

COURT OF COMMON PLEAS OF LANCASTER COUNTY

DOCKET



Docket Number: CP-36-CR-0000394-2017

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Freddy Burgos Emery

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CASE INFORMATION

Judge Assigned: Cullen, James P. Date Filed: 01/23/2017 Initiation Date: 12/02/2016
OTN: T 868156-2 LOTN: Originating Docket No: MJ-02302-CR-0000588-2016
Initial Issuing Authority: B Denise Commins Final Issuing Authority: B Denise Commins
Arresting Agency: East Lampeter Twp Police Dept Arresting Officer: Edgell, Joseph W.
Complaint/Citation No.: 1612001543 Incident Number:
County: Lancaster Township: E Lampeter Township
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	07/07/2017	Sentenced/Penalty Imposed	12/02/2016
	07/07/2017	Awaiting Sentencing	
	07/07/2017	Awaiting Plea Court	
	05/19/2017	Awaiting Trial	
	01/23/2017	Awaiting Pre-Trial Conference	
	01/23/2017	Awaiting Formal Arraignment	
	01/23/2017	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>
Formal Arraignment	01/27/2017	9:00 am	Courtroom A		Cancelled
Status Conference	03/16/2017	9:00 am	Courtroom 1	Senior Judge James P. Cullen	Continued
Status Conference	04/12/2017	9:00 am	Courtroom 1	Senior Judge James P. Cullen	Moved
Status Conference	05/11/2017	9:00 am	Courtroom 1	Senior Judge James P. Cullen	Cancelled
Call of the Criminal Trial List	07/07/2017	9:00 am	Courtroom 1	Senior Judge James P. Cullen	Cancelled
Criminal Trial	07/10/2017	9:00 am	Courtroom 1	Senior Judge James P. Cullen	Cancelled

DEFENDANT INFORMATION

Date Of Birth: 04/08/1998 City/State/Zip: LANCASTER, PA 17601

CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Emery, Freddy Burgos

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BAIL INFORMATION

Emery, Freddy Burgos

Nebbia Status: None

<u>Bail Action</u>	<u>Date</u>	<u>Bail Type</u>	<u>Originating Court</u>	<u>Percentage</u>	<u>Amount</u>
Set	12/02/2016	Monetary	Magisterial District Court		\$100,000.00

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	F2	18 § 3122.1 §§ A1	Statutory Sexual Assault: 4-8 Years Older	11/25/2016	T 868156-2
2	2	F2	18 § 3125 §§ A8	Agg. Ind. Assault - Comp. Less Than 16	11/25/2016	T 868156-2
3	3	F2	18 § 6318 §§ A1	Unlawful Contact With Minor - Sexual Offenses	11/25/2016	T 868156-2
4	4	F2	18 § 6318 §§ A1	Unlawful Contact With Minor - Sexual Offenses	11/25/2016	T 868156-2
5	5	F3	18 § 6301 §§ A1ii	Corruption Of Minors - Defendant Age 18 or Above	11/25/2016	T 868156-2

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 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

<u>Lower Court Disposition</u>	<u>01/04/2017</u>	<u>Not Final</u>
1 / Statutory Sexual Assault: 4-8 Years Older	Waived for Court (Lower Court)	F2 18 § 3122.1 §§ A1
2 / Agg. Ind. Assault - Comp. Less Than 16	Waived for Court (Lower Court)	F2 18 § 3125 §§ A8
3 / Unlawful Contact With Minor - Sexual Offenses	Waived for Court (Lower Court)	F2 18 § 6318 §§ A1
4 / Unlawful Contact With Minor - Sexual Offenses	Waived for Court (Lower Court)	F2 18 § 6318 §§ A1
5 / Corruption Of Minors - Defendant Age 18 or Above	Waived for Court (Lower Court)	F3 18 § 6301 §§ A1ii

Proceed to Court (Arraignment Waived)

Defendant Was Not Present

<u>Information Filed</u>	<u>02/02/2017</u>	<u>Not Final</u>
1 / Statutory Sexual Assault: 4-8 Years Older	Held for Court	F2 18 § 3122.1 §§ A1
2 / Agg. Ind. Assault - Comp. Less Than 16	Held for Court	F2 18 § 3125 §§ A8
3 / Unlawful Contact With Minor - Sexual Offenses	Held for Court	F2 18 § 6318 §§ A1
4 / Unlawful Contact With Minor - Sexual Offenses	Held for Court	F2 18 § 6318 §§ A1
5 / Corruption Of Minors - Defendant Age 18 or Above	Held for Court	F3 18 § 6301 §§ A1ii

Guilty Plea - Negotiated

<u>Guilty Plea</u>	<u>07/07/2017</u>	<u>Final Disposition</u>
1 / Statutory Sexual Assault: 4-8 Years Older	Guilty Plea - Negotiated	F2 18 § 3122.1 §§ A1
Cullen, James P.	07/07/2017	218 Days

