

# COURT OF COMMON PLEAS OF LEHIGH COUNTY

## DOCKET

Docket Number: CP-39-CR-0003705-2024

## CRIMINAL DOCKET

Court Case



Commonwealth of Pennsylvania

v.

Joshua Mickey Martel

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### CASE INFORMATION

Judge Assigned: Steinberg, Robert L.      Date Filed: 10/03/2024      Initiation Date: 08/15/2024  
OTN: J 1006845-0      LOTN:      Originating Docket No: MJ-31105-CR-0000469-2024  
Initial Issuing Authority: Michael D. D'Amore      Final Issuing Authority: Ronald S. Manescu  
Arresting Agency: Allentown Police Dept      Arresting Officer: Toth, Suzanne J.  
Complaint/Citation No.: 24052335      Incident Number: 24052335  
County: Lehigh      Township: Allentown City  
Case Local Number Type(s)      Case Local Number(s)  
LCID#      0188520

### STATUS INFORMATION

<u>Case Status:</u>	<u>Status Date</u>	<u>Processing Status</u>	<u>Complaint Date:</u>
Closed	07/22/2025	Sentenced/Penalty Imposed	08/15/2024
	07/22/2025	Awaiting Sentencing	
	04/10/2025	Awaiting Trial	
	11/15/2024	Awaiting Pre-Trial Conference	
	10/03/2024	Awaiting Formal Arraignment	
	10/03/2024	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	11/15/2024	8:30 am	Courtroom 4A	Judge Robert L. Steinberg	Scheduled
Pre-Trial Hearing	01/28/2025	1:30 pm	Courtroom 4A	Judge Robert L. Steinberg	Scheduled
Status Conference	04/09/2025	1:30 pm	Courtroom 4A	Judge Robert L. Steinberg	Scheduled
Trial	08/04/2025	9:30 am	Courtroom 4A	Judge Robert L. Steinberg	Cancelled
SVP Hearing	12/09/2025	1:30 pm	Courtroom 4A	Judge Robert L. Steinberg	Continued
SVP Hearing	01/28/2026	1:30 pm	Courtroom 4A	Judge Robert L. Steinberg	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>
10/31/2025	State Correctional Institution	SCI Albion		Yes

### DEFENDANT INFORMATION

Date Of Birth: 04/05/1993      City/State/Zip: Allentown, PA 18102

### CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Martel, Joshua Mickey

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### BAIL INFORMATION

**Martel, Joshua Mickey**

**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	09/04/2024	Monetary	Magisterial District Court		\$250,000.00

### 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	10	F1	<b>18 § 3121 §§ C</b>	Rape of Child	04/23/2024	J 1006845-0
4	11	F1	<b>18 § 3011 §§ A1</b>	Trafficking in Individuals - Recruit/entice/solicit/etc.	04/23/2024	J 1006845-0

### 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>			
<b>Held for Court (Lower Court)</b> Defendant Was Present			
Lower Court Disposition	10/01/2024	Not Final	
<b>Proceed to Court</b> Defendant Was Not Present			
Information Filed	11/06/2024	Not Final	
1 / Rape of Child	Replacement by Information	F1	18 § 3121 §§ C
4 / Trafficking in Individuals - Recruit/entice/solicit/etc.	Replacement by Information	F1	18 § 3011 §§ A1
<b>Guilty Plea - Negotiated</b>			
Guilty Plea	07/22/2025	Final Disposition	
1 / Rape of Child	Guilty Plea - Negotiated	F1	18 § 3121 §§ C
Steinberg, Robert L.	07/22/2025	182 Days	
Confinement	Min of 18.00 Years	07/22/2025	
	Max of 36.00 Years		
	Other		
Probation	3 years		
4 / Trafficking in Individuals - Recruit/entice/solicit/etc.	Guilty Plea - Negotiated	F1	18 § 3011 §§ A1
Steinberg, Robert L.	07/22/2025		
Confinement	Min of 3.00 Years		
	Max of 14.00 Years		
	Other		

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### LINKED SENTENCES:

#### Link 3

CP-39-CR-0003706-2024 - Seq. No. 1 (18 § 3122.1 §§ B) - Confinement is Concurrent with

- Link 2

#### Link 1

CP-39-CR-0003705-2024 - Seq. No. 1 (18 § 3121 §§ C) - Probation is Consecutive to

