

# COURT OF COMMON PLEAS OF LAWRENCE COUNTY

## DOCKET

Docket Number: CP-37-CR-0000209-2010

## CRIMINAL DOCKET

Court Case



Commonwealth of Pennsylvania

v.

Wayne Edward McNutt

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### CASE INFORMATION

Judge Assigned:  
OTN: K 839558-6      LOTN:  
Initial Issuing Authority: Migrated Judge  
Arresting Agency: NEW CASTLE PSP  
Complaint/Citation No.:  
County: Lawrence  
Case Local Number Type(s)

Date Filed: 03/03/2010      Initiation Date: 02/22/2010  
Originating Docket No: MJ-53304-CR-0000013-2010  
Final Issuing Authority: Migrated Judge  
Arresting Officer: Martin, Jeffrey R.  
Incident Number: 1385756  
Township: Volant Boro  
Case Local Number(s)

### STATUS INFORMATION

<u>Case Status:</u>	<u>Inactive</u>	<u>Status Date</u>	<u>Processing Status</u>	<u>Arrest Date:</u>	<u>02/22/2010</u>
		04/05/2012	Sentenced/Penalty Imposed		
		01/13/2012	Awaiting Sentencing		
		01/13/2012	Awaiting PSI		
		01/12/2012	Awaiting Plea Court		
		12/01/2011	Awaiting Trial		
		10/28/2011	Awaiting Trial		
		02/04/2011	Awaiting Trial		
		01/27/2011	Awaiting Plea Court		
		04/30/2010	Awaiting Trial		
		03/04/2010	Awaiting Formal Arraignment		
		03/03/2010	Awaiting Filing of Information		

Complaint Date: 02/17/2010

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### CALENDAR EVENTS

<u>Case Calendar</u> <u>Event Type</u>	<u>Schedule</u> <u>Start Date</u>	<u>Start</u> <u>Time</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u> <u>Status</u>
Formal Arraignment	05/04/2010	9:30 am	Courtroom 1	President Judge Dominick Motto	Scheduled
Judicial Call of the Trial	07/12/2010	1:30 pm	Courtroom 1	President Judge Dominick Motto	Continued
Writ of Habeas Corpus	08/24/2010	11:00 am	Courtroom 1	President Judge Dominick Motto	Continued
Judicial Call of the Trial	09/07/2010	1:30 pm	Courtroom 1	President Judge Dominick Motto	Moved
Writ of Habeas Corpus	09/10/2010	3:15 pm	Courtroom 1	President Judge Dominick Motto	Scheduled
Judicial Call of the Trial	11/01/2010	1:30 pm	Courtroom 1	President Judge Dominick Motto	Continued
Judicial Call of the Trial	12/06/2010	1:30 pm	Courtroom 1	President Judge Dominick Motto	Moved
Judicial Call of the Trial	01/10/2011	1:30 pm	Courtroom 1	President Judge Dominick Motto	Scheduled
Plea Court	01/28/2011	10:00 am	Courtroom 2	Judge J. Craig Cox	Scheduled
Judicial Call of the Trial	03/07/2011	1:30 pm	Courtroom 1	President Judge Dominick Motto	Continued
Judicial Call of the Trial	06/06/2011	1:30 pm	Courtroom 1	President Judge Dominick Motto	Scheduled
Judicial Call of the Trial	11/07/2011	1:30 pm	Courtroom 1	President Judge Dominick Motto	Cancelled
Trial Status Conference - Criminal	11/17/2011	2:30 pm	Courtroom 1	President Judge Dominick Motto	Scheduled
Rescind Bench Warrant	12/01/2011	9:00 am	Courtroom 3	Judge Thomas M. Piccione	Scheduled
Judicial Call of the Trial	01/03/2012	1:30 pm	Courtroom 1	President Judge Dominick Motto	Scheduled
Sentencing	04/04/2012	9:30 am	Courtroom 1	President Judge Dominick Motto	Scheduled

