

May 13, 2014

Woman accused of pointing handgun at police officer

Patrick Buchnowski

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JOHNSTOWN — A Vine Street woman was jailed Monday after she allegedly pointed a handgun at a Johnstown police officer, authorities said.

Authorities picked up 59-year-old Lynda Kerr in connection with the May 5 incident.

Police said they arrived at Vine Street Towers to investigate a report of a woman who had taken 100 pills.

In a criminal complaint, police said Kerr was dressing to go to the hospital when she allegedly pulled a gun on the police sergeant.

The sergeant drew his weapon, and Kerr dropped the gun.

The handgun was later identified as a P22 6mm BB gun, police said.

An ambulance crew took Kerr to Memorial Medical Center in Johnstown for an evaluation.

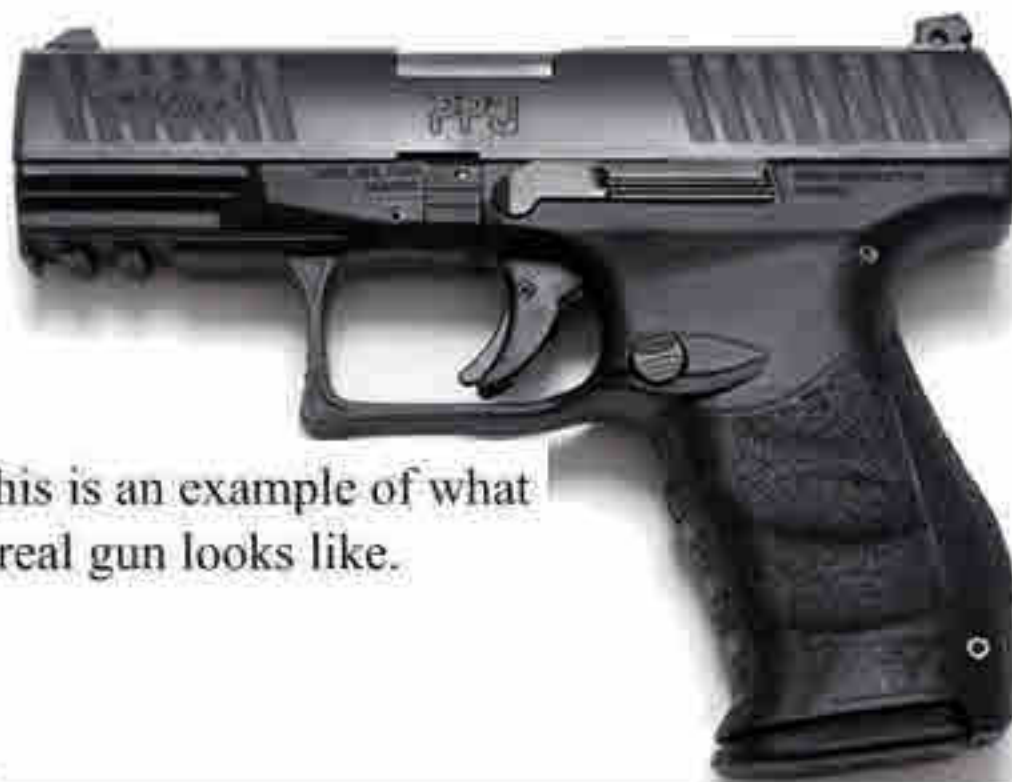
Kerr was charged with aggravated assault and disorderly conduct.

She was arraigned by on-call District Judge Michael Zungali of Hastings and sent to the Cambria County Prison after failing to post 10 percent of \$5,000 bond.

Patrick Buchnowski is a reporter with The Tribune-Democrat. Follow him on twitter.com/PatBuchnowskiTD.



This is an example of what Ms. Kerr pointed at the officer.



This is an example of what a real gun looks like.

