

# COURT OF COMMON PLEAS OF DAUPHIN COUNTY

## DOCKET



Docket Number: CP-22-CR-0002707-2021

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Xavier Anthony Cruz

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### CASE INFORMATION

<u>Judge Assigned:</u> Evans, Scott Arthur <u>OTN:</u> X 395244-3 <u>LOTN:</u> <u>Initial Issuing Authority:</u> Barbara Pianka <u>Arresting Agency:</u> Harrisburg Psp <u>Complaint/Citation No.:</u> H1018N9119 <u>County:</u> Dauphin <u>Case Local Number Type(s)</u>	<u>Date Filed:</u> 06/18/2021 <u>Initiation Date:</u> 05/20/2021 <u>Originating Docket No:</u> MJ-12102-CR-0000146-2021 <u>Final Issuing Authority:</u> Barbara Pianka <u>Arresting Officer:</u> Kurtz, Katelin L. <u>Incident Number:</u> <u>Township:</u> Harrisburg City <u>Case Local Number(s)</u>
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### STATUS INFORMATION

<u>Case Status:</u> Closed	<u>Status Date</u>	<u>Processing Status</u>	<u>Complaint Date:</u>	05/20/2021
	02/18/2022	Sentenced/Penalty Imposed		
	02/14/2022	Awaiting PSI		
	02/14/2022	Awaiting Sentencing		
	12/02/2021	Awaiting Plea Court		
	12/02/2021	Awaiting Sentencing		
	09/08/2021	Awaiting Plea Court		
	08/04/2021	Awaiting Pre-Trial Conference		
	06/23/2021	Awaiting Plea Court		
	06/21/2021	Awaiting Formal Arraignment		
	06/18/2021	Awaiting Plea Court		
	06/18/2021	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	08/06/2021	10:00 am		President Judge Scott Arthur Evans	Cancelled
Plea Court	09/02/2021	9:30 am	Courtroom 2	President Judge Scott Arthur Evans	Moved
Plea Court	10/14/2021	9:30 am	Courtroom 2	President Judge Scott Arthur Evans	Continued
Plea Court	12/02/2021	9:30 am	Courtroom 2	President Judge Scott Arthur Evans	Continued
Plea Court	02/14/2022	10:30 am	Courtroom 2	President Judge Scott Arthur Evans	Scheduled
Probation Review Conference	01/22/2026	11:00 am	Courtroom 1	Judge Katherine E. McShane	Scheduled

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### DEFENDANT INFORMATION

Date Of Birth: 11/17/2001 City/State/Zip: Harrisburg, PA 17110

### CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Cruz, Xavier Anthony

### BAIL INFORMATION

Cruz, Xavier Anthony 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	05/20/2021	Unsecured	Magisterial District Court		\$50,000.00

### 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	F3	75 § 3732 §§ A	Homicide By Vehicle	10/02/2020	X 395244-3
2	2	F3	75 § 3732 §§ A	Homicide By Vehicle	10/02/2020	X 395244-3
3	3	S	75 § 3309 §§ 1	Disregard Traffic Lane (Single)	10/02/2020	X 395244-3
4	4	S	75 § 3361	Driving at Safe Speed	10/02/2020	X 395244-3
5	5	S	75 § 3362 §§ A2-54	Exceed 55 MPH In Other By 54 MPH	10/02/2020	X 395244-3
6	6	S	75 § 3714 §§ B	Careless Driving - Unintentional Death	10/02/2020	X 395244-3
7	7	S	75 § 3736 §§ A	Reckless Driving	10/02/2020	X 395244-3

### 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>		

#### Waived for Court (Lower Court)

Defendant Was Present

Lower Court Disposition	06/16/2021	Not Final
1 / Homicide By Vehicle	Waived for Court (Lower Court)	F3   75 § 3732 §§ A
2 / Homicide By Vehicle	Waived for Court (Lower Court)	F3   75 § 3732 §§ A
3 / Disregard Traffic Lane (Single)	Waived for Court (Lower Court)	S   75 § 3309 §§ 1
4 / Driving at Safe Speed	Waived for Court (Lower Court)	S   75 § 3361
5 / Exceed 55 MPH In Other By 54 MPH	Waived for Court (Lower Court)	S   75 § 3362 §§ A2-54
6 / Careless Driving - Unintentional Death	Waived for Court (Lower Court)	S   75 § 3714 §§ B
7 / Reckless Driving	Waived for Court (Lower Court)	S   75 § 3736 §§ A

