalty Assessed			
1	09/29/2016		Court of Common Pleas - Philadelphia County
Entry of Civil Judgment			

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### CASE FINANCIAL INFORMATION

Last Payment Date: 05/27/2014

Total of Last Payment: -\$16.37

Leck, John D. Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Total</u>
<b>Costs/Fees</b>					
Motion Filing Fee (Philadelphia)	\$12.50	\$0.00	-\$12.50	\$0.00	\$0.00
ATJ	\$3.00	\$0.00	\$0.00	\$0.00	\$3.00
Booking Center Fee (Philadelphia)	\$175.00	\$0.00	\$0.00	\$0.00	\$175.00
CAT/MCARE/General Fund	\$30.00	\$0.00	\$0.00	\$0.00	\$30.00
CJES	\$2.25	\$0.00	\$0.00	\$0.00	\$2.25
CQS Fee Felony (Philadelphia)	\$100.00	\$0.00	\$0.00	\$0.00	\$100.00
Commonwealth Cost - HB627 (Act 167 of 1992)	\$19.20	\$0.00	\$0.00	\$0.00	\$19.20
Costs of Prosecution - CJEA	\$50.00	\$0.00	\$0.00	\$0.00	\$50.00
County Court Cost (Act 204 of 1976)	\$28.00	\$0.00	\$0.00	\$0.00	\$28.00
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	\$0.00	\$0.00	\$0.00	\$250.00
Emergency Medical Services (Act 45 of 1985)	\$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	\$10.25	\$0.00	\$0.00	\$0.00	\$10.25
Judicial Computer Project	\$8.00	\$0.00	\$0.00	\$0.00	\$8.00
State Court Costs (Act 204 of 1976)	\$12.80	\$0.00	\$0.00	\$0.00	\$12.80
Victim Witness Service (Act 111 of 1998)	\$25.00	-\$25.00	\$0.00	\$0.00	\$0.00
Civil Judgment/Lien (Philadelphia)	\$95.94	\$0.00	\$0.00	\$0.00	\$95.94
Costs/Fees Totals:	\$871.94	-\$60.00	-\$12.50	\$0.00	\$799.44
<b>Fines</b>					
Title 75, Motor Vehicle (Motor License Fund)	\$500.00	\$0.00	\$0.00	\$0.00	\$500.00
Title 75, Motor Vehicle (Motor License Fund)	\$500.00	\$0.00	\$0.00	\$0.00	\$500.00
Fines Totals:	\$1,000.00	\$0.00	\$0.00	\$0.00	\$1,000.00
<b>Restitution</b>					
Restitution	\$15,000.00	\$0.00	\$0.00	\$0.00	\$15,000.00
Restitution Totals:	\$15,000.00	\$0.00	\$0.00	\$0.00	\$15,000.00

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Grand Totals:	\$16,871.94	-\$60.00	-\$12.50	\$0.00	\$16,799.44
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\*\* - Indicates assessment is subrogated