

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

<u>Judge Assigned:</u> Ashworth, David L.	<u>Date Filed:</u> 03/09/2021	<u>Initiation Date:</u> 12/21/2020
<u>OTN:</u> U 943141-3 <u>LOTN:</u>	<u>Originating Docket No:</u> MJ-02302-CR-0000596-2020	
<u>Initial Issuing Authority:</u> B Denise Commins	<u>Final Issuing Authority:</u> B Denise Commins	
<u>Arresting Agency:</u> East Lampeter Twp Police Dept	<u>Arresting Officer:</u> Jones, Christopher D.	
<u>Complaint/Citation No.:</u> 2006022459	<u>Incident Number:</u>	
<u>County:</u> Lancaster	<u>Township:</u> Upper Leacock Township	
<u>Case Local Number Type(s)</u>	<u>Case Local Number(s)</u>	

RELATED CASES

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

STATUS INFORMATION

<u>Case Status:</u> Closed	<u>Status Date</u>	<u>Processing Status</u>	<u>Complaint Date:</u> 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

<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	President 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
09/02/2021	State Correctional Institution	SCI Forest		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	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		

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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: 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

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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

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			

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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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Lancaster County District Attorney's Office			
08/04/2022	eService		Served
Lyden, Christopher P.			
08/04/2022	eService		Served

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

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

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

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

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

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>
Costs/Fees					
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