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

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
Consolidated Defendant Cases			
CP-36-CR-0003319-2020	Comm. v. Smoker, Justo	CP-02-36-Crim	DA consolidated

STATUS INFORMATION

Case Status: Closed
Complaint Date: 12/21/2020

Status Date	Processing Status
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 Event Type	Schedule Start Date	Start Time	Room	Judge Name	Schedule 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
02/10/2026	State Correctional Institution	SCI Coal Township		Yes

DEFENDANT INFORMATION

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

CASE PARTICIPANTS

Participant Type	Name
Defendant	Smoker, Justo

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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
Case Event | Disposition Date | Final Disposition
Sequence/Description | Offense Disposition | Grade | Section
Sentencing Judge | Sentence Date | Credit For Time Served
Sentence/Diversion Program Type | Incarceration/Diversionary Period | Start Date
Sentence Conditions

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		

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DISPOSITION SENTENCING/PENALTIES

Disposition Case Event Sequence/Description Sentencing Judge Sentence/Diversion Program Type Sentence Conditions	Disposition Date Offense Disposition Sentence Date Incarceration/Diversionary Period	Final Disposition Grade Section Credit For Time Served Start Date
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	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

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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

Sequence Number	CP Filed Date	Document Date	Filed By
Service To		Service By	
Issue Date	Service Type	Status Date	Service Status

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Sequence Number	CP Filed Date	Document Date	Filed By
Service To		Service By	
Issue Date	Service Type	Status Date	Service Status

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

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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

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1 03/16/2021 Lancaster County District Attorney's Office

Notice of Consolidation

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1 03/23/2021 Adams, Heather

Information Filed

Lancaster County District Attorney's Office

03/23/2021 eService Served

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1 03/25/2021 Tallarico, Christopher Michael

Waiver of Arraignment

Lancaster County District Attorney's Office

03/25/2021 eNotice Notified

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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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ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
Service To		Service By	
Issue Date	Service Type	Status Date	Service Status

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

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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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Service To		Service By	
Issue Date	Service Type	Status Date	Service Status
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

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Service To		Service By	
Issue Date	Service Type	Status Date	Service Status

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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Sequence Number	CP Filed Date	Document Date	Filed By
Service To	Service By		
Issue Date	Service Type	Status Date	Service Status
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
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

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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

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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	Assessment	Payments	Adjustments	Non Monetary Payments	Balance
Costs/Fees					
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

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