### CONFINEMENT INFORMATION

<u>Confinement</u> <u>Known As Of</u>	<u>Confinement</u> <u>Type</u>	<u>Destination</u> <u>Location</u>	<u>Confinement</u> <u>Reason</u>	<u>Still in</u> <u>Custody</u>
11/29/2011	County Correctional Facility	Lawrence County Prison		Yes

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### DEFENDANT INFORMATION

Date Of Birth: 10/30/1964      City/State/Zip: Transfer, PA 16157

### CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	McNutt, Wayne Edward

### BAIL INFORMATION

<b>McNutt, Wayne Edward</b>					<b>Nebbia Status: None</b>
<u>Bail Action</u>	<u>Date</u>	<u>Bail Type</u>	<u>Originating Court</u>	<u>Percentage</u>	<u>Amount</u>
Set	02/22/2010	Monetary	Common Pleas		\$10,000.00
Reinstate	02/02/2011	Monetary	Common Pleas		\$10,000.00
Reinstate	06/30/2011	Monetary	Common Pleas		\$10,000.00
Set (bail modification)	12/01/2011	Monetary	Common Pleas		\$25,000.00
<u>Surety Type</u>	<u>Surety Name</u>	<u>Posting Status</u>	<u>Posting Date</u>	<u>Security Type</u>	<u>Security Amt</u>
Professional Surety	Denome, Louis A.	Partial Posting	03/03/2010	Surety Bonds	\$10,000.00

### 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	F1	<b>18 § 3125 §§ B</b>	Agg. Ind. Assault of Child	01/07/2010	K 839558-6

### 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>Lower Court Proceeding (generic)</b>			
Lower Court Disposition	03/02/2010	Not Final	
1 / Agg. Ind. Assault of Child	Held for Court (Lower Court)	F1	18 § 3125 §§ B
<b>Proceed to Court</b>			
Information Filed	04/14/2010	Not Final	
1 / Agg. Ind. Assault of Child	Held for Court	F1	18 § 3125 §§ B
<b>Nolo Contendere</b>			
Plea Court	01/13/2012	Final Disposition	
1 / Agg. Ind. Assault of Child	Nolo Contendere	F1	18 § 3125 §§ B
Motto, Dominick	04/04/2012	138 Days	
Confinement	Min of 5.00 Years		
	Max of 10.00 Years		
	Other		

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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>			

#### Nolle Prossed (Post-Disposition)

Sentencing	04/04/2012	Not Final	
1 / Agg. Ind. Assault of Child	Nolo Contendere	F1	18 § 3125 §§ B

#### COMMONWEALTH INFORMATION

Name: Lawrence County District Attorney's  
Office  
District Attorney

Supreme Court No:  
Phone Number(s):  
724-656-1915 (Phone)

Address:  
Lawrence County Government Center  
430 Court Street  
New Castle, PA 16101

#### ATTORNEY INFORMATION

Name: Lawrence County Public Defender's  
Office  
Public Defender

Supreme Court No:  
Rep. Status: Active

Phone Number(s):  
Address:  
430 Court Street  
New Castle, PA 16101

Name: Kathleen Fee-Baird  
District Attorney

Supreme Court No: 036905  
Phone Number(s):  
724-656-2139 (Phone)

Address:  
Lawrence Co Da's Ofc  
430 Court St  
New Castle, PA 16101

#### ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	02/22/2010		Migrated Judge
Bail Set - McNutt, Wayne Edward			
2	03/03/2010		MDJ-53-3-04
Original Papers Received from Lower Court			
1	03/05/2010		Denome, Louis A.
Bail Posted -(\$10,000.00 - Denome) McNutt, Wayne Edward			

