

COURT OF COMMON PLEAS OF WESTMORELAND COUNTY

DOCKET

Docket Number: CP-65-CR-0000339-2018

CRIMINAL DOCKET

Court Case



Commonwealth of Pennsylvania

v.

Michael William Diebold

Page 1 of 10

CASE INFORMATION

Cross Court Docket Nos: 50 WDM 2018

Judge Assigned: Bilik-DeFazio, Meagan

Date Filed: 01/24/2018

Initiation Date: 01/05/2018

OTN: U 541666-6

LOTN:

Originating Docket No: MJ-10104-CR-0000007-2018

Initial Issuing Authority: Yackopec Cheryl J. Peck

Final Issuing Authority: Yackopec Cheryl J. Peck

Arresting Agency: Pennsylvania Office of Attorney General

Arresting Officer: Block, Daniel

Complaint/Incident #: 561851

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	12/11/2018	Sentenced/Penalty Imposed	01/05/2018
	12/11/2018	Awaiting Sentencing	
	02/12/2018	Awaiting Waiver	
	02/12/2018	Awaiting Arraignment	
	02/12/2018	Awaiting Formal Arraignment	
	01/24/2018	Awaiting Filing of Information	

Complaint Date: 01/05/2018

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	03/08/2018	8:30 am	Courtroom 3	Judge Meagan Bilik-DeFazio	Cancelled
Bench Warrant Hearing	05/04/2018	10:45 am	Courtroom 3	Judge Meagan Bilik-DeFazio	Scheduled
Bond Revocation Hearing	05/08/2018	1:30 pm	Courtroom 3	Judge Meagan Bilik-DeFazio	Scheduled
Omnibus Pre-Trial Motion Hearing	07/17/2018	9:00 am	Courtroom 3	Judge Meagan Bilik-DeFazio	Cancelled
Call of the Criminal List	09/21/2018	9:00 am	Courtroom 3	Judge Meagan Bilik-DeFazio	Cancelled
Trial	10/01/2018	9:00 am	Courtroom 3	Judge Meagan Bilik-DeFazio	Continued
Call of the Criminal List	11/20/2018	9:00 am	Courtroom 3	Judge Meagan Bilik-DeFazio	Cancelled
Trial	12/03/2018	9:00 am	Courtroom 3	Judge Meagan Bilik-DeFazio	Cancelled
Plea Court	12/11/2018	9:00 am	Courtroom 3	Judge Meagan Bilik-DeFazio	Scheduled

CONFINEMENT INFORMATION

<u>Confinement</u>	<u>Confinement</u>	<u>Destination</u>	<u>Confinement</u>	<u>Still in</u>
<u>Known As Of</u>	<u>Type</u>	<u>Location</u>	<u>Reason</u>	<u>Custody</u>
05/03/2018	County Jail	Westmoreland County Prison		Yes

COURT OF COMMON PLEAS OF WESTMORELAND COUNTY

DOCKET

Docket Number: CP-65-CR-0000339-2018
CRIMINAL DOCKET



Court Case

Commonwealth of Pennsylvania
v.

Page 2 of 10

Michael William Diebold

DEFENDANT INFORMATION

Date Of Birth: 07/28/1977 City/State/Zip: Leechburg, PA 15656

CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Diebold, Michael William

BAIL INFORMATION

Diebold, Michael William					Nebbia Status: None
<u>Bail Action</u>	<u>Date</u>	<u>Bail Type</u>	<u>Percentage</u>	<u>Amount</u>	
Set	01/05/2018	Monetary		\$500,000.00	
Revoke	05/11/2018	Monetary		\$500,000.00	
					Posted 01/12/2018