CP-39-CR-0003705-2024 - Seq. No. 1 (18 § 3121 §§ C) - Confinement

#### Link 2

CP-39-CR-0003705-2024 - Seq. No. 4 (18 § 3011 §§ A1) - Confinement is Consecutive to

- Link 1

### COMMONWEALTH INFORMATION

Name: Sara Alison Moyer  
Assistant District Attorney

Supreme Court No: 322608

Phone Number(s):  
610-782-3100 (Phone)

Address:  
455 W Hamilton St  
Allentown, PA 18101

### ATTORNEY INFORMATION

Name: Matthew Jared Rapa  
Conflict Counsel

Supreme Court No: 208946

Rep. Status: Active

Phone Number(s):  
610-377-7730 (Phone)

Address:  
141 S 1ST St  
Lehigh, PA 18235-2003

Representing: Martel, Joshua Mickey

### ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	09/09/2024		Graupner, Michelle
Sealed Entry			
2	09/09/2024		Marks, Anna-Kristie M.
Order Appointing Counsel - Matthew Rapa, Esq			
Moyer, Sara Alison			
10/09/2024	eService		Served
Rapa, Matthew Jared			
10/09/2024	eService		Served
1	10/03/2024		Court of Common Pleas - Lehigh County
Original Papers Received from Lower Court			
1	11/06/2024		Holihan, Gavin
Information Filed			
Moyer, Sara Alison			

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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>
Rapa, Matthew Jared	11/06/2024	eService	Served
Rapa, Matthew Jared	11/06/2024	eService	Served
-----			
1	11/15/2024		Steinberg, Robert L.
Order for Reimbursement - \$384.50 to Matthew Rapa, Esq			
Lehigh County Court Administration			
	11/15/2024	E-Mail	
Lehigh County District Attorney's Office			
	11/15/2024	E-Mail	
Rapa, Matthew Jared			
	11/15/2024	E-Mail	
Moyer, Sara Alison			
	11/19/2024	eService	Served
Rapa, Matthew Jared			
	11/19/2024	eService	Served
-----			
2	11/15/2024		Steinberg, Robert L.
Arraigned			
Moyer, Sara Alison			
	01/28/2025	eService	Served
Rapa, Matthew Jared			
	01/28/2025	eService	Served
-----			
3	11/15/2024		Steinberg, Robert L.
Scheduling Order - Pre-Trial Motion Hearing 1/28/25			
Lehigh County Adult Probation			
	11/15/2024	E-Mail	
Lehigh County Court Administration			
	11/15/2024	E-Mail	
Lehigh County District Attorney's Office			
	11/15/2024	E-Mail	
Lehigh County District Attorney's Office			
	11/15/2024	In Court	
Martel, Joshua Mickey			
	11/15/2024	In Court	
Rapa, Matthew Jared			

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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>
11/15/2024	In Court		
Steinberg, Robert L.			
11/15/2024	E-Mail		
Moyer, Sara Alison			
11/26/2024	eService		Served
Rapa, Matthew Jared			
11/26/2024	eService		Served
-----			
1	12/17/2024		Rapa, Matthew Jared
Omnibus Pre-Trial Motion			
Lehigh County Court Administration		Rapa, Matthew Jared	
12/16/2024	Personal		
Lehigh County District Attorney's Office		Rapa, Matthew Jared	
12/16/2024	Personal		
Moyer, Sara Alison			
12/17/2024	eService		Served
-----			
2	12/17/2024		Steinberg, Robert L.
Protective Order for Disclosure of Discovery Materials			
Lehigh County Adult Probation			
12/17/2024	E-Mail		
Lehigh County Court Administration			
12/17/2024	E-Mail		
Lehigh County District Attorney's Office			
12/17/2024	E-Mail		
Rapa, Matthew Jared			
12/17/2024	E-Mail		
Steinberg, Robert L.			
12/17/2024	E-Mail		
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1	01/28/2025		Steinberg, Robert L.
Scheduling Order - Status Conference 4/9/2025			
Lehigh County Adult Probation			
01/28/2025	E-Mail		
Lehigh County Court Administration			
01/28/2025	E-Mail		
Lehigh 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>
01/28/2025	E-Mail		
Martel, Joshua Mickey			
01/28/2025	In Court		
Moyer, Sara Alison			
01/28/2025	In Court		
Moyer, Sara Alison			
01/28/2025	eService		Served
Rapa, Matthew Jared			
01/28/2025	In Court		
Rapa, Matthew Jared			
01/28/2025	eService		Served
Steinberg, Robert L.			
01/28/2025	E-Mail		
-----			
2	01/28/2025		Steinberg, Robert L.
Exhibits Filed in COJR Storage Room			
Moyer, Sara Alison			
01/29/2025	eService		Served
Rapa, Matthew Jared			
01/29/2025	eService		Served
-----			
1	02/03/2025		Steinberg, Robert L.
Order Denying Motion to Dismiss - Writ of Habeas Corpus			
Lehigh County District Attorney's Office			
02/03/2025	E-Mail		
Rapa, Matthew Jared			
02/03/2025	E-Mail		
Moyer, Sara Alison			
02/05/2025	eService		Served
Rapa, Matthew Jared			
02/05/2025	eService		Served
-----			
1	03/13/2025		Rapa, Matthew Jared
Motion for In Camera Review of Lehigh County Children and Youth Records			
Lehigh County Court Administration		Rapa, Matthew Jared	
03/12/2025	Personal		
Lehigh County District Attorney's Office		Rapa, Matthew Jared	