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1	03/08/2010		Falls, Harry O.
Motion to Transcribe Record From Preliminary Hearing			
2	03/08/2010		Piccione, Thomas M.
Order of Court (Preliminary Hrg Held/March 2,2010 to be Transcribed;Costs on County of Lawrence)			
1	03/31/2010		Court of Common Pleas - Lawrence County
Notes of Testimony (Preliminary Hrg 3-2-2010 before MDJ Jennifer Nicholson by Steno Karen Stewart)			
1	04/14/2010		Commonwealth of Pennsylvania
Information Filed			
1	04/30/2010		Falls, Harry O.
Waiver of Arraignment and Informal Discovery Request			
2	04/30/2010		PUBLIC DEFENDER, LAWRENCE CTY
Entry of Appearance			
3	07/16/2010		PUBLIC DEFENDER, LAWRENCE CTY
Petition for Writ of Habeas Corpus			
4	07/16/2010		Motto, Dominick
Order of Court (Mtn Granted;Habeas Corpus Hrg Set for August 24,2010 @11:00 Am in Ctrm #1)			
5	07/16/2010		Motto, Dominick
Order of Court (Case Stricken From July 2010 Trial List;Rescheduled for September 2010 Trial Term)			
2	08/25/2010		Commonwealth of Pennsylvania
Motion for Continuance			
3	08/25/2010		Motto, Dominick
Order of Court/Cont Granted/ Writ Habeas Corpus Hearing sched for Sept 10, 2010 @ 3:15 pm ct rm 1			
1	09/13/2010		Motto, Dominick
Order of Court (Habeas Corpus Hrg: Crt Orders defts memorandum shall be filed 20 days Order/Crt)			

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2	09/17/2010		Cox, J. Craig
Order of Court/Trial Cont (November, 2010 Trial Term)			
1	10/01/2010		PUBLIC DEFENDER, LAWRENCE CTY
Petition for Extension of Time to File Def't's Memorandum			
2	10/01/2010		Motto, Dominick
Order Granting Motion for Extension of Time			
1	10/21/2010		PUBLIC DEFENDER, LAWRENCE CTY
Memorandum of Law			
1	10/28/2010		Court of Common Pleas - Lawrence County
Commonwealth's Memo of Law in Opposition to Def't's Petition for Writ of Habeas Corpus			
1	11/01/2010		Motto, Dominick
Order of Court (Def'ts Ptn for Writ of Habeas Corpus-Denied)			
1	11/12/2010		PUBLIC DEFENDER, LAWRENCE CTY
Motion for Continuance			
2	11/12/2010		Piccione, Thomas M.
Order Granting Motion for Continuance (Trial Cont to Dec. 2010 Trial Term)			
1	01/20/2011		Lawrence County Public Defender's Office
Office of Public Defender/Change of Address: 27 Wall Street Transfer Pa 16157			
2	01/28/2011		Cox, J. Craig
Order of Court/Bench Warrant/Forfeiture Notice Given in amt of \$10,000.00 w/Senenca Insurance			
1	02/01/2011		Lawrence County Public Defender's Office
Change of Address Form/Office of Public Defender: 27 Wall Street Transfer Pa 16154			

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1	02/02/2011		PUBLIC DEFENDER, LAWRENCE CTY
Petition to Rescind Bench Warrant			
3	02/02/2011		Piccione, Thomas M.
Order of Court (Bond Reinstated)			
1	03/14/2011		Commonwealth of Pennsylvania
Comth's Notice to Deft of Intention to Offer Out of Court Stmt by victim/Tender Years Exception			
1	03/15/2011		District Attorney
Petition for Transport Order			
2	03/15/2011	03/14/2011	Cox, J. Craig
Transportation Order of Court (From Butler Co Jail to LCJ for Hrg/3/16/11;Rtn to Butler Co Jail)			
1	03/18/2011		Lawrence County Sheriff's Office
Sheriff Return (3/16/11 Dft transported from Butler Cnty Jail to LCJ by Dep Shff Runyon & Hamilton)			
1	03/23/2011		PUBLIC DEFENDER, LAWRENCE CTY
Motion for Continuance			
2	03/23/2011	03/22/2011	Cox, J. Craig
Order Granting Motion for Continuance (Trial Cont to 6-13-11 Term of Trials)			
1	03/28/2011		PUBLIC DEFENDER, LAWRENCE CTY
Motion for Funding to Hire Expert Witness			
2	03/28/2011	03/28/2011	Motto, Dominick
Order of Court Deft Granted Leave to Retain Expet Witness w/Respect to DNA;Costs on Law County)			
1	04/12/2011		PUBLIC DEFENDER, LAWRENCE CTY
Petition for Approval of Expert Rate			
1	04/15/2011	04/11/2011	Motto, Dominick
Order of Crt(Rate of \$180.00 per Hour For Defts Expert is Approved for Experts Initial Report Only			