COURT OF COMMON PLEAS OF CAMBRIA COUNTY

DOCKET



Docket Number: CP-11-CR-0001027-2014

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Linda Kerr

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CASE INFORMATION

| | | |
|---|--|------------------------------------|
| <u>Judge Assigned:</u> Tulowitzki, David | <u>Date Filed:</u> 05/30/2014 | <u>Initiation Date:</u> 05/06/2014 |
| <u>OTN:</u> T 462966-0 <u>LOTN:</u> | <u>Originating Docket No:</u> MJ-47101-CR-0000185-2014 | |
| <u>Initial Issuing Authority:</u> Michael Musulin | <u>Final Issuing Authority:</u> Michael Musulin | |
| <u>Arresting Agency:</u> Johnstown Police | <u>Arresting Officer:</u> Gardner, Beau J. | |
| <u>Complaint/Incident #:</u> 20140505M5634 | | |
| <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> |
|--|-----------------------------|----------------------|---------------------------|
| Related Misc. Bail Cases CP-11-MD-0000643-2014 | Kerr, Linda | CP-47-11-Crim | Same MDJ Case |

STATUS INFORMATION

| | | | |
|----------------------------|--------------------|--------------------------------|-----------------------------------|
| <u>Case Status:</u> Closed | <u>Status Date</u> | <u>Processing Status</u> | <u>Complaint Date:</u> 05/06/2014 |
| | 07/26/2016 | Sentenced/Penalty Imposed | |
| | 05/31/2016 | Awaiting Sentencing | |
| | 07/03/2014 | Awaiting Formal Arraignment | |
| | 05/30/2014 | Awaiting Pre-Trial Conference | |
| | 05/30/2014 | 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> |
| Arraignment | 07/15/2014 | 8:00 am | | | Scheduled |
| Plea Court | 09/24/2015 | 9:00 am | Courtroom 4 | Judge Patrick T. Kiniry | Moved |
| Plea Court | 10/06/2015 | 9:00 am | Courtroom 4 | Judge Patrick T. Kiniry | Scheduled |
| Plea Court | 01/28/2016 | 9:00 am | Courtroom 5 | Judge David Tulowitzki | Cancelled |
| Plea Court | 05/31/2016 | 9:00 am | Courtroom 5 | Judge David Tulowitzki | Scheduled |
| Sentencing | 07/26/2016 | 10:00 am | Courtroom 5 | Judge David Tulowitzki | Scheduled |
| Cost Collection Hearing | 07/10/2017 | 9:00 am | Courtroom 1 | | Scheduled |

FELONY 1 AGGRAVATED ASSAULT

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 § 2702 §§A2 | Aggravated Assault | 05/05/2014 | T 462966-0 |
| 2 | 2 | M3 | 18 § 5503 §§A4* | Disorder Conduct Hazardous/Physi Off | 05/05/2014 | T 462966-0 |
| 3 | 3 | M2 | 18 § 2705 | Recklessly Endangering Another Person | 05/05/2014 | T 462966-0 |

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DEFENDANT INFORMATION

Date Of Birth: 03/01/1955 City/State/Zip: New Bethlehem, PA 16242

Alias Name

Fernichio, Linda
 Fernichio, Lynda
 Fernichio, Lynda K.
 Fernichio, Lynda Katherine
 Kerr, Lynda
 Kerr, Lynda K.

CASE PARTICIPANTS

| | |
|-------------------------|-------------|
| <u>Participant Type</u> | <u>Name</u> |
| Defendant | Kerr, Linda |

BAIL INFORMATION

| | | | | | |
|--------------------|-------------|------------------|-------------------|---------------|--|
| Kerr, Linda | | | | | Nebbia Status: None |
| <u>Bail Action</u> | <u>Date</u> | <u>Bail Type</u> | <u>Percentage</u> | <u>Amount</u> | |
| | | | | | <u>Bail Posting Status</u> <u>Posting Date</u> |
| Set | 05/12/2014 | Monetary | 10.00% | \$5,000.00 | |
| Change Bail Type | 05/27/2014 | Unsecured | | \$5,000.00 | |
| | | | | | Partial Posting 05/15/2014 |

