

# 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

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### 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

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

### STATUS INFORMATION

<u>Case Status:</u>	<u>Status Date</u>	<u>Processing Status</u>	<u>Complaint Date:</u>
Closed	07/23/2021	Sentenced/Penalty Imposed	12/21/2020
	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

<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	03/26/2021	9:30 am	Courtroom A		Cancelled
Status Conference	07/23/2021	9:00 am	Courtroom 12	Judge David L. Ashworth	Scheduled

### CONFINEMENT INFORMATION

<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>
07/11/2020	County Correctional Facility	Lancaster County Prison		Yes
02/10/2026	State Correctional Institution	SCI Coal Township		Yes

### DEFENDANT INFORMATION

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

### CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Smoker, Justo

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### BAIL INFORMATION

Smoker, Justo

Nebbia Status: None

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

### 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	F1	<b>18 § 2501 §§ A</b>	Criminal Homicide	06/21/2020	U 943141-3
2	2	M2	<b>18 § 5510</b>	Abuse Of Corpse	06/21/2020	U 943141-3
3	3	M2	<b>18 § 4910 §§ 1</b>	Tamper With/Fabricate Physical Evidence	06/21/2020	U 943141-3
4	4	M2	<b>18 § 4910 §§ 1</b>	Tamper With/Fabricate Physical Evidence	06/21/2020	U 943141-3
5	5	M1	<b>18 § 907 §§ A</b>	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>			
<b>Held for Court (Lower Court)</b>	Defendant Was Present		
Lower Court Disposition	03/05/2021	Not Final	
1 / Criminal Homicide	Held for Court (Lower Court)	F1	18 § 2501 §§ A
<b>Proceed to Court</b>	Defendant Was Not Present		
Information Filed	03/23/2021	Not Final	
1 / Criminal Homicide	Proceed to Court	F1	18 § 2501 §§ A
<b>Proceed to Court (Amended Information)</b>			
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
<b>Guilty Plea - Negotiated</b>			
Guilty Plea	07/23/2021	Final Disposition	
1 / Criminal Homicide	Guilty Plea - Negotiated	F1	18 § 2501 §§ A
Ashworth, David L.	07/23/2021		

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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 20.00 Years Max of 40.00 Years Other	12/23/2020	
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 Ashworth, David L. Confinement	Guilty Plea - Negotiated 07/23/2021 Min of 1.00 Years Max of 2.00 Years 1 year to 2 years	M2	18 § 5510 12/23/2020
3 / Tamper With/Fabricate Physical Evidence Ashworth, David L. Confinement	Guilty Plea - Negotiated 07/23/2021 Min of 1.00 Years Max of 2.00 Years 1 year to 2 years	M2	18 § 4910 §§ 1 12/23/2020
4 / Tamper With/Fabricate Physical Evidence Ashworth, David L. Confinement	Guilty Plea - Negotiated 07/23/2021 Min of 1.00 Years Max of 2.00 Years 1 year to 2 years	M2	18 § 4910 §§ 1 12/23/2020
5 / Poss Instrument Of Crime W/Int Ashworth, David L. Confinement	Guilty Plea - Negotiated 07/23/2021 Min of 2.00 Years 6.00 Months Max of 5.00 Years 2 1/2 years to 5 years	M1	18 § 907 §§ A 12/23/2020

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### 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: 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

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

### 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

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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
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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
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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
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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			

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04/06/2021	eService		Served
Tallarico, Christopher Michael			
04/06/2021	eService		Served
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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
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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

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Lancaster County District Attorney's Office			
08/04/2022	eService		Served
Lyden, Christopher P.			
08/04/2022	eService		Served
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4	07/23/2021		Ashworth, David L.
Guilty Plea - Negotiated			
Brown, Todd Everett			
07/23/2021	eService		Served
Encarnacion, Samuel			
07/23/2021	eService		Served
Lancaster County District Attorney's Office			
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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5	07/23/2021		Ashworth, David L.
Order - Sentence/Penalty Imposed			
Brown, Todd Everett			
07/23/2021	eService		Served
Encarnacion, Samuel			
07/23/2021	eService		Served
Lancaster County District Attorney's Office			
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.
DC300B Prepared			
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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
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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
-----			
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
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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
-----			
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

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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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### 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
C.JES	\$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