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2	06/17/2011		Piccione, Thomas M.
Order of Court/Bench Warrant Issued/Forfeiture Notice Given in amt of \$10,000.00 w/Seneca Insurance			
2	06/30/2011	06/29/2011	Cox, J. Craig
Order Granting Motion to Re-Instate Previously Set Bail - Mcnutt, Wayne Edward			
3	06/30/2011		PUBLIC DEFENDER, LAWRENCE CTY
Petition to Rescind Bench Warrant			
2	11/21/2011		Motto, Dominick
Order of Court/Bail Forfeited (\$10000.00 Denome)			
1	11/23/2011		Denome, Louis A.
Application for Bail Piece			
2	11/23/2011	11/22/2011	Motto, Dominick
Order of Court Granting Motion for Bail Piece (L Denome, Seneca Ins Co)			
1	12/01/2011	12/01/2011	Piccione, Thomas M.
Order of Court/Change of Address			
2	12/01/2011	12/01/2011	Piccione, Thomas M.
Order of Court (Bond Increased to \$25,000.00 Cash W/Surety)			
3	12/01/2011	12/01/2011	Piccione, Thomas M.
Order of Court (Case Placed on January 2012 Trial List)			
5	12/01/2011		Lawrence County Sheriff's Office
Sheriff Return (11-29-11 Deft Committed to LCJ as per Process by Bail Bondsperson Lou DeNome)			
3	01/13/2012		Lawrence, Court
No Contest Plea Colloquy			
4	01/13/2012		Lawrence, Court
Disposition Filed			
5	01/13/2012	01/12/2012	Motto, Dominick
Order of Court/Assessment to be Conducted by Sex. Offndr. Brd/Megan's Law			



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6	01/13/2012	01/13/2012	Motto, Dominick
Order of Court/Sentencing Scheduled for 4/4/12 @ 1:30pm in Crt RM #1			
7	01/13/2012		Court of Common Pleas - Lawrence County
Megan's Law Plea Colloquy			
8	01/13/2012		Fee-Baird, Kathleen
Signature Page of Information Filed			
1	01/24/2012		Court of Common Pleas - Lawrence County
Notes of Testimony (Guilty Plea Colloquy on 1-12-12 before Judge Motto/Steno C Cusick)			
1	04/05/2012		Motto, Dominick
Nolle Prossed (Post-Disposition)			
2	04/05/2012		Motto, Dominick
Disposition Filed			
3	04/05/2012		Motto, Dominick
Order -State Sentence/Penalty Imposed/300 B Comm			
4	04/05/2012		Court of Common Pleas - Lawrence County
Penalty Assessed			
5	04/05/2012		Court of Common Pleas - Lawrence County
Megan's Law Notice			
1	04/10/2012		PUBLIC DEFENDER, LAWRENCE CTY
Petition to Rescind Bench Warrant			
1	05/10/2012		Lawrence County Sheriff's Office
Sheriff Return (5-2-12 Deft Transp from LCJ-SCI Pgh by Dep Shffs R Hinkle/C Smolleck)			
1	07/03/2017		Morgan, Helen I.
Pro Se Correspondence (Re: Ptn for Redress of Grievance)			