CHARGES

Seq.	Orig Seq.	Grade	Statute	Statute Description	Offense Dt.	OTN
1	7	F2	18 § 3122.1 §§A2	Statutory Sexual Assault: 8-11 Years Older	01/05/2018	U 541666-6
2	8	F2	18 § 3122.1 §§A2	Statutory Sexual Assault: 8-11 Years Older	01/05/2018	U 541666-6
3	3	F3	18 § 6318 §§A4	Unlawful Contact With Minor - Obscene and Other Sexual Materials and Performances	01/05/2018	U 541666-6
4	4	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/05/2018	U 541666-6
9001	2	F1	18 § 3123 §§A7	IDSI Person Less Than 16 Yrs Age	01/05/2018	U 541666-6
9002	5	F3	18 § 6318 §§A4	Unlawful Contact With Minor - Obscene and Other Sexual Materials and Performances	01/05/2018	U 541666-6
9003	1	F1	18 § 6318 §§A1	Unlawful Contact With Minor - Sexual Offenses	01/05/2018	U 541666-6
9004	6	F1	18 § 901 §§A	Criminal Attempt - IDSI Person Less Than 16 Yrs Age	01/05/2018	U 541666-6

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	01/19/2018	Not Final
3 / Unlawful Contact With Minor - Obscene and Other Sexual Materials and Performances	Waived for Court (Lower Court)	F3 18 § 6318 §§ A4

COURT OF COMMON PLEAS OF WESTMORELAND COUNTY

DOCKET

Docket Number: CP-65-CR-0000339-2018

CRIMINAL DOCKET

Court Case



Commonwealth of Pennsylvania

v.

Michael William Diebold

Page 3 of 10

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>			
4 / Criminal Use Of Communication Facility	Waived for Court (Lower Court)	F3	18 § 7512 §§ A
9,001 / IDSI Person Less Than 16 Yrs Age	Waived for Court (Lower Court)	F1	18 § 3123 §§ A7
9,002 / Unlawful Contact With Minor - Obscene and Other Sexual Materials and Performances	Waived for Court (Lower Court)	F3	18 § 6318 §§ A4
9,003 / Unlawful Contact With Minor - Sexual Offenses	Waived for Court (Lower Court)	F1	18 § 6318 §§ A1
Proceed to Court			
Information Filed	02/12/2018	Not Final	
3 / Unlawful Contact With Minor - Obscene and Other Sexual Materials and Performances	Proceed to Court	F3	18 § 6318 §§ A4
4 / Criminal Use Of Communication Facility	Proceed to Court	F3	18 § 7512 §§ A
9,001 / IDSI Person Less Than 16 Yrs Age	Withdrawn	F1	18 § 3123 §§ A7
9,002 / Unlawful Contact With Minor - Obscene and Other Sexual Materials and Performances	Withdrawn	F3	18 § 6318 §§ A4
9,003 / Unlawful Contact With Minor - Sexual Offenses	Proceed to Court	F1	18 § 6318 §§ A1
9,004 / Criminal Attempt - IDSI Person Less Than 16 Yrs Age	Proceed to Court	F1	18 § 901 §§ A
Guilty Plea - Negotiated			
Plea Court	12/11/2018	Final Disposition	
1 / Statutory Sexual Assault: 8-11 Years Older	Guilty Plea - Negotiated	F2	18 § 3122.1 §§ A2
Bilik-DeFazio, Meagan	12/11/2018		
Confinement	Min of 9.00 Months Max of 23.00 Months 9 - 23 Months		
Actor to have no direct/indirect unsupervised contact with minors except thru family court Parole forthwith based on verified release plan and conduct at the end of minimum sentence. Actor to have no direct/indirect contact with Vcitm or witness Actor to have a Megan's Law Assessment. Actor to have a Megan's Law Registration.			
2 / Statutory Sexual Assault: 8-11 Years Older	Guilty Plea - Negotiated	F2	18 § 3122.1 §§ A2
Bilik-DeFazio, Meagan	12/11/2018		
Confinement	Min of 9.00 Months Max of 23.00 Months 9 - 23 Months		
3 / Unlawful Contact With Minor - Obscene and Other Sexual Materials and Performances	Guilty Plea - Negotiated	F3	18 § 6318 §§ A4

