

# COURT OF COMMON PLEAS OF LANCASTER COUNTY

## DOCKET



Docket Number: CP-36-CR-0000548-2021

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Justo Smoker

Page 1 of 12

### CASE INFORMATION

Judge Assigned: Ashworth, David L.

Date Filed: 03/09/2021

Initiation Date: 12/21/2020

OTN: U 943141-3

LOTN:

Originating Docket No: MJ-02302-CR-0000596-2020

Initial Issuing Authority: B Denise Commins

Final Issuing Authority: B Denise Commins

Arresting Agency: East Lampeter Twp Police Dept

Arresting Officer: Jones, Christopher D.

Complaint/Citation No.: 2006022459

Incident Number:

County: Lancaster

Township: Upper Leacock Township

Case Local Number Type(s)

Case Local Number(s)

### RELATED CASES

Related Docket No	Related Case Caption	Related Court	Association Reason
<b>Consolidated Defendant Cases</b>			
CP-36-CR-0003319-2020	Comm. v. Smoker, Justo	CP-02-36-Crim	DA consolidated

### STATUS INFORMATION

Case Status:	Closed	Status Date	Processing Status	Complaint Date:	12/21/2020
		07/23/2021	Sentenced/Penalty Imposed		
		07/23/2021	Awaiting Sentencing		
		07/23/2021	Awaiting Plea Court		
		03/09/2021	Awaiting Formal Arraignment		
		03/09/2021	Awaiting Filing of Information		

### CALENDAR EVENTS

Case Calendar	Schedule	Start	Room	Judge Name	Schedule
Event Type	Start Date	Time			Status
Formal Arraignment	03/26/2021	9:30 am	Courtroom A		Cancelled
Status Conference	07/23/2021	9:00 am	Courtroom 12	Judge David L. Ashworth	Scheduled

### CONFINEMENT INFORMATION

Confinement Known As Of	Confinement Type	Destination Location	Confinement Reason	Still in Custody
07/11/2020	County Correctional Facility	Lancaster County Prison		Yes
02/04/2025	State Correctional Institution	SCI Greene		Yes

### DEFENDANT INFORMATION

Date Of Birth: 03/29/1986 City/State/Zip: Paradise, PA 17562

### CASE PARTICIPANTS

Participant Type	Name
Defendant	Smoker, Justo

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## DOCKET



Docket Number: CP-36-CR-0000548-2021

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Justo Smoker

Page 2 of 12

### BAIL INFORMATION

Smoker, Justo

Nebbia Status: None

Bail Action	Date	Bail Type	Originating Court	Percentage	Amount
Denied	12/23/2020		Magisterial District Court		\$0.00

### CHARGES

Seq.	Orig Seq.	Grade	Statute	Statute Description	Offense Dt.	OTN
1	1	F1	18 § 2501 §§ A	Criminal Homicide	06/21/2020	U 943141-3
2	2	M2	18 § 5510	Abuse Of Corpse	06/21/2020	U 943141-3
3	3	M2	18 § 4910 §§ 1	Tamper With/Fabricate Physical Evidence	06/21/2020	U 943141-3
4	4	M2	18 § 4910 §§ 1	Tamper With/Fabricate Physical Evidence	06/21/2020	U 943141-3
5	5	M1	18 § 907 §§ A	Poss Instrument Of Crime W/Int	06/21/2020	U 943141-3

### 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>			

#### Held for Court (Lower Court)

Defendant Was Present

Lower Court Disposition	03/05/2021	Not Final	
1 / Criminal Homicide	Held for Court (Lower Court)	F1	18 § 2501 §§ A

#### Proceed to Court

Defendant Was Not Present

Information Filed	03/23/2021	Not Final	
1 / Criminal Homicide	Proceed to Court	F1	18 § 2501 §§ A

#### Proceed to Court (Amended Information)

Information Filed	07/21/2021	Not Final	
1 / Criminal Homicide	Proceed to Court (Amended Information)	F1	18 § 2501 §§ A
2 / Abuse Of Corpse	Proceed to Court (Amended Information)	M2	18 § 5510
3 / Tamper With/Fabricate Physical Evidence	Proceed to Court (Amended Information)	M2	18 § 4910 §§ 1
4 / Tamper With/Fabricate Physical Evidence	Proceed to Court (Amended Information)	M2	18 § 4910 §§ 1
5 / Poss Instrument Of Crime W/Int	Proceed to Court (Amended Information)	M1	18 § 907 §§ A