#### Proceed to Court (Arraignment Waived)

Defendant Was Not Present

Information Filed	08/04/2021	Not Final
1 / Homicide By Vehicle	Proceed to 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>			
2 / Homicide By Vehicle	Proceed to Court	F3	75 § 3732 §§ A
3 / Disregard Traffic Lane (Single)	Proceed to Court	S	75 § 3309 §§ 1
4 / Driving at Safe Speed	Proceed to Court	S	75 § 3361
5 / Exceed 55 MPH In Other By 54 MPH	Proceed to Court	S	75 § 3362 §§ A2-54
6 / Careless Driving - Unintentional Death	Proceed to Court	S	75 § 3714 §§ B
7 / Reckless Driving	Proceed to Court	S	75 § 3736 §§ A

#### Guilty Plea

<u>Plea Court</u>	<u>12/02/2021</u>	<u>Final Disposition</u>	
1 / Homicide By Vehicle	Guilty Plea	F3	75 § 3732 §§ A
Evans, Scott Arthur	02/18/2022		
Confinement	Min of 6.00 Months		02/14/2022
	Max of 23.00 Months		
	Other		
2 / Homicide By Vehicle	Guilty Plea	F3	75 § 3732 §§ A
Evans, Scott Arthur	02/18/2022		
Probation	Min of 60.00 Months		02/14/2022
	Max of 60.00 Months		
	Other		
3 / Disregard Traffic Lane (Single)	Guilty Plea	S	75 § 3309 §§ 1
Evans, Scott Arthur	02/18/2022		
No Further Penalty			
4 / Driving at Safe Speed	Guilty Plea	S	75 § 3361
Evans, Scott Arthur	02/18/2022		
No Further Penalty			
5 / Exceed 55 MPH In Other By 54 MPH	Guilty Plea	S	75 § 3362 §§ A2-54
Evans, Scott Arthur	02/18/2022		
No Further Penalty			
6 / Careless Driving - Unintentional Death	Guilty Plea	S	75 § 3714 §§ B
Evans, Scott Arthur	02/18/2022		
No Further Penalty			
7 / Reckless Driving	Guilty Plea	S	75 § 3736 §§ A
Evans, Scott Arthur	02/18/2022		

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### DISPOSITION SENTENCING/PENALTIES

#### Disposition

##### Case Event

##### Sequence/Description

##### Sentencing Judge

##### Sentence/Diversion Program Type

##### Sentence Conditions

No Further Penalty

##### Disposition Date

##### Offense Disposition

##### Sentence Date

##### Incarceration/Diversionary Period

##### Final Disposition

##### Grade Section

##### Credit For Time Served

##### Start Date

#### LINKED SENTENCES:

##### Link 1

CP-22-CR-0002707-2021 - Seq. No. 2 (75 § 3732 §§ A) - Probation is Concurrent with

CP-22-CR-0002707-2021 - Seq. No. 1 (75 § 3732 §§ A) - Confinement

#### COMMONWEALTH INFORMATION

Name: Michael Alan Sprow  
District Attorney

Supreme Court No: 088573

##### Address:

Name: Dauphin County District Attorney's  
Office  
Prosecutor

Supreme Court No:

Phone Number(s):  
717-780-6767 (Phone)

##### Address:

101 Market Street  
Harrisburg, PA 17101

Phone Number(s):  
717-780-6767 (Phone)

##### Address:

Front & Market  
Dauphin County Court House  
Harrisburg, PA 17101

#### ATTORNEY INFORMATION

Name: David Matthew Hoover  
Private

Supreme Court No: 205937

Rep. Status: Active

Phone Number(s):  
717-652-2252 (Phone)