CHARGES

| Seq. | Orig Seq. | Grade | Statute | Statute Description | Offense Dt. | OTN |
|------|-----------|-------|-----------------|---------------------------------------|-------------|------------|
| 1 | 1 | F1 | 18 § 2702 §§A2 | Aggravated Assault | 05/05/2014 | T 462966-0 |
| 2 | 2 | M3 | 18 § 5503 §§A4* | Disorder Conduct Hazardous/Physi Off | 05/05/2014 | T 462966-0 |
| 3 | 3 | M2 | 18 § 2705 | Recklessly Endangering Another Person | 05/05/2014 | T 462966-0 |

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> | | |

| | | |
|--|--------------------------------|--------------------------|
| Waived for Court (Lower Court) | Defendant Was Present | |
| Lower Court Disposition | 05/27/2014 | Not Final |
| 1 / Aggravated Assault | Waived for Court (Lower Court) | F1 18 § 2702 §§ A2 |
| 2 / Disorder Conduct Hazardous/Physi Off | Waived for Court (Lower Court) | M3 18 § 5503 §§ A4* |

Proceed to Court

Ms. Lynda Kerr pointed what appeared to be a gun at a Johnstown Police officer. He drew his weapon and pointed it at Ms. Kerr, demanding she drop her weapon. She did. It was later discovered that the weapon Ms. Kerr pointed at the officer was an Airsoft handgun, BB gun. It was designed in detail to appear to be an exact replica of a real handgun.

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Linda Kerr

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 | | | |

| | | | |
|--|-------------------|-----------|------------------|
| Information Filed | 07/03/2014 | Not Final | |
| 1 / Aggravated Assault | Information Filed | F1 | 18 § 2702 §§ A2 |
| 2 / Disorder Conduct Hazardous/Physi Off | Information Filed | M3 | 18 § 5503 §§ A4* |

Proceed to Court (Amended Information)

| | | | |
|---|----------------------|-----------|------------------|
| Information Filed | 09/21/2015 | Not Final | |
| 1 / Aggravated Assault | Information Filed | F1 | 18 § 2702 §§ A2 |
| 2 / Disorder Conduct Hazardous/Physi Off | Information Filed | M3 | 18 § 5503 §§ A4* |
| 3 / Recklessly Endangering Another Person | Added by Information | M2 | 18 § 2705 |

Guilty Plea

| Plea Court | 05/31/2016 | Final Disposition | |
|---|---|-------------------|------------------|
| 1 / Aggravated Assault Tulowitzki, David | Nolle Prossed 07/26/2016 | F1 | 18 § 2702 §§ A2 |
| 2 / Disorder Conduct Hazardous/Physi Off Tulowitzki, David | Nolle Prossed 07/26/2016 | M3 | 18 § 5503 §§ A4* |
| 3 / Recklessly Endangering Another Person Tulowitzki, David Confinement | Guilty Plea 07/26/2016 Min of 6.00 Months Max of 23.00 Months Other | M2 | 18 § 2705 |
| Defendant placed on electronic monitoring. | | | |

Nolle Prossed (Post-Disposition)

| | | | |
|---|---------------|-----------|------------------|
| Plea Court | 08/29/2016 | Not Final | |
| 1 / Aggravated Assault | Nolle Prossed | F1 | 18 § 2702 §§ A2 |
| 2 / Disorder Conduct Hazardous/Physi Off | Nolle Prossed | M3 | 18 § 5503 §§ A4* |
| 3 / Recklessly Endangering Another Person | Guilty Plea | M2 | 18 § 2705 |

After two years of hearings in this case, Ms. Kerr was able to replace her court appointed public defender with a high-profile Johnstown attorney who represented her pro-bono. A plea agreement was reached and two out of three charges against her were Nolle Prossed. Ms. Kerr did plea guilty to the third charge of Recklessly Endangering Another Person, a Misdemeanor 2, for which she was given a sentence of 6 Months to 23 Months. Her high-profile lawyer even negotiated no jail time for her, rather she got house arrest with electronic monitoring for a period of no less than six months. She is very lucky to be alive she could have easily been shot and killed. The only reason she is alive is because of the professionalism of the Johnstown Police Officer who showed incredible restraint and cool-headedness by being able to get her to drop her weapon.