#### Guilty Plea - Negotiated

Guilty Plea	07/23/2021	Final Disposition	
1 / Criminal Homicide	Guilty Plea - Negotiated	F1	18 § 2501 §§ A
Ashworth, David L.	07/23/2021		

# COURT OF COMMON PLEAS OF LANCASTER COUNTY

## DOCKET



Docket Number: CP-36-CR-0000548-2021

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Justo Smoker

Page 3 of 12

### DISPOSITION SENTENCING/PENALTIES

#### Disposition

##### Case Event

##### Sequence/Description

##### Sentencing Judge

##### Sentence/Diversion Program Type

##### Sentence Conditions

Confinement

##### Disposition Date

##### Offense Disposition

##### Sentence Date

##### Incarceration/Diversionary Period

##### Final Disposition

##### Grade    Section

##### Credit For Time Served

##### Start Date

Defendant Must comply with all Standard Rules and Regulations of Lancaster County Adult Probation and Parole.

Pay restitution in equal monthly installments. To be paid in full within the period of supervision.

Payments to be made to APPS-CEU. Pay all other financial obligations in accordance with a payment plan established by APPS-CEU.

DNA Sampling & pay costs.

-The court recommends the defendant be permitted to participate in all programs for which he is deemed eligible.

- This sentence is consecutive to any sentence he is found to be in violation of by the PA state parole board and the court recommends any sentence imposed be the maximum permitted by law.

- The court recommends against and would be in opposition to any future consideration for parole.

2 / Abuse Of Corpse	Guilty Plea - Negotiated	M2	18 § 5510
Ashworth, David L.	07/23/2021		
Confinement	Min of 1.00 Years Max of 2.00 Years 1 year to 2 years	12/23/2020	
3 / Tamper With/Fabricate Physical Evidence	Guilty Plea - Negotiated	M2	18 § 4910 §§ 1
Ashworth, David L.	07/23/2021		
Confinement	Min of 1.00 Years Max of 2.00 Years 1 year to 2 years	12/23/2020	
4 / Tamper With/Fabricate Physical Evidence	Guilty Plea - Negotiated	M2	18 § 4910 §§ 1
Ashworth, David L.	07/23/2021		
Confinement	Min of 1.00 Years Max of 2.00 Years 1 year to 2 years	12/23/2020	
5 / Poss Instrument Of Crime W/Int	Guilty Plea - Negotiated	M1	18 § 907 §§ A
Ashworth, David L.	07/23/2021		
Confinement	Min of 2.00 Years 6.00 Months Max of 5.00 Years 2 1/2 years to 5 years	12/23/2020	

# COURT OF COMMON PLEAS OF LANCASTER COUNTY

## DOCKET



Docket Number: CP-36-CR-0000548-2021

## CRIMINAL DOCKET

Court Case

Page 4 of 12

Commonwealth of Pennsylvania

v.

Justo Smoker

### LINKED SENTENCES:

#### Link 1

CP-36-CR-0000548-2021 - Seq. No. 2 (18 § 5510 §§) - Confinement is Consecutive to  
CP-36-CR-0000548-2021 - Seq. No. 1 (18 § 2501 §§ A) - Confinement

#### Link 2

CP-36-CR-0000548-2021 - Seq. No. 3 (18 § 4910 §§ 1) - Confinement is Consecutive to  
CP-36-CR-0000548-2021 - Seq. No. 2 (18 § 5510 §§) - Confinement

#### Link 3

CP-36-CR-0000548-2021 - Seq. No. 4 (18 § 4910 §§ 1) - Confinement is Consecutive to  
CP-36-CR-0000548-2021 - Seq. No. 3 (18 § 4910 §§ 1) - Confinement

#### Link 4

CP-36-CR-0000548-2021 - Seq. No. 5 (18 § 907 §§ A) - Confinement is Consecutive to  
CP-36-CR-0000548-2021 - Seq. No. 4 (18 § 4910 §§ 1) - Confinement