Address:  
4400 Linglestown Rd Ste 203  
Harrisburg, PA 17112-8534

Representing: Cruz, Xavier Anthony

#### ENTRIES

##### Sequence Number

##### CP Filed Date

##### Document Date

##### Filed By

1 05/20/2021 Pianka, Barbara  
Bail Set - Cruz, Xavier Anthony

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<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	06/18/2021		Court of Common Pleas - Dauphin County
Original Papers Received from Lower Court			
2	06/18/2021		Hoover, David Matthew
Waiver of Appearance at Arraignment			
Dauphin County District Attorney's Office			
06/23/2021	eService		Served
3	06/18/2021		Court of Common Pleas - Dauphin County
Booking Center Fee (Dauphin)			
1	08/04/2021		Chardo, Francis T.
Information Filed (Arraignment Waived)			
Dauphin County District Attorney's Office			
08/04/2021	eService		Served
Hoover, David Matthew			
08/04/2021	eService		Served
2	08/04/2021		District Attorney
DA Information Filed			
1	10/12/2021		Hoover, David Matthew
Motion for Continuance			
Sprow, Michael Alan			
10/12/2021	eNotice		Notified
1	10/13/2021	10/13/2021	Evans, Scott Arthur
Order Granting Motion for Continuance and Waiver of Pa.R.Crim.P. 600/1013			
Hoover, David Matthew			
10/13/2021	eService		Served
Sprow, Michael Alan			
10/13/2021	eService		Served
1	10/14/2021		Dauphin County Court Administration
Plea Court Continued - Defendant Not Ready - Defense Attorney			
Hoover, David Matthew			
10/14/2021	eService		Served
Sprow, Michael Alan			

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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>
10/14/2021	eService		Served
2	12/02/2021		Evans, Scott Arthur
Guilty Plea			
Hoover, David Matthew			
02/18/2022	eService		Served
Sprow, Michael Alan			
02/18/2022	eService		Served
3	12/02/2021		Attorney
Written Guilty Plea Colloquy			
Hoover, David Matthew			
12/03/2021	eService		Served
Sprow, Michael Alan			
12/03/2021	eService		Served
4	12/02/2021		Court of Common Pleas - Dauphin County
Plea Court Continued - Other			
Hoover, David Matthew			
12/02/2021	eService		Served
Sprow, Michael Alan			
12/02/2021	eService		Served
1	12/06/2021		Evans, Scott Arthur
Plea Court Held-Sentence Deferred 2/14/21 10:30AM			
Hoover, David Matthew			
12/06/2021	eService		Served
Sprow, Michael Alan			
12/06/2021	eService		Served
1	02/18/2022		Evans, Scott Arthur
Order - Sentence/Penalty Imposed			
2	02/18/2022		Court of Common Pleas - Dauphin County
Court Commitment State or County Correctional Institution			

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<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
3	02/18/2022		Sites, Patti Ann
DL-21 to be Prepared			
4	02/18/2022		Sites, Patti Ann
DL-21 was prepared			
5	02/18/2022		Court of Common Pleas - Dauphin County
Penalty Assessed			
1	02/21/2022		Unknown Filer
DL-21 Sent to PennDOT			
1	03/29/2022		Court of Common Pleas - Dauphin County
Entry of Civil Judgment			
Hoover, David Matthew			
03/29/2022	eService		Served
Sprow, Michael Alan			
03/29/2022	eService		Served
1	06/22/2022		Walk, Bryan S.
Entry Of Appearance - Bryan S. Walk, Esq.			
Hoover, David Matthew			
06/22/2022	eService		Served
Sprow, Michael Alan			
06/22/2022	eService		Served
2	06/22/2022		Walk, Bryan S.
Petition for Parole from Dauphin County Prison			
1	06/28/2022		Evans, Scott Arthur
Order Denying Petition for Parole from Dauphin County Prison			
Hoover, David Matthew			
06/28/2022	eService		Served
Sprow, Michael Alan			
06/28/2022	eService		Served
Walk, Bryan S.			
06/28/2022	eService		Served