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<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
Steinberg, Robert L.	03/12/2025	Personal	
Moyer, Sara Alison	03/12/2025	Personal	Rapa, Matthew Jared
	03/13/2025	eService	Served
-----			
1	03/18/2025		Steinberg, Robert L.
Order for LCOCYS to Provide Copy of Files within 20 Days, Costs on Lehigh County Lehigh County Office of Children & Youth Services			
	03/18/2025	E-Mail	
Moyer, Sara Alison	03/18/2025	eService	Served
Moyer, Sara Alison	03/18/2025	E-Mail	
Rapa, Matthew Jared	03/18/2025	eService	Served
Rapa, Matthew Jared	03/18/2025	E-Mail	
-----			
1	04/09/2025		Steinberg, Robert L.
Scheduling Order - Trial 8/4/25 Lehigh County Adult Probation			
	04/09/2025	E-Mail	
Lehigh County Court Administration			
	04/09/2025	E-Mail	
Lehigh County District Attorney's Office			
	04/09/2025	E-Mail	
Lehigh County District Attorney's Office			
	04/09/2025	In Court	
Martel, Joshua Mickey	04/09/2025	In Court	
Moyer, Sara Alison	04/09/2025	eService	Served
Rapa, Matthew Jared	04/09/2025	In Court	
Rapa, Matthew Jared	04/09/2025	In Court	

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<u>Service To</u>			
<u>Issue Date</u>		<u>Service By</u>	<u>Status Date</u>
<u>Service Status</u>			
04/09/2025	eService		Served
Steinberg, Robert L.			
04/09/2025	E-Mail		
-----			
2	07/22/2025		Rapa, Matthew Jared
Written Guilty Plea Colloquy			
-----			
3	07/22/2025		Steinberg, Robert L.
Guilty Plea - Negotiated			
Moyer, Sara Alison			
07/22/2025	eService		Served
Rapa, Matthew Jared			
07/22/2025	eService		Served
-----			
4	07/22/2025		Rapa, Matthew Jared
Waiver of Requirements Under 42 Pa.C.S.A. 9799.24 and Request for Immediate Sentencing			
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5	07/22/2025		Steinberg, Robert L.
Order - Sentence/Penalty Imposed - See Original Sentence Order			
LEHIGH COUNTY JAIL			
07/22/2025	E-Mail		
Lehigh County Adult Probation			
07/22/2025	E-Mail		
Lehigh County Collections			
07/22/2025	Interoffice		
Lehigh County Court Administration			
07/22/2025	E-Mail		
Lehigh County District Attorney's Office			
07/22/2025	E-Mail		
Pennsylvania State Police			
07/22/2025	E-Mail		
Rapa, Matthew Jared			
07/22/2025	E-Mail		
Sexual Offenders Assessment Board			
07/22/2025	E-Mail		
Steinberg, Robert L.			
07/22/2025	E-Mail		