#### Link 5

CP-36-CR-0003319-2020 - Seq. No. 1 (18 § 2901 §§ A3) - Confinement is Consecutive to  
CP-36-CR-0000548-2021 - Seq. No. 5 (18 § 907 §§ A) - Confinement

### COMMONWEALTH INFORMATION

Name: Todd Everett Brown  
District Attorney

Supreme Court No: 083914

Phone Number(s):  
717-295-3567 (Phone)

Address:  
Lancaster Co District Attorney's Office  
50 N Duke St  
Lancaster, PA 17603

Name: Lancaster County District Attorney's  
Office  
District Attorney

Supreme Court No:

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

Address:  
Lancaster County Courthouse  
50 North Duke Street  
Lancaster, PA 17608

### ATTORNEY INFORMATION

Name: Christopher P. Lyden  
Court Appointed - Private

Supreme Court No: 082005

Rep. Status: Active  
Phone Number(s):  
717-393-8000 (Phone)

Address:  
Miller Lyden Pc  
53 N Duke St Ste 205  
Lancaster, PA 17602

Representing: Smoker, Justo

### 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>

# COURT OF COMMON PLEAS OF LANCASTER COUNTY

## DOCKET



Docket Number: CP-36-CR-0000548-2021

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Justo Smoker

Page 5 of 12

### 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	12/23/2020		Commins, B Denise
	Order Denying Motion to Set Bail - Smoker, Justo		
	Lancaster County District Attorney's		
	Office		
	03/09/2021	eService	Served
1	03/09/2021		Court of Common Pleas - Lancaster County
	Original Papers Received from Lower Court		
	Lancaster County District Attorney's		
	Office		
	03/09/2021	eService	Served
1	03/16/2021		Lancaster County District Attorney's
	Office		
	Notice of Consolidation		
1	03/23/2021		Adams, Heather
	Information Filed		
	Lancaster County District Attorney's		
	Office		
	03/23/2021	eService	Served
1	03/25/2021		Tallarico, Christopher Michael
	Waiver of Arraignment		
	Lancaster County District Attorney's		
	Office		
	03/25/2021	eNotice	Notified
2	03/25/2021		Brown, Todd Everett
	Entry of Appearance		
	Lancaster County District Attorney's		
	Office		
	03/25/2021	eService	Served
	Tallarico, Christopher Michael		
	03/25/2021	eNotice	Notified

# COURT OF COMMON PLEAS OF LANCASTER COUNTY

## DOCKET



Docket Number: CP-36-CR-0000548-2021

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Justo Smoker

Page 6 of 12

### 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>
3	03/25/2021		Brown, Todd Everett
Commonwealth's Motion to Extend Time for Providing Notice of Aggravating Circumstances			
Lancaster County District Attorney's			
Office			
03/25/2021 eService Served			
Tallarico, Christopher Michael			
03/25/2021 eNotice Notified			
4	03/25/2021		Low, Elizabeth Adina
Entry of Appearance			
Brown, Todd Everett			
03/25/2021 eNotice Notified			
Encarnacion, Samuel			
03/25/2021 eService Served			
Lancaster County District Attorney's			
Office			
03/25/2021 eNotice Notified			
5	03/25/2021		Encarnacion, Samuel
Entry of Appearance			
Brown, Todd Everett			
03/25/2021 eNotice Notified			
Lancaster County District Attorney's			
Office			
03/25/2021 eNotice Notified			
Low, Elizabeth Adina			
03/25/2021 eService Served			
1	04/01/2021		Ashworth, David L.
Order Granting Commonwealth's Petition to Extend Time for Filing Notice of Aggravating Circumstances			
Brown, Todd Everett			
04/06/2021 eService Served			
Encarnacion, Samuel			
04/06/2021 eService Served			
Lancaster County District Attorney's			
Office			
04/06/2021 eService Served			
Low, Elizabeth Adina			

