

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION

COMMONWEALTH

: NO. 2003-557

VS

:

LYNDA KERR

:

**TRANSCRIPT OF PROCEEDINGS**  
(GUILTY PLEA AND SENTENCING)

BEFORE: DAVID E. GRINE, Judge

DATE: Friday, October 10, 2003, 2:30 p.m.

PLACE: Centre County Courthouse  
Courtroom No. 2  
Allegheny Street  
Bellefonte, PA 16823

APPEARANCES:

For the Commonwealth: Nathan Boob, Esquire  
Assistant District Attorney

For the Defendant: David Crowley, Esquire  
Public Defender

NOTES TAKEN BY JAN JOHNSTON SMITH, RPR, OFFICIAL COURT REPORTER  
ROOM 208, CENTRE COUNTY COURTHOUSE, BELLEFONTE, PA 16823  
814-355-6734 or 814-355-6752

COPY

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

\* \* \* \* \*  
P R O C E E D I N G S  
\* \* \* \* \*

MR. CROWLEY: Thank you, Your Honor. May the record reflect that Lynda Kerr is before this Honorable Court on Criminal Action 2003-557 prepared at this time to withdraw any previously entered not guilty pleas and plead guilty to the only count on that information which is Criminal Attempt - Acquisition of Controlled Substance by Fraud. We have executed a Explanation of Defendant's Rights Form and would ask that that be made part of the record.

THE COURT: Accepted and made part of the record.

MR. CROWLEY: Would the record further reflect we have affixed our signature to the Criminal Information manifesting our intent to plead guilty to the only charge on the Information.

THE COURT: The Court will accept the plea entered.

MR. CROWLEY: With respect to this particular case, there has been a plea agreement reached by the Commonwealth whereby in exchange for that plea of guilt the Commonwealth would recommend a Level 3/4 sentence with credit for any time spent in in-patient treatment.

1 To date she has spent 28 days in in-patient treatment  
2 and is undergoing a strict regiment of out-patient  
3 treatment.

4 THE COURT: Commonwealth, anything?

5 MR. BOOB: No, Your Honor.

6 THE COURT: Ma'am, anything?

7 MS. KERR: No, Your Honor.

8 THE COURT: It being this 10th day of  
9 October, 2003, the sentence of this Court is: You pay  
10 the costs of prosecution, supervision fees and program  
11 fees. Any restitution?

12 MS. FORNICOLA: No.

13 THE COURT: That fees, fines, costs be paid  
14 in accordance with a payment contract established by  
15 the probation department as approved by the Court.  
16 Judgment be entered against you and in favor of the  
17 probation department for all fees, fines and costs.  
18 Undergo and participate in any evaluation and/or  
19 treatment program as arranged and approved by the  
20 probation department.

21 That you undergo a sentence of Intermediate  
22 Punishment for a period of two years which shall  
23 include a period of Restrictive Intermediate Punishment  
24 of 28 days in -- where was she?

25 MS. KERR: Twin Lake Center in Somerset.

1 THE COURT: Pennsylvania?

2 MS. KERR: Yes.

3 THE COURT: That you comply with all the  
4 rules and regulations established by the probation  
5 department for Intermediate Punishment, Restrictive  
6 Intermediate Punishment and standard probation. In the  
7 event of an intercounty transfer of supervision the  
8 probation department of the receiving county is granted  
9 the authority to impose any special conditions deemed  
10 appropriate.

11 Do I have to put in here Level 3/4 anywhere?

12 MR. YOUNG: No. We're not funding it so, no.  
13 It's already been completed.

14 MR. CROWLEY: That's what she had written  
15 down that she had done and the offense here she went  
16 into the emergency room to allegedly attempt to get  
17 Demerol.

18 THE COURT: Okay. Thirty days to file an  
19 appeal. If you wish to do so, notify your attorney.  
20 He will do that for you. Do you understand that?

21 MS. KERR: Yes, Sir, I do.

22 THE COURT: Before you leave today, probation  
23 will want to talk to you, if you just have a seat in  
24 the first row. Once you talk to them, you are free to  
25 go. Thank you.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MS. REED: Did you order a fine?

THE COURT: No.

\* \* \* \* \*  
E N D O F P R O C E E D I N G S  
\* \* \* \* \*

C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me upon the hearing of the within matter, and that this copy is a correct transcript of the same.

October 20, 2003  
Date

Jan Johnston Smith  
Jan Johnston Smith, RPR  
Official Court Reporter

A P P R O V A L O F C O U R T

The foregoing record of the proceedings had upon the hearing in the within case is hereby approved and directed to be filed.

\_\_\_\_\_  
Date

\_\_\_\_\_  
David E. Grine, Judge

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION

COMMONWEALTH : NO. 2003-557

VS :

LYNDA KERR : Count 1, Criminal Attempt -  
Acquiring Controlled Substance  
by Fraud

O R D E R

AND NOW, October 10, 2003, the sentence of this Court is that you, LYNDA KERR:

1. Pay the costs of prosecution, supervision fees and program fees.
2. Pay all costs and fees in accordance with a contract in which a payment schedule will be established by the Centre County Probation and Parole Department. This contract will be approved by the Court.

Judgment shall be entered against you and in favor of the Centre County Probation and Parole Department for all fees and costs ordered to be paid by you.

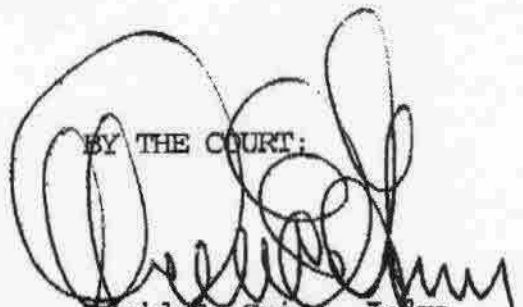
3. Undergo and participate in any evaluation and/or treatment program as arranged and approved by the Centre County Probation and Parole Department.

4. Undergo a sentence of Intermediate Punishment for a period of two (2) years. This shall include a period of Restrictive Intermediate Punishment of twenty-eight (28) days in Twin Lake Center in Somerset, Pennsylvania.

5. Comply with all rules and regulations established by the Centre County Probation and Parole Department for Intermediate Punishment, Restrictive Intermediate Punishment and standard probation.

In the event of intercounty transfer of supervision, the probation department of the receiving county is granted the authority to impose any special conditions deemed appropriate.

BY THE COURT:



David E. Grine, Judge