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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 1.00 Years Max of 2.00 Years 1 year to 2 years	07/07/2017	
Defendant to pay court costs.			
To pay a fine of \$100.			
Credit for Time Served 12/2/2016.			
Megan's Law Applies.			
Defendant to comply with Sex Offender Conditions 1-30 apply			
DNA Sampling & pay costs.			
SVP Eval ordered			
Eligible for Educational/Vocational Program			
Defendant is eligible for any and all programs at SCI			
2 / Agg. Ind. Assault - Comp. Less Than 16	Guilty Plea - Negotiated	F2	18 § 3125 §§ A8
Cullen, James P.	07/07/2017	218 Days	
Confinement	Min of 2.00 Years Max of 4.00 Years 2 years to 4 years	07/07/2017	
Defendant to pay court costs.			
Probation	Min of 4.00 Years Max of 4.00 Years 4 years	07/07/2017	
3 / Unlawful Contact With Minor - Sexual Offenses	Guilty Plea - Negotiated	F2	18 § 6318 §§ A1
Cullen, James P.	07/07/2017	218 Days	
Confinement	Min of 2.00 Years Max of 4.00 Years 2 years to 4 years	07/07/2017	
Defendant to pay court costs.			
Probation	Min of 4.00 Years Max of 4.00 Years 4 years	07/07/2017	
4 / Unlawful Contact With Minor - Sexual Offenses	Guilty Plea - Negotiated	F2	18 § 6318 §§ A1
Cullen, James P.	07/07/2017	218 Days	
Confinement	Min of 2.00 Years Max of 4.00 Years 2 years to 4 years	07/07/2017	

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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>			
Defendant to pay court costs.			
Probation	Min of 4.00 Years Max of 4.00 Years 4 years	07/07/2017	
5 / Corruption Of Minors - Defendant Age 18 or Above	Guilty Plea - Negotiated	F3	18 § 6301 §§ A1ii
Cullen, James P.	07/07/2017	218 Days	
Confinement	Min of 1.00 Years Max of 2.00 Years 1 year to 2 years	07/07/2017	
Defendant to pay court costs.			

LINKED SENTENCES:

Link 1

CP-36-CR-0000146-2017 - Seq. No. 1 (18§ 6312 §§ D) - Confinement is Concurrent with
 CP-36-CR-0000146-2017 - Seq. No. 2 (18§ 6301 §§ A1i) - Probation is Concurrent with
 CP-36-CR-0000146-2017 - Seq. No. 3 (18§ 5903 §§ C1) - Confinement is Concurrent with
 CP-36-CR-0000394-2017 - Seq. No. 1 (18§ 3122.1 §§ A1) - Confinement is Concurrent with
 CP-36-CR-0000394-2017 - Seq. No. 2 (18§ 3125 §§ A8) - Confinement is Concurrent with
 CP-36-CR-0000394-2017 - Seq. No. 2 (18§ 3125 §§ A8) - Probation is Concurrent with
 CP-36-CR-0000394-2017 - Seq. No. 3 (18§ 6318 §§ A1) - Confinement is Concurrent with
 CP-36-CR-0000394-2017 - Seq. No. 3 (18§ 6318 §§ A1) - Probation is Concurrent with
 CP-36-CR-0000394-2017 - Seq. No. 4 (18§ 6318 §§ A1) - Confinement is Concurrent with
 CP-36-CR-0000394-2017 - Seq. No. 4 (18§ 6318 §§ A1) - Probation is Concurrent with
 CP-36-CR-0000394-2017 - Seq. No. 5 (18§ 6301 §§ A1ii) - Confinement

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COMMONWEALTH INFORMATION

Name: Janie Ann Swinehart
Assistant District Attorney

Supreme Court No: 205142

Phone Number(s):
717-299-8100 (Phone)

Address:
Lancaster Co Da's Office
50 N Duke St
Lancaster, PA 17608

ATTORNEY INFORMATION

Name: Daniel Evan Kaye
Public Defender

Supreme Court No: 081521

Rep. Status: Active

Phone Number(s):
717-299-8131 (Phone)

Address:
Lancaster Co Public Defender
150 N Queen St Ste 210
Lancaster, PA 17603-3562