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<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
Moyer, Sara Alison			
07/25/2025	eService		Served
Rapa, Matthew Jared			
07/25/2025	eService		Served
-----			
6	07/22/2025		Rapa, Matthew Jared
Written Waiver of Appeal Rights Colloquy			
Lehigh County Court Administration			
07/24/2025	E-Mail		
Lehigh County District Attorney's Office			
07/24/2025	E-Mail		
Steinberg, Robert L.			
07/24/2025	E-Mail		
-----			
7	07/22/2025		Rapa, Matthew Jared
Notice to Defendant - Subsequent Conviction Requiring Registration Under SORNA Subject to Penalty			
-----			
1	07/23/2025		Steinberg, Robert L.
Order for SOAB Assessment			
LEHIGH COUNTY JAIL			
07/23/2025	E-Mail		
Lehigh County Adult Probation			
07/23/2025	E-Mail		
Lehigh County District Attorney's Office			
07/23/2025	E-Mail		
Moyer, Sara Alison			
07/23/2025	eService		Served
Rapa, Matthew Jared			
07/23/2025	E-Mail		
Rapa, Matthew Jared			
07/23/2025	eService		Served
Sexual Offenders Assessment Board			
07/23/2025	E-Mail		
-----			
2	07/23/2025		Steinberg, Robert L.
Order for Payment - \$216 due			
Lehigh County Court Monitor			

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<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
07/23/2025	E-Mail		
Lehigh County District Attorney's Office			
07/23/2025	E-Mail		
Moyer, Sara Alison			
07/23/2025	eService		Served
Rapa, Matthew Jared			
07/23/2025	eService		Served
Sexual Offenders Assessment Board			
07/23/2025	E-Mail		
-----			
1	07/25/2025		Court of Common Pleas - Lehigh County
Penalty Assessed			
-----			
2	07/25/2025		Court of Common Pleas - Lehigh County
Itemized Account of Fines, Costs, Fees and Restitution			
-----			
1	08/05/2025		Court of Common Pleas - Lehigh County
Court Commitment State or County Correctional Institution			
-----			
1	09/09/2025		Court of Common Pleas - Lehigh County
Entry of Civil Judgment			
-----			
1	10/06/2025		Moyer, Sara Alison
Praecipe to Determine Registration Status			
Rapa, Matthew Jared			
10/06/2025	eService		Served
-----			
1	10/07/2025		Steinberg, Robert L.
Scheduling Order - SVP Hearing 12/9/2025 1:30 PM			
Lehigh County Court Administration			
10/07/2025	E-Mail		
Lehigh County District Attorney's Office			
10/07/2025	E-Mail		
Martel, Joshua Mickey			

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<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
10/08/2025	Regular		
Rapa, Matthew Jared			
10/08/2025	E-Mail		
Moyer, Sara Alison			
10/09/2025	eService		Served
Rapa, Matthew Jared			
10/09/2025	eService		Served
-----			
1	10/13/2025		Steinberg, Robert L.
Transcript of Proceedings Filed - Guilty Plea & Sentencing 7/22/2025			
Moyer, Sara Alison			
10/13/2025	eService		Served
Rapa, Matthew Jared			
10/13/2025	eService		Served
-----			
1	10/29/2025		Steinberg, Robert L.
Order Granting Motion for Continuance - SVP Hearing 1/28/26			
Lehigh County Court Administration			
10/29/2025	E-Mail		
Lehigh County District Attorney's Office			
10/29/2025	E-Mail		
Moyer, Sara Alison			
10/29/2025	eService		Served
Rapa, Matthew Jared			
10/29/2025	E-Mail		
Rapa, Matthew Jared			
10/29/2025	eService		Served
-----			
1	12/19/2025		Marks, Anna-Kristie M.
Writ of Habeas Corpus ad Prosequendum			
-----			
1	01/28/2026		Steinberg, Robert L.
Order Finding Defendant a Sexually Violent Predator and Required to Register for Life; See Original			
LEHIGH COUNTY JAIL			
01/28/2026	E-Mail		
Lehigh County Adult Probation			
01/28/2026	E-Mail		

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Lehigh County Court Administration

01/28/2026

E-Mail

Lehigh County District Attorney's Office

01/28/2026

E-Mail

Rapa, Matthew Jared

01/28/2026

E-Mail

Sexual Offenders Assessment Board

01/28/2026

E-Mail

Steinberg, Robert L.

01/28/2026

E-Mail

Moyer, Sara Alison

02/04/2026

eService

Served

Rapa, Matthew Jared

02/04/2026

eService

Served

1

01/29/2026

Steinberg, Robert L.

Exhibits Filed in COJR Storage Room

Moyer, Sara Alison

02/13/2026

eService

Served

Rapa, Matthew Jared

02/13/2026

eService

Served

1

04/22/2026

Steinberg, Robert L.