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1	04/06/2018		McNutt, Wayne Edward
Pro Se Correspondence			
1	08/23/2018		Klabon-Esoldo, Jodi
Pro Se Correspondence (Re: Ptn for Redress of Grievance)			
1	09/27/2018		McNutt, Wayne Edward
Case Management Plan & Certificate of Service			
1	10/15/2018		McNutt, Wayne Edward
Motion For Pre-Trial Conference/Trial			
1	10/19/2018	10/19/2018	Klabon-Esoldo, Jodi
Pro Se Correspondence			
2	10/19/2018	10/19/2018	Motto, Dominick
Order of Court (Pro Se Correspondence)			
1	11/13/2018		Klabon-Esoldo, Jodi
Pro Se Correspondence			
1	11/19/2018	11/19/2018	Motto, Dominick
Order of Court/Case Correspondence			
1	11/26/2018		Klabon-Esoldo, Jodi
Pro Se Correspondence (Fwd to Atty)			
1	01/17/2019		Klabon-Esoldo, Jodi
Pro Se Correspondence			
1	02/04/2019		McNutt, Wayne Edward
Motion for a Direct Verdict (Prima Facie) & Certificate of Service			
1	02/19/2019		Klabon-Esoldo, Jodi
Pro Se Correspondence (Mtn For Direct Verdict - FWD to PD)			
1	03/08/2019	03/08/2019	Motto, Dominick
Order Of Court (Pro Se Correspondence)			

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1	04/01/2019		McNutt, Wayne Edward
Motion for Post Conviction Collateral Relief (Copy To CA)			
-----			
1	04/04/2019		Klabon-Esoldo, Jodi
Pro Se Correspondence (Filed of Record)			
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1	07/25/2019		Klabon-Esoldo, Jodi
Pro Se Correspondence (Re: Ptn for Redress of Grievance/Redemption)			
Lawrence County Adult Probation			
07/25/2019	eNotice		Notified
Lawrence County District Attorney's Office			
07/25/2019	eService		Served
Lawrence County Public Defender's Office			
07/25/2019	eService		Served
-----			
1	07/29/2019	07/29/2019	Motto, Dominick
Order of Court/Pro Se Correspondence (Forwarded to Public Defender's Office)			
Court Administrator			
07/29/2019	Hand Delivered		
Lawrence County Adult Probation			
07/29/2019	eNotice		Notified
Lawrence County District Attorney's Office			
07/29/2019	eService		Served
Lawrence County Public Defender's Office			
07/29/2019	eService		Served
-----			
1	11/22/2019		McNutt, Wayne Edward
Motion for Appeal, New Evidence And Redemption			
Court Administrator			
11/25/2019	Mail Slot		
Lawrence County Adult Probation			
11/25/2019	eNotice		Notified
Lawrence County District Attorney's Office			
11/25/2019	eService		Served
Lawrence County Public Defender's Office			

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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>
1	11/25/2019		Served
<hr/>			
1	12/23/2019		Klabon-Esoldo, Jodi
Pro Se Correspondence (Motion)			
Lawrence County Adult Probation			
12/23/2019	eNotice		Notified
Lawrence County District Attorney's Office			
12/23/2019	eService		Served
Lawrence County Public Defender's Office			
12/23/2019	eService		Served
<hr/>			
1	05/15/2020		State Probation & Parole
Order to Release On Parole/Reparole			
Lawrence County Adult Probation			
05/28/2020	eNotice		Notified
Lawrence County District Attorney's Office			
05/28/2020	eService		Served
Lawrence County Public Defender's Office			
05/28/2020	eService		Served
<hr/>			
1	08/31/2020		Court of Common Pleas - Lawrence County
Penalty Satisfied			
Lawrence County Adult Probation			
08/31/2020	eNotice		Notified
Lawrence County District Attorney's Office			
08/31/2020	eService		Served
Lawrence County Public Defender's Office			
08/31/2020	eService		Served
<hr/>			
1	12/09/2021		Lawrence County Adult Probation Unit
Motion for Bench Warrant			