# COURT OF COMMON PLEAS OF LANCASTER COUNTY

## DOCKET



Docket Number: CP-36-CR-0000548-2021

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Justo Smoker

### 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>
04/06/2021	eService		Served
Tallarico, Christopher Michael			
04/06/2021	eService		Served
1	07/21/2021		Adams, Heather
Amended Information Filed			
Brown, Todd Everett			
07/22/2021	eService		Served
Encarnacion, Samuel			
07/22/2021	eService		Served
Lancaster County District Attorney's			
Office			
07/22/2021	eService		Served
Low, Elizabeth Adina			
07/22/2021	eService		Served
Tallarico, Christopher Michael			
07/22/2021	eService		Served
1	07/23/2021		Ashworth, David L.
Transcript Filed (GP & Sentencing)			
Brown, Todd Everett			
08/05/2022	eService		Served
Encarnacion, Samuel			
08/05/2022	eService		Served
Lancaster County District Attorney's			
Office			
08/05/2022	eService		Served
Lyden, Christopher P.			
08/05/2022	eService		Served
2	07/23/2021		Lancaster County Court Reporter's
Office			
Transcript Filed -- Guilty Plea and Sentencing			
Brown, Todd Everett			
08/04/2022	eService		Served
Encarnacion, Samuel			
08/04/2022	eService		Served

# COURT OF COMMON PLEAS OF LANCASTER COUNTY

## DOCKET



Docket Number: CP-36-CR-0000548-2021

## CRIMINAL DOCKET

Court Case

Page 8 of 12

Commonwealth of Pennsylvania

v.

Justo Smoker

### 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>
<p>Lancaster County District Attorney's Office</p>			
	08/04/2022	eService	Served
Lyden, Christopher P.			
	08/04/2022	eService	Served
<hr/>			
4	07/23/2021		Ashworth, David L.
<p>Guilty Plea - Negotiated</p>			
Brown, Todd Everett			
	07/23/2021	eService	Served
Encarnacion, Samuel			
	07/23/2021	eService	Served
<p>Lancaster County District Attorney's Office</p>			
	07/23/2021	eService	Served
Low, Elizabeth Adina			
	07/23/2021	eService	Served
Tallarico, Christopher Michael			
	07/23/2021	eService	Served
<hr/>			
5	07/23/2021		Ashworth, David L.
<p>Order - Sentence/Penalty Imposed</p>			
Brown, Todd Everett			
	07/23/2021	eService	Served
Encarnacion, Samuel			
	07/23/2021	eService	Served
<p>Lancaster County District Attorney's Office</p>			
	07/23/2021	eService	Served
Low, Elizabeth Adina			
	07/23/2021	eService	Served
Tallarico, Christopher Michael			
	07/23/2021	eService	Served
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1	07/26/2021		Pfursich, Jacquelyn E.
<p>DC300B Prepared</p>			
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# COURT OF COMMON PLEAS OF LANCASTER COUNTY

## DOCKET



Docket Number: CP-36-CR-0000548-2021

## CRIMINAL DOCKET

Court Case

Page 9 of 12

Commonwealth of Pennsylvania

v.

Justo Smoker

### 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	07/28/2021		Lancaster County Clerk of Courts
	Guideline Sentence Form		
Brown, Todd Everett			
07/28/2021	eService		Served
Encarnacion, Samuel			
07/28/2021	eService		Served
Lancaster County District Attorney's			
Office			
07/28/2021	eService		Served
Low, Elizabeth Adina			
07/28/2021	eService		Served
Tallarico, Christopher Michael			
07/28/2021	eService		Served
<hr/>			
1	07/12/2022		Smoker, Justo
	Post-Conviction Collateral Relief Act Motion		
Brown, Todd Everett			
07/13/2022	eService		Served
Encarnacion, Samuel			
07/13/2022	eService		Served
Lancaster County District Attorney's			
Office			
07/13/2022	eService		Served
Tallarico, Christopher Michael			
07/13/2022	eService		Served
<hr/>			
1	07/15/2022	07/15/2022	Ashworth, David L.
	Order Granting Appointment of Counsel		
Brown, Todd Everett			
07/15/2022	eService		Served
Encarnacion, Samuel			
07/15/2022	eService		Served
Lancaster County District Attorney's			
Office			
07/15/2022	eService		Served
Tallarico, Christopher Michael			
07/15/2022	eService		Served