Order for Defendant to Comply with PA Parole Board Special Conditions for Sex Offenders

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### 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>
	Monthly	05/24/2024	Yes	\$3,839.67
Martel, Joshua Mickey			No	\$187.57

<u>Payment Plan History:</u>	<u>Receipt Date</u>		<u>Payor Name</u>	<u>Participant Role</u>	<u>Amount</u>
	06/22/2018	Payment	Department Of Corrections, I	Payor	\$30.00
	07/31/2018	Payment	Department Of Corrections, I	Payor	\$30.00
	10/24/2023	Payment	Martel, Joshua Mickey	Defendant	\$241.00
	11/24/2023	Payment	Martel, Joshua Mickey	Defendant	\$431.00
	12/24/2023	Payment	Martel, Joshua Mickey	Defendant	\$431.00
	01/23/2024	Payment	Martel, Joshua Mickey	Defendant	\$431.00
	02/22/2024	Payment	Martel, Joshua Mickey	Defendant	\$431.00
	03/07/2024	Payment	Martel, Joshua Mickey	Defendant	\$861.00
	04/24/2025	Payment			\$152.00
	10/29/2025	Payment	Department Of Corrections, I	Payor	\$99.64
	11/26/2025	Payment	Department Of Corrections, I	Payor	\$0.36
	11/26/2025	Payment	Department Of Corrections, I	Payor	\$77.14
	01/28/2026	Payment			\$11.40
	02/27/2026	Payment	Department of Corrections	Payor	\$11.46
	03/24/2026	Payment	Dept of Corrections	Payor	\$25.00
	04/28/2026	Payment	Department of Corrections	Payor	\$4.75
	05/28/2026	Payment	Department of Corrections	Payor	\$39.82

# COURT OF COMMON PLEAS OF LEHIGH COUNTY

## DOCKET

Docket Number: CP-39-CR-0003705-2024  
**CRIMINAL DOCKET**

Court Case



Commonwealth of Pennsylvania  
v.  
Joshua Mickey Martel

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### CASE FINANCIAL INFORMATION

Last Payment Date: 05/28/2026

Total of Last Payment: -\$10.50

<b>Martel, Joshua Mickey</b> Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Balance</u>
<b>Costs/Fees</b>					
ATJ	\$6.00	(\$6.00)	\$0.00	\$0.00	\$0.00
CJES	\$2.50	(\$2.50)	\$0.00	\$0.00	\$0.00
Commonwealth Cost - HB627 (Act 167 of 1992)	\$25.90	\$0.00	\$0.00	\$0.00	\$25.90
Costs of Prosecution - CJEA	\$50.00	\$0.00	\$0.00	\$0.00	\$50.00
County Court Cost (Act 204 of 1976)	\$37.80	\$0.00	\$0.00	\$0.00	\$37.80
Crime Victim Services and Compensation (Act 77 of	\$60.00	(\$60.00)	\$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	(\$21.25)	\$0.00	\$0.00	\$0.00
Judicial Computer Project	\$8.00	(\$8.00)	\$0.00	\$0.00	\$0.00
OAG - JCP	\$2.50	(\$2.50)	\$0.00	\$0.00	\$0.00
State Court Costs (Act 204 of 1976)	\$17.30	\$0.00	\$0.00	\$0.00	\$17.30
Variable Amount to be Distributed CVSC (Act 77)	\$28.00	(\$28.00)	\$0.00	\$0.00	\$0.00
Variable Amount to be Distributed CVSC (Act 77)	\$12.00	(\$12.00)	\$0.00	\$0.00	\$0.00
Automation Fee (Lehigh)	\$5.00	\$0.00	\$0.00	\$0.00	\$5.00
Central Booking (Lehigh)	\$300.00	\$0.00	\$0.00	\$0.00	\$300.00
Clerks Fee - Charge Before Trial (Lehigh)	\$186.68	\$0.00	\$0.00	\$0.00	\$186.68
Collections Judgment (Lehigh)	\$82.00	\$0.00	\$0.00	\$0.00	\$82.00
DA - Felony Information (Lehigh)	\$18.00	\$0.00	\$0.00	\$0.00	\$18.00
Postage (Lehigh)	\$6.25	\$0.00	\$0.00	\$0.00	\$6.25
Sheriff's Attendance in Court (Lehigh)	\$12.00	\$0.00	\$0.00	\$0.00	\$12.00
Costs/Fees Totals:	\$1,146.18	(\$140.25)	\$0.00	\$0.00	\$1,005.93
Grand Totals:	\$1,146.18	(\$140.25)	\$0.00	\$0.00	\$1,005.93

\*\* - Indicates assessment is subrogated