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<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	07/22/2022		Cruz, Xavier Anthony
Petition for Parole			
1	07/25/2022		Dauphin County District Attorney's Office
District Attorney's Response to Parole Application			
Hoover, David Matthew			
07/25/2022	eService		Served
Sprow, Michael Alan			
07/25/2022	eService		Served
Walk, Bryan S.			
07/25/2022	eService		Served
1	08/31/2022		Evans, Scott Arthur
Order of Court			
1	01/07/2025		Sites, Patti Ann
DL-21CF to be Prepared			
2	01/07/2025		Sites, Patti Ann
Certification Sent to State			
Hoover, David Matthew			
01/07/2025	eService		Served
Sprow, Michael Alan			
01/07/2025	eService		Served
Walk, Bryan S.			
01/07/2025	eService		Served
3	01/07/2025		Sites, Patti Ann
DL-21CF was prepared			
1	01/08/2025		Unknown Filer
DL-21CF Sent to PennDOT			
1	01/22/2026		McShane, Katherine E.
Probation Review Hearing Held 1.22.26			



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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>
22-2023-P000001021	Monthly	02/01/2024	Yes	\$1,230.00
Cruz, Xavier Anthony			No	\$30.00

Payment Plan History:	<u>Receipt Date</u>		<u>Payor Name</u>	<u>Participant Role</u>	<u>Amount</u>
	11/16/2022	Payment	Cruz, Xavier Anthony	Defendant	\$80.00
	02/27/2023	Payment	Cruz, Xavier Anthony	Defendant	\$23.00
	03/30/2023	Payment	Cruz, Xavier Anthony	Defendant	\$20.00
	07/11/2023	Payment	Cruz, Xavier Anthony	Defendant	\$90.00
	12/13/2023	Payment	Cruz, Xavier Anthony	Defendant	\$60.00
	08/07/2024	Payment	Cruz, Xavier Anthony	Defendant	\$40.00
	02/05/2025	Payment	Cruz, Xavier Anthony	Defendant	\$100.00
	04/03/2025	Payment	Cruz, Xavier Anthony	Defendant	\$80.00

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### CASE FINANCIAL INFORMATION

Last Payment Date: 04/03/2025

Total of Last Payment: -\$80.00

Cruz, Xavier Anthony 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	\$0.00	\$0.00	\$0.00	\$6.00
Automation Fee (Dauphin)	\$5.00	\$0.00	\$0.00	\$0.00	\$5.00
Booking Center Fee (Dauphin)	\$300.00	\$0.00	\$0.00	\$0.00	\$300.00
CAT/MCARE/General Fund	\$45.00	\$0.00	\$0.00	\$0.00	\$45.00
CJES	\$2.50	\$0.00	\$0.00	\$0.00	\$2.50
Clerk of Court Costs (Dauphin)	\$180.00	\$0.00	\$0.00	\$0.00	\$180.00
Commonwealth Cost - HB627 (Act 167 of 1992)	\$22.40	\$0.00	\$0.00	\$0.00	\$22.40
County Court Cost (Act 204 of 1976)	\$32.70	\$0.00	\$0.00	\$0.00	\$32.70
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
District Attorney Costs (Dauphin)	\$18.00	\$0.00	\$0.00	\$0.00	\$18.00
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	\$21.25	\$0.00	\$0.00	\$0.00	\$21.25
Judicial Computer Project	\$8.00	\$0.00	\$0.00	\$0.00	\$8.00
OAG - JCP	\$2.50	\$0.00	\$0.00	\$0.00	\$2.50
State Court Costs (Act 204 of 1976)	\$14.90	\$0.00	\$0.00	\$0.00	\$14.90
Variable Amount to be Distributed CVC/VWS (Act 96)	\$28.00	(\$28.00)	\$0.00	\$0.00	\$0.00
Variable Amount to be Distributed CVC/VWS (Act 96)	\$12.00	(\$12.00)	\$0.00	\$0.00	\$0.00
Victim Witness Service (Act 111 of 1998)	\$25.00	(\$25.00)	\$0.00	\$0.00	\$0.00
Record Maintenance Fee (Dauphin)	\$5.00	\$0.00	\$0.00	\$0.00	\$5.00
Prison Commitments (Dauphin)	\$15.00	\$0.00	\$0.00	\$0.00	\$15.00
Certification Fee (Dauphin)	\$12.00	\$0.00	\$0.00	\$0.00	\$12.00
CAT/MCARE/General Fund	\$45.00	\$0.00	\$0.00	\$0.00	\$45.00
Emergency Medical Services (Act 45 of 1985)	\$10.00	\$0.00	\$0.00	\$0.00	\$10.00
Certification Fee (Dauphin)	\$12.00	\$0.00	\$0.00	\$0.00	\$12.00
Emergency Medical Services (Act 45 of 1985)	\$10.00	\$0.00	\$0.00	\$0.00	\$10.00
PA Transportation Trust Surcharge	\$75.00	\$0.00	\$0.00	\$0.00	\$75.00