# COURT OF COMMON PLEAS OF LANCASTER COUNTY

## DOCKET



Docket Number: CP-36-CR-0000548-2021

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Justo Smoker

Page 10 of 12

### 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	07/25/2022		Lyden, Christopher P.
Request for Transcript			
Brown, Todd Everett			
07/25/2022	eService		Served
Encarnacion, Samuel			
07/25/2022	eService		Served
Lancaster County District Attorney's			
Office			
07/25/2022	eService		Served
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1	08/01/2022		Brown, Leonard G. III
PCRA Order			
Brown, Todd Everett			
08/02/2022	eService		Served
Encarnacion, Samuel			
08/02/2022	eService		Served
Lancaster County District Attorney's			
Office			
08/02/2022	eService		Served
Lyden, Christopher P.			
08/02/2022	eService		Served
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1	08/12/2022		Lyden, Christopher P.
Motion to Withdraw as Counsel			
Brown, Todd Everett			
08/12/2022	eNotice		Notified
Encarnacion, Samuel			
08/12/2022	eService		Served
Lancaster County District Attorney's			
Office			
08/12/2022	eNotice		Notified
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1	09/27/2022		Wright, Jeffery D.
Notice of Intent to Dismiss Pursuant to Pa.R.Crim.P.907			
Brown, Todd Everett			
09/27/2022	eService		Served
Encarnacion, Samuel			
09/27/2022	eService		Served

# COURT OF COMMON PLEAS OF LANCASTER COUNTY

## DOCKET



Docket Number: CP-36-CR-0000548-2021

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Justo Smoker

### 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>
Lancaster County District Attorney's Office			
09/27/2022	eService		Served
Lyden, Christopher P.			
09/27/2022	eService		Served
-----	-----	-----	-----
1	11/14/2022		Ashworth, David L.
Opinion and Order			
Brown, Todd Everett			
11/15/2022	eService		Served
Encarnacion, Samuel			
11/15/2022	eService		Served
Lancaster County District Attorney's Office			
11/15/2022	eService		Served
Lyden, Christopher P.			
11/15/2022	eService		Served
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# COURT OF COMMON PLEAS OF LANCASTER COUNTY

## DOCKET



Docket Number: CP-36-CR-0000548-2021

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Justo Smoker

Page 12 of 12

### CASE FINANCIAL INFORMATION

Last Payment Date:

Total of Last Payment:

Smoker, Justo 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
CJES	\$2.50	\$0.00	\$0.00	\$0.00	\$2.50
Clerk Cost (Non-Jury/Guilty Plea)-6411AB1211 (Lan)	\$132.00	\$0.00	\$0.00	\$0.00	\$132.00
Clerk of Court Auto Fee-Costs 6593AAB1211 (Lan)	\$5.00	\$0.00	\$0.00	\$0.00	\$5.00
Commonwealth Cost - HB627 (Act 167 of 1992)	\$22.40	\$0.00	\$0.00	\$0.00	\$22.40
Costs of Prosecution - CJEA	\$50.00	\$0.00	\$0.00	\$0.00	\$50.00
County Court Cost (Act 204 of 1976)	\$32.70	\$0.00	\$0.00	\$0.00	\$32.70
DA Administration Fee - 6421AB130019021 (Lan)	\$25.00	\$0.00	\$0.00	\$0.00	\$25.00
DA Cost - Felony- 6411AB1211 (Lancaster)	\$18.00	\$0.00	\$0.00	\$0.00	\$18.00
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
OAG - JCP	\$2.50	\$0.00	\$0.00	\$0.00	\$2.50
Sheriff Cost - Felony - 6411AB1211 (Lancaster)	\$4.00	\$0.00	\$0.00	\$0.00	\$4.00
State Court Costs (Act 204 of 1976)	\$14.90	\$0.00	\$0.00	\$0.00	\$14.90
Prosecution Cost - 6411AB1211 (Lancaster)	\$6.40	\$0.00	\$0.00	\$0.00	\$6.40
Costs/Fees Totals:	\$365.65	\$0.00	\$0.00	\$0.00	\$365.65
Grand Totals:	\$365.65	\$0.00	\$0.00	\$0.00	\$365.65

\*\* - Indicates assessment is subrogated