

IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PA  
CRIMINAL DIVISION

COMMONWEALTH OF PA	=	No. 1027-14
	=	
vs.	=	
	=	
LINDA KERR,	=	
Defendant	=	

.....

PRESIDING: DAVID J. TULOWITZKI, JUDGE

PROCEEDING: SENTENCING

DATE: JULY 26, 2016

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APPEARANCES:

For the Commonwealth: FORREST FORDHAM, ESQ.  
Assistant District Attorney

For the Defendant: THOMAS M. DICKEY, ESQ.

LYNN M. POROPATICH, RPR  
Official Court Reporter  
Ebensburg, Pennsylvania  
(814) 472-1698  
lporopatich@co.cambria.pa.us



1 proceed?

2 ATTORNEY DICKEY: I do, Your Honor. We would like  
3 to proceed.

4 THE COURT: Tell me about your client for  
5 sentencing purposes.

6 ATTORNEY DICKEY: Again, I would note most  
7 importantly, Your Honor, my client has agreed to get some  
8 mental health treatment. She believes that would be helpful  
9 to her. This case has been going on for some time and she  
10 hasn't been in any difficulty since the last incident. I  
11 would like the Court to take that into consideration in  
12 imposing a sentence here today, Your Honor.

13 THE COURT: What is the Commonwealth's position?

14 ATTORNEY FORDHAM: Your Honor, I would like to  
15 place on the record initially this case was pretried for our  
16 Mental Health Court Program. It appeared that she did  
17 qualify with respect to having the serious mental illness  
18 that would be required for her eligibility into that  
19 program. The problem was she was not a county resident and  
20 was not able to take advantage of those types of services or  
21 that program here in the county. So that's why the plea was  
22 negotiated the way it was. We have no objection to a house  
23 arrest sentence and I don't believe there is any restitution  
24 in this case. I will say for the record the officers were  
25 shook up. I believe that was testified to at the

1 preliminary hearing and also at the plea of this case and  
2 they were also aware that there is probably mental health  
3 issues connected to this case. With that, we will let the  
4 Court proceed with the sentence.

5 THE COURT: Now, this 26th day of July, 2016,  
6 relative to the charge entered to No. 1027-14, Count 3, it  
7 is the sentence of this Court you pay the costs of  
8 prosecution, undergo imprisonment for not less than 6 months  
9 nor more than 23 months, be given automatic parole after 6  
10 months. The 6 months can be served by way of house arrest  
11 provided that the house arrest fee and this will be house  
12 arrest with a monitor, the house arrest fee will be paid in  
13 advance each month. Ma'am, where do you reside right now?

14 THE DEFENDANT: New Bethlehem, Pennsylvania, about  
15 15 miles out of Clarion County.

16 THE COURT: In Clarion County?

17 THE DEFENDANT: Yes.

18 THE COURT: Are we able to reciprocate as far as a  
19 monitor?

20 PROBATION OFFICER: Yes.

21 ATTORNEY DICKEY: On that issue would the Court be  
22 so inclined, I believe the monitor is \$400 a month, Judge,  
23 is that still roughly the fee for that? Your Honor, would  
24 you defer sentencing until after the first of the month so  
25 she would be able to have the \$400 to pay.



1 THE COURT: Sure. This sentence will be effective  
2 August 5th, 2016. And then what about a payment plan for  
3 the remainder of the probation?

4 ATTORNEY DICKEY: My client believes she can pay  
5 \$150 a month.

6 THE COURT: That will start September 1st, 2016.  
7 Incidentally, in order to accomplish the sentence I have, I  
8 have assumed the Commonwealth is waiving the deadly weapon  
9 enhancement?

10 ATTORNEY FORDHAM: Yes, Your Honor, I think  
11 factually it was a BB gun so we would be willing to do that  
12 at this point.

13 THE COURT: Thank you. Ma'am, do you understand  
14 your sentence?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Do you have any questions about your  
17 sentence?

18 THE DEFENDANT: No, sir.

19 THE COURT: Did you sign a two-page document that  
20 explains your post-sentence appeal rights?

21 THE DEFENDANT: Yes, I did.

22 THE COURT: Do you understand those rights?

23 THE DEFENDANT: Yes, I did, sir.

24 THE COURT: Any questions about those rights?

25 THE DEFENDANT: No, sir.

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REPORTER'S CERTIFICATE

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

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Lynn M. Poropatich  
Court Reporter

CERTIFICATE OF JUDGE

The foregoing record of the proceedings and evidence taken upon the hearing of the within cause is hereby approved and directed to be filed.

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David J. Tulowitzki, Judge