

# COURT OF COMMON PLEAS OF DAUPHIN COUNTY

## DOCKET

Docket Number: CP-22-CR-0003478-2009

## CRIMINAL DOCKET

Court Case



Commonwealth of Pennsylvania

v.

Alan Daniel Berlin

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### CASE INFORMATION

Cross Court Docket Nos: 2082 MDA 2012

Judge Assigned:

Date Filed: 08/03/2009

Initiation Date: 05/28/2009

OTN: K 978998-6

LOTN:

Originating Docket No: MJ-12303-CR-0000199-2009

Initial Issuing Authority: Judge Migrated

Final Issuing Authority: Judge Migrated

Arresting Agency: Pennsylvania Office of Attorney General

Arresting Officer: Eger, Jessica

Complaint/Incident #:

Case Local Number Type(s)

Case Local Number(s)

### STATUS INFORMATION

<u>Case Status:</u>	<u>Status Date</u>	<u>Processing Status</u>	<u>Arrest Date:</u>
Closed	12/16/2014	Appeal Decided	05/28/2009
	11/26/2012	Awaiting Appellate Court Decision	
	10/25/2012	Completed	
	05/29/2012	Sentenced/Penalty Imposed	
	05/29/2012	Awaiting Sentencing	
	05/29/2012	Awaiting PSI	
	03/07/2012	Awaiting PSI Completion	
	03/07/2012	Awaiting Sentencing	
	03/02/2011	Awaiting Trial	
	01/14/2011	Awaiting Sentencing	
	01/14/2011	Awaiting PSI	
	10/26/2010	Awaiting Plea Court	
	07/01/2010	Awaiting Trial	
	09/30/2009	Awaiting Plea Court	
	09/17/2009	Awaiting Pre-