COURT OF COMMON PLEAS OF WESTMORELAND COUNTY

DOCKET

Docket Number: CP-65-CR-0000339-2018
CRIMINAL DOCKET

Court Case



Commonwealth of Pennsylvania
v.
Michael William Diebold

Page 4 of 10

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>			
Bilik-DeFazio, Meagan Probation	12/11/2018 Max of 3.00 Years Three Years		
4 / Criminal Use Of Communication Facility Bilik-DeFazio, Meagan Probation	Guilty Plea - Negotiated 12/11/2018 Max of 3.00 Years Three Years	F3	18 § 7512 §§ A
9,001 / IDSI Person Less Than 16 Yrs Age Bilik-DeFazio, Meagan	Withdrawn 12/11/2018	F1	18 § 3123 §§ A7
9,002 / Unlawful Contact With Minor - Obscene and Other Sexual Materials and Performances Bilik-DeFazio, Meagan	Withdrawn 12/11/2018	F3	18 § 6318 §§ A4
9,003 / Unlawful Contact With Minor - Sexual Offenses Replaced by 18 § 3122.1 §§ A2, Statutory Sexual Assault: 8-11 Years Older Bilik-DeFazio, Meagan	Charge Changed 12/11/2018	F1	18 § 6318 §§ A1
9,004 / Criminal Attempt - IDSI Person Less Than 16 Yrs Age Replaced by 18 § 3122.1 §§ A2, Statutory Sexual Assault: 8-11 Years Older Bilik-DeFazio, Meagan	Charge Changed 12/11/2018	F1	18 § 901 §§ A

LINKED SENTENCES:

Link 1

CP-65-CR-0000339-2018 - Seq. No. 2 (18§ 3122.1 §§ A2) - Confinement is Concurrent with
CP-65-CR-0000339-2018 - Seq. No. 1 (18§ 3122.1 §§ A2) - Confinement

Link 2

CP-65-CR-0000339-2018 - Seq. No. 3 (18§ 6318 §§ A4) - Probation is Consecutive to
CP-65-CR-0000339-2018 - Seq. No. 1 (18§ 3122.1 §§ A2) - Confinement

Link 3

CP-65-CR-0000339-2018 - Seq. No. 4 (18§ 7512 §§ A) - Probation is Concurrent with
CP-65-CR-0000339-2018 - Seq. No. 3 (18§ 6318 §§ A4) - Probation

COURT OF COMMON PLEAS OF WESTMORELAND COUNTY

DOCKET

Docket Number: CP-65-CR-0000339-2018

CRIMINAL DOCKET

Court Case



Commonwealth of Pennsylvania

v.

Michael William Diebold

Page 5 of 10

COMMONWEALTH INFORMATION

Name: Chuck E. Washburn
Attorney General

Supreme Court No: 082020

Phone Number(s):
724-871-3656 (Phone)
412-830-3949 (Other)
724-830-3949 (Other)

Address:
Pa Office Of Attorney General
10950 Route 30
North Huntingdon, PA 15642

ATTORNEY INFORMATION

Name: Duke George Jr.
Private

Supreme Court No: 005391

Rep. Status: Active

Phone Number(s):
724-339-1023 (Phone)
412-339-1023 (Other)
724-339-1023 (Other)

Address:
2300 Freeport Rd
10 Feldarelli Sq
New Kensington, PA 15068-4669

Representing: Diebold, Michael William

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	01/05/2018		Peck, Yackopec Cheryl J.
Bail Set - Diebold, Michael William			
1	01/12/2018		Smittle, John Jr.
Bail Posted - Diebold, Michael William			
1	01/24/2018		Court of Common Pleas - Westmoreland County
Original Papers Received from Lower Court			
1	02/12/2018		Attorney General of Pennsylvania
Information Filed			
1	03/07/2018		George, Duke Jr.
Entry of Appearance			
2	03/07/2018		George, Duke Jr.
Appearance and Waiver of Arraignment			
1	05/03/2018		Washburn, Chuck E.
Commonwealth's Motion for Revocation and Forfeiture of Bond			
4	05/04/2018		Court of Common Pleas - Westmoreland County
Hearing Notice			

COURT OF COMMON PLEAS OF WESTMORELAND COUNTY

DOCKET

Docket Number: CP-65-CR-0000339-2018

CRIMINAL DOCKET

Court Case



Commonwealth of Pennsylvania

v.