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<b>Cruz, Xavier Anthony</b> Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Balance</u>
Certification Fee (Dauphin)	\$12.00	\$0.00	\$0.00	\$0.00	\$12.00
CAT/MCARE/General Fund	\$45.00	\$0.00	\$0.00	\$0.00	\$45.00
Emergency Medical Services (Act 45 of 1985)	\$10.00	\$0.00	\$0.00	\$0.00	\$10.00
Certification Fee (Dauphin)	\$12.00	\$0.00	\$0.00	\$0.00	\$12.00
CAT/MCARE/General Fund	\$45.00	\$0.00	\$0.00	\$0.00	\$45.00
Emergency Medical Services (Act 45 of 1985)	\$10.00	\$0.00	\$0.00	\$0.00	\$10.00
Certification Fee (Dauphin)	\$12.00	\$0.00	\$0.00	\$0.00	\$12.00
Post Trial Motion, etc. (Dauphin)	\$22.00	(\$22.00)	\$0.00	\$0.00	\$0.00
OSP (Dauphin/State) (Act 35 of 1991)	\$1,325.00	\$0.00	(\$350.00)	\$0.00	\$975.00
OSP (Dauphin/State) (Act 35 of 1991)	\$1,325.00	\$0.00	(\$350.00)	\$0.00	\$975.00
Certification Fee (Dauphin)	\$12.00	\$0.00	\$0.00	\$0.00	\$12.00
Costs/Fees Totals:	\$4,037.25	(\$122.00)	(\$700.00)	\$0.00	\$3,215.25
<b>Fines</b>					
Title 75, Motor Vehicle (Motor License Fund)	\$1,000.00	\$0.00	\$0.00	\$0.00	\$1,000.00
Title 75, Motor Vehicle (Motor License Fund)	\$25.00	\$0.00	\$0.00	\$0.00	\$25.00
Title 75, Motor Vehicle (Motor License Fund)	\$133.00	\$0.00	\$0.00	\$0.00	\$133.00
Title 75, Motor Vehicle (Motor License Fund)	\$500.00	\$0.00	\$0.00	\$0.00	\$500.00
Title 75, Motor Vehicle (Motor License Fund)	\$200.00	\$0.00	\$0.00	\$0.00	\$200.00
Fines Totals:	\$1,858.00	\$0.00	\$0.00	\$0.00	\$1,858.00
<b>Restitution</b>					
CVC Board Restitution (Act 145 of 2018)	\$4,000.00	(\$196.50)	\$0.00	\$0.00	\$3,803.50
CVC Board Restitution (Act 145 of 2018)	\$4,000.00	(\$196.50)	\$0.00	\$0.00	\$3,803.50
Restitution Totals:	\$8,000.00	(\$393.00)	\$0.00	\$0.00	\$7,607.00
Grand Totals:	\$13,895.25	(\$515.00)	(\$700.00)	\$0.00	\$12,680.25

\*\* - Indicates assessment is subrogated