Representing: Emery, Freddy Burgos

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
<u>Service To</u>		<u>Service By</u>	
<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
1	12/02/2016		Commins, B Denise
Bail Set - Emery, Freddy Burgos			
Swinehart, Janie Ann			
01/23/2017	eService		Served
1	01/23/2017		Court of Common Pleas - Lancaster County
Original Papers Received from Lower Court			
Swinehart, Janie Ann			
01/23/2017	eService		Served
3	01/23/2017		Kaye, Daniel Evan
Waiver of Arraignment			
Kaye, Daniel Evan			
01/23/2017	eService		Served
Swinehart, Janie Ann			
01/23/2017	eService		Served
1	02/02/2017		Commonwealth of Pennsylvania
Information Filed (Arraignment Waived)			
Kaye, Daniel Evan			
02/02/2017	eService		Served
Swinehart, Janie Ann			
02/02/2017	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>
2	02/02/2017		Court of Common Pleas - Lancaster County
Criminal Information Electronically Filed			
Kaye, Daniel Evan			
02/02/2017	eService		Served
Swinehart, Janie Ann			
02/02/2017	eService		Served
1	03/16/2017		Spahn, Merrill M.
Conference Order			
Kaye, Daniel Evan			
03/22/2017	eService		Served
Swinehart, Janie Ann			
03/22/2017	eService		Served
1	04/12/2017		Cullen, James P.
Conference Order			
Kaye, Daniel Evan			
04/19/2017	eService		Served
Swinehart, Janie Ann			
04/19/2017	eService		Served
1	05/11/2017		Cullen, James P.
Conference Order			
Kaye, Daniel Evan			
05/24/2017	eService		Served
Swinehart, Janie Ann			
05/24/2017	eService		Served
1	05/19/2017		Cullen, James P.
Order Scheduling Jury Trial			
Kaye, Daniel Evan			
05/23/2017	eService		Served
Swinehart, Janie Ann			
05/23/2017	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>
1	07/07/2017		Cullen, James P.
Notification of Registration Requirements			
Kaye, Daniel Evan			
07/27/2017	eService		Served
Swinehart, Janie Ann			
07/27/2017	eService		Served

3	07/07/2017		Cullen, James P.
Guilty Plea - Negotiated			
Kaye, Daniel Evan			
07/27/2017	eService		Served
Swinehart, Janie Ann			
07/27/2017	eService		Served

4	07/07/2017		Cullen, James P.
Order - Sentence/Penalty Imposed			
Kaye, Daniel Evan			
07/27/2017	eService		Served
Swinehart, Janie Ann			
07/27/2017	eService		Served

5	07/07/2017		Cullen, James P.
Assessment/Sexual Offender Board/Megan's Law			
Kaye, Daniel Evan			
07/07/2017	eService		Served
Swinehart, Janie Ann			
07/07/2017	eService		Served

2	08/02/2017		Pfursich, Jacquelyn E.
DC300B Prepared			

1	10/13/2017		Madenspacher, Joseph C.
Request for Special Probation/Parole Supervision			
Kaye, Daniel Evan			
10/16/2017	eService		Served
Swinehart, Janie Ann			
10/16/2017	eService		Served

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<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>

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CASE FINANCIAL INFORMATION

Last Payment Date: 01/31/2019

Total of Last Payment: -\$48.50

Emery, Freddy Burgos Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Balance</u>
Costs/Fees					
Miscellaneous Issuances	\$17.50	(\$11.33)	\$0.00	\$0.00	\$6.17
ATJ	\$4.00	(\$4.00)	\$0.00	\$0.00	\$0.00
CJES	\$2.25	(\$2.25)	\$0.00	\$0.00	\$0.00
Commonwealth Cost - HB627 (Act 167 of 1992)	\$20.65	(\$13.36)	\$0.00	\$0.00	\$7.29
Costs of Prosecution - CJEA	\$50.00	(\$32.31)	\$0.00	\$0.00	\$17.69
County Court Cost (Act 204 of 1976)	\$30.10	(\$19.47)	\$0.00	\$0.00	\$10.63
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	(\$161.46)	\$0.00	\$0.00	\$88.54
Domestic Violence Compensation (Act 44 of 1988)	\$10.00	(\$6.48)	\$0.00	\$0.00	\$3.52
Firearm Education and Training Fund	\$5.00	(\$3.25)	\$0.00	\$0.00	\$1.75
JCPS	\$21.25	(\$21.25)	\$0.00	\$0.00	\$0.00
Judicial Computer Project	\$8.00	(\$8.00)	\$0.00	\$0.00	\$0.00
State Court Costs (Act 204 of 1976)	\$13.75	(\$8.67)	\$0.00	\$0.00	\$5.08
Victim Witness Service (Act 111 of 1998)	\$25.00	(\$25.00)	\$0.00	\$0.00	\$0.00
Prosecution Cost - 6411AB1211 (Lancaster)	\$6.40	(\$6.40)	\$0.00	\$0.00	\$0.00
Sheriff Process Cost - 6411AB1211 (Lancaster)	\$99.65	(\$99.65)	\$0.00	\$0.00	\$0.00
Costs/Fees Totals:	\$598.55	(\$457.88)	\$0.00	\$0.00	\$140.67
Fines					
Crimes Code, etc.	\$100.00	(\$64.61)	\$0.00	\$0.00	\$35.39
Fines Totals:	\$100.00	(\$64.61)	\$0.00	\$0.00	\$35.39
Grand Totals:	\$698.55	(\$522.49)	\$0.00	\$0.00	\$176.06

** - Indicates assessment is subrogated