Michael William Diebold

Page 6 of 10

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
7	05/04/2018		Bilik-DeFazio, Meagan
Order Granting Motion for Continuance Continuance granted until Tuesday, May 8th, 2018 at 1:30pm by motion of defense, exclude time.			
1	05/11/2018		Bilik-DeFazio, Meagan
Order Granting Motion to Revoke/Release and Forfeit Bail - Diebold, Michael William Hearing was held and testimony was taken from 2 Commonwealth witnesses and 3 Defense witnesses. Commonwealth exhibits 1 & 2 were not admitted. Def exhibit A was not admitted. Commonwealth's motion to revoke bond is granted. Bond is revoked in this case.			
1	05/15/2018		Bilik-DeFazio, Meagan
Transcript of Proceedings Filed Bond Revocation Proceedings heard May 8, 2018 before Judge Bilik-DeFazio. 238-07			
2	05/15/2018		Bilik-DeFazio, Meagan
Transcript of Proceedings Filed Bench Warrant Proceedings heard on 05/04/2018 before Judge Bilik-DeFazio 237#93			
1	05/21/2018		George, Duke Jr.
Omnibus Pre-Trial Motion A. Formal Request for Discovery B. Motion to Re-Instate Bond and Modify Conditions of Bond C. Bill of Particulars D. Reservation			
1	06/20/2018		Bilik-DeFazio, Meagan
Decree Pursuant to Rule 1925 Reasons for the decision appear in the BW proceeding transcript dated 5/4/18 and the bond revocation proceeding transcript dated 5/8/18 which are filed at the above number and term.			
1	06/25/2018		Court of Common Pleas - Westmoreland County
Hearing Notice			
1	07/16/2018		George, Duke Jr.
Supplement to Discovery Request Contained in Omnibus Pretrial Motion for Relief			

COURT OF COMMON PLEAS OF WESTMORELAND COUNTY

DOCKET

Docket Number: CP-65-CR-0000339-2018

CRIMINAL DOCKET

Court Case



Commonwealth of Pennsylvania

v.

Michael William Diebold

Page 7 of 10

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
2	07/16/2018		Bilik-DeFazio, Meagan
Omnibus Pre-Trial Motion Order			
In considering the defendant's Omnibus Pretrial Motion, it is hereby Ordered and Decreed as follows: Motion to Reinstate Bond is denied; Defense Counsel and the Commonwealth are to work to resolve any discovery issues and present a request for a hearing only on any outstanding discovery issues that they are unable to resolve; and the hearing scheduled for July 17, 2018 is cancelled. Cancel Sheriff's transport.			
4	07/16/2018		Court of Common Pleas - Westmoreland County
Hearing Notice			
1	08/27/2018		Court of Common Pleas - Westmoreland County
Hearing Notice			
1	09/07/2018		Court of Common Pleas - Westmoreland County
Hearing Notice Returned			
1	09/20/2018		Bilik-DeFazio, Meagan
Order Granting Motion for Continuance			
Continuance Granted until Dec Trial Term, by Motion of Defense. Exclude Time. Cancel Crim. Call of the List sch on 09/21/18.			
1	10/24/2018		Court of Common Pleas - Westmoreland County
Hearing Notice			
1	11/09/2018		Court of Common Pleas - Westmoreland County
Hearing Notice-Returned			
2	11/09/2018	11/05/2018	Bilik-DeFazio, Meagan
Order Granting Motion for Continuance			
It is hereby ORDERED, ADJUDGED and DECREED that the case is continued for Plea Court on December 11, 2018, time excluded.			
1	11/19/2018		Court of Common Pleas - Westmoreland County
Hearing Notice			

COURT OF COMMON PLEAS OF WESTMORELAND COUNTY

DOCKET

Docket Number: CP-65-CR-0000339-2018

CRIMINAL DOCKET

Court Case



Commonwealth of Pennsylvania

v.

Michael William Diebold

Page 8 of 10

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	12/03/2018		Court of Common Pleas - Westmoreland County
Hearing Notice - Returned			
1	12/11/2018		Diebold, Michael William
Offender Notification Pursuant to Title 42			
2	12/11/2018		Bilik-DeFazio, Meagan
Guilty Plea - Negotiated			
3	12/11/2018		Bilik-DeFazio, Meagan
Order - Sentence/Penalty Imposed			
Ct. 1 Incarceration for a period of not less than 9 mths nor more than 23 mths at WCP; Credit for time served; No credit for good time; Sorna assessment ordered; Found to be Tier II; Sorna registration; No unsupervised contact with minors except minor son as per Family court; Comply with sex offender conditions; Parole based on a verified release plan; No unlawful internet access (for employment only) No social media; Contact with son as per Armstrong County; Must comply with registration requirements; CW motion to amend info a Ct. 1 & 2 to 3122.1a2 grade F2; Ct. 2 Nine -23 mths incarceration concurrent to Ct. 1; no credit for good time; No unsupervised contact with minors; no unlawful internet access. (for emplyment purposes only)No social media; Ct. 3 Three yrs Probation consecutive to Ct. 1 Same terms; Ct. 4. Three yr probation concurrent to Ct. 3; Same terms as Ct. 1&2; Parole at the minimun sentence; Upon release, not to have any contact with victim or witnesses; A Sorna addendum was executed. An offender notification form was executed.			
4	12/11/2018		Bilik-DeFazio, Meagan
Assessment/Sexual Offender Board/Megan's Law			
5	12/11/2018		Bilik-DeFazio, Meagan
Order Classifying Defendant for Registration under Megan's Law			
1	12/12/2018		Court of Common Pleas - Westmoreland County
Penalty Assessed			

COURT OF COMMON PLEAS OF WESTMORELAND COUNTY

DOCKET

Docket Number: CP-65-CR-0000339-2018

CRIMINAL DOCKET

Court Case



Commonwealth of Pennsylvania

v.

Michael William Diebold

Page 9 of 10

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>Suspended</u>	<u>Next Due Amt</u>
65-2018-P000003101	Monthly	01/31/2019	Yes	\$0.00
Diebold, Michael William			No	\$25.00

Payment Plan History: Receipt Date Payor Name Participant Role Amount

COURT OF COMMON PLEAS OF WESTMORELAND COUNTY

DOCKET

Docket Number: CP-65-CR-0000339-2018
CRIMINAL DOCKET

Court Case



Commonwealth of Pennsylvania
v.
Michael William Diebold

Page 10 of 10

CASE FINANCIAL INFORMATION

Last Payment Date:	Total of Last Payment:				
Diebold, Michael William Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary</u> <u>Payments</u>	<u>Total</u>
Costs/Fees					
ATJ	\$6.00	\$0.00	\$0.00	\$0.00	\$6.00
Admin Fee (Westmoreland)	\$11.83	\$0.00	\$0.00	\$0.00	\$11.83
Booking Center Fee (Westmoreland)	\$50.00	\$0.00	\$0.00	\$0.00	\$50.00
CJES	\$2.50	\$0.00	\$0.00	\$0.00	\$2.50
Commonwealth Cost - HB627 (Act 167 of 1992)	\$21.10	\$0.00	\$0.00	\$0.00	\$21.10
Costs of Prosecution - CJEA	\$50.00	\$0.00	\$0.00	\$0.00	\$50.00
County Court Cost (Act 204 of 1976)	\$30.80	\$0.00	\$0.00	\$0.00	\$30.80
Crime Victims Compensation (Act 96 of 1984)	\$35.00	\$0.00	\$0.00	\$0.00	\$35.00
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
LCP Fee (Westmoreland)	\$5.00	\$0.00	\$0.00	\$0.00	\$5.00
OAG - JCP	\$2.50	\$0.00	\$0.00	\$0.00	\$2.50
State Court Costs (Act 204 of 1976)	\$14.10	\$0.00	\$0.00	\$0.00	\$14.10
Victim Witness Service (Act 111 of 1998)	\$25.00	\$0.00	\$0.00	\$0.00	\$25.00
Trial Fee (Westmoreland)	\$221.30	\$0.00	\$0.00	\$0.00	\$221.30
OSP (Westmoreland/State) (Act 35 of 1991)	\$810.00	\$0.00	\$0.00	\$0.00	\$810.00
OSP (Westmoreland/State) (Act 35 of 1991)	\$810.00	\$0.00	\$0.00	\$0.00	\$810.00
Costs/Fees Totals:	\$2,389.38	\$0.00	\$0.00	\$0.00	\$2,389.38
Grand Totals:	\$2,389.38	\$0.00	\$0.00	\$0.00	\$2,389.38

** - Indicates assessment is subrogated