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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>
Lawrence County Adult Probation 12/09/2021	eNotice		Notified
Lawrence County District Attorney's Office 12/09/2021	eService		Served
Lawrence County Public Defender's Office 12/09/2021	eService		Served
-----			
1	12/14/2021		Lawrence County Adult Probation
Petition to Revoke Probation Lawrence County District Attorney's Office 12/14/2021	eService		Served
Lawrence County Public Defender's Office 12/14/2021	eService		Served
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### CASE FINANCIAL INFORMATION

Last Payment Date: 08/31/2020

Total of Last Payment: -\$22.32

<b>Denome, Louis A.</b>	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary</u>	<u>Balance</u>
Bondsman				<u>Payments</u>	
<b>Costs/Fees</b>					
Bail Piece (Lawrence)	\$7.00	(\$7.00)	\$0.00	\$0.00	\$0.00
Costs/Fees Totals:	\$7.00	(\$7.00)	\$0.00	\$0.00	\$0.00
<b>McNutt, Wayne Edward</b>	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary</u>	<u>Balance</u>
Defendant				<u>Payments</u>	
<b>Costs/Fees</b>					
Bench Warrant Fee (Lawrence)	\$25.00	(\$25.00)	\$0.00	\$0.00	\$0.00
ARD Fee (Lawrence)	\$17.75	(\$17.75)	\$0.00	\$0.00	\$0.00
Sheriff Costs (Lawrence)	\$44.70	(\$44.70)	\$0.00	\$0.00	\$0.00
State Court Costs (Act 204 of 1976)	\$12.30	(\$12.30)	\$0.00	\$0.00	\$0.00
Commonwealth Cost - HB627 (Act 167 of 1992)	\$18.40	(\$18.40)	\$0.00	\$0.00	\$0.00
County Court Cost (Act 204 of 1976)	\$26.80	(\$26.80)	\$0.00	\$0.00	\$0.00
Crime Victims Compensation (Act 96 of 1984)	\$35.00	(\$35.00)	\$0.00	\$0.00	\$0.00
Domestic Violence Compensation (Act 44 of 1988)	\$10.00	(\$10.00)	\$0.00	\$0.00	\$0.00
Victim Witness Service (Act 111 of 1998)	\$25.00	(\$25.00)	\$0.00	\$0.00	\$0.00
Firearm Education and Training Fund	\$5.00	(\$5.00)	\$0.00	\$0.00	\$0.00
DNA Detection Fund (Act 185-2004)	\$250.00	(\$250.00)	\$0.00	\$0.00	\$0.00
Clerk M (Lawrence)	\$164.00	(\$164.00)	\$0.00	\$0.00	\$0.00
Automation Fee (Lawrence)	\$5.00	(\$5.00)	\$0.00	\$0.00	\$0.00
Costs of Prosecution - CJEA	\$50.00	(\$50.00)	\$0.00	\$0.00	\$0.00
Judicial Computer Project	\$8.00	(\$8.00)	\$0.00	\$0.00	\$0.00
ATJ	\$3.00	(\$3.00)	\$0.00	\$0.00	\$0.00
CJES	\$2.25	(\$2.25)	\$0.00	\$0.00	\$0.00
JCPS	\$10.25	(\$10.25)	\$0.00	\$0.00	\$0.00
Sheriff Costs (Lawrence)	\$22.32	(\$22.32)	\$0.00	\$0.00	\$0.00
Bench Warrant Fee (Lawrence)	\$29.50	\$0.00	\$0.00	\$0.00	\$29.50
Costs/Fees Totals:	\$764.27	(\$734.77)	\$0.00	\$0.00	\$29.50
Grand Totals:	\$771.27	(\$741.77)	\$0.00	\$0.00	\$29.50

\*\* - Indicates assessment is subrogated