

Ms. Kerr is given an opportunity to get out of the Somerset Jail and go onto the "Electronic Monitoring / House Arrest" program. Will Ms. Kerr make good use of this chance live life on the "outside," or will she squander this opportunity like all the others?

COMMONWEALTH OF PENNSYLVANIA  
FILED FOR RECORD *LPJ*

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

LYNDA KATHERINE FERNICHIO,  
DEFENDANT.

NO. 230 CRIMINAL 1999

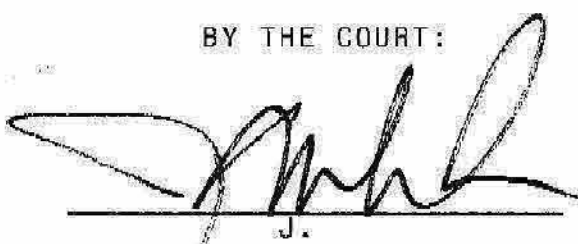
O R D E R

AND NOW, this 10 day of February 2004,  
upon consideration of the within Petition for Early Parole,  
and upon oral motion of Russell J. Heiple, Esq., Attorney for  
Defendant, the relief requested in said Petition is granted;

THEREFORE, Defendant ~~is granted early parole of~~  
~~the sentences imposed on her on November 5, 2003 upon the~~  
~~following conditions:~~

ELECTRONIC  
IS RELEASED TO ~~HOUSE~~ MONITORING / HOUSE  
ARREST  
WHEN APPROVED BY THE ADULT  
PROBATION DEPARTMENT.

Therefore, defendant is released to electronic monitoring / house arrest when approved by the adult probation department.

BY THE COURT:  
  
J.

*2-10-04*  
*Copy to All, Adult, Atty. Heiple,*  
*Jail, del. to Jail*

Of course Ms. Kerr squandered the opportunity to live on the "outside." She violated the rules and conditions of the Electronic Monitoring / House Arrest Program by once again, trying to outsmart the system. As the order states, Ms. Kerr was remanded back to the Somerset County Jail to serve out the rest of her sentence

EX-2 PM 3:39

COMMONWEALTH

FILED FOR RECORD *[Signature]*

§ IN THE COURT OF COMMON PLEAS OF  
§ SOMERSET COUNTY, PENNSYLVANIA

VS

§

LYNDA K. KERR (FERNICHIO)

§  
§ NO. 230 CRIMINAL 1999

For the Commonwealth:

District Attorney

For the Defendant:

Russell Heiple, Esquire

**ORDER**

NOW, this <sup>1<sup>st</sup></sup> day of April, 2004, upon Motion of the Probation

Department, the Order dated February 10, 2004, releasing the defendant from the Somerset

County Jail to the Electronic Monitoring/House Arrest Program is hereby vacated and the

defendant is remanded to the Somerset County Jail pending further Order of the Court.

BY THE COURT:

*[Signature]*  
\_\_\_\_\_  
Judge

4-05  
Copy to

*All, Adult, Atty, Heiple,  
Jail, Dept. to Jail*

**LYNDA GOES BACK TO JAIL**

11/13/03  
RECEIVED  
RJK

ORIGINAL

IN THE COURT OF COMMON PLEAS OF SOMERSET COUNTY, PENNSYLVANIA

COMMONWEALTH	)	No. 230 Criminal 1999
	)	Revocation of Probation
vs	)	
	)	
LYNDA KATHERINE FERNICHIO	)	HEARING

APPEARANCES:  
 Commonwealth: George Kaufman, Esq., A.D.A.  
 Defendant: Russell J. Heiple, Esq., Johnstown, PA  
 Probation: Ernie Withrow  
 (Defendant appearing)

\* \* \*

SENTENCING ORDER

14:27:38

NOW, THIS 5TH DAY OF NOVEMBER 2003, BASED ON  
 THE EVIDENCE IN THE RECORD, WE FIND THAT THE DEFENDANT HAS  
 VIOLATED CONDITIONS 3, 6, AND 10 OF HER PROBATION ORDER.

ACCORDINGLY, HER PROBATION IS REVOKED.

14:28:00

WE RESENTENCE THE DEFENDANT ON THE FIRST  
COUNT OF FORGERY, A MISDEMEANOR OF THE FIRST DEGREE, TO PAY THE  
 COSTS OF PROSECUTION AND THE COSTS OF SUPERVISION;

A FINE IN THE AMOUNT OF \$100;

RESTITUTION TO SOMERSET HOSPITAL IN THE  
 AMOUNT OF \$882.30;

AND BE INCARCERATED IN THE SOMERSET COUNTY

14:28:12

JAIL FOR NOT LESS THAN SIX MONTHS NOR MORE THAN 23 MONTHS.

4:28:16

ON THE SECOND COUNT OF FORGERY, ALSO A MISDEMEANOR OF THE FIRST DEGREE, WE SENTENCE THE DEFENDANT TO PAY THE COSTS OF PROSECUTION AND SUPERVISION;

14:28:26

AND BE INCARCERATED IN SOMERSET COUNTY JAIL FOR NOT MORE THAN SIX MONTHS NOR MORE THAN 23 MONTHS.

THESE SENTENCES WILL RUN CONCURRENT WITH ONE ANOTHER AND CONCURRENT WITH THE CENTER COUNTY SENTENCE.

14:28:44

AS SPECIAL CONDITIONS OF THIS SENTENCE AND SANCTIONS YOU WILL SUCCESSFULLY COMPLETE ANY RECOMMENDED COUNSELING OR TREATMENT, BEING RESPONSIBLE TO SEEK FUNDING OR ARRANGE PAYMENT ON YOUR OWN.

YOU WILL COMPLETE 80 HOURS OF COMMUNITY SERVICE AND BE RESPONSIBLE FOR THE COSTS OF THE PROGRAM.

14:28:56

MS. KERR, I'VE GIVEN YOU THIS SENTENCE BASED ON MY REVIEW OF THE CIRCUMSTANCES HERE. I RECOGNIZE THAT THE PROBATION SANCTION THAT WE TRIED PREVIOUSLY WAS NOT EFFECTIVE. AND, IN FACT, WHILE YOU WERE ON PROBATION WITH THIS COURT YOU COMMITTED VIOLATIONS THAT WERE IDENTICAL TO THE ONES TO WHICH YOU PLED GUILTY HERE BEFORE.

14:29:16

YOU ARE IN NEED OF TREATMENT, AND I THINK THAT INCARCERATION COUPLED WITH DRUG AND ALCOHOL EVALUATION AND TREATMENT IS THE BEST WAY TO TRY TO ADDRESS THESE ISSUES.

YOU HAVE THE RIGHT TO FILE A MOTION TO MODIFY THIS SENTENCE WITHIN TEN DAYS.

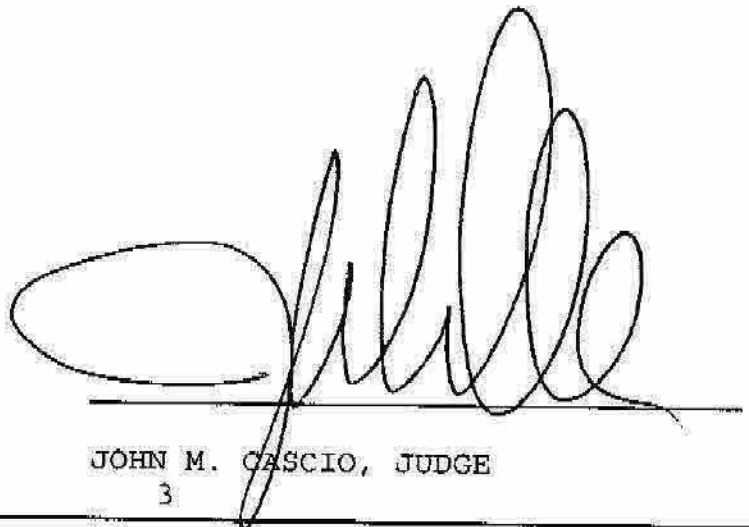
4:29:28

YOU ALSO HAVE THE RIGHT TO APPEAL THIS SENTENCE TO A HIGHER COURT WITHIN 30 DAYS. EVEN IF THE DECISION HAS NOT BEEN MADE ON THE MOTION TO MODIFY, YOU MUST STILL FILE YOUR APPEAL WITHIN 30 DAYS OR YOU WILL WAIVE THAT RIGHT.

14:29:40

YOU HAVE THE RIGHT TO THE HELP OF AN ATTORNEY IN FILING THE MOTION OR FILING AN APPEAL, AND IF YOU CANNOT AFFORD ONE AND OTHERWISE QUALIFY, AN ATTORNEY WILL BE APPOINTED FOR YOU BY THE COURT WITHOUT CHARGE.

BY THE COURT:



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the bottom, positioned above a solid horizontal line.

JOHN M. CASCIO, JUDGE



**HOW THE HELL  
DID I SCREW  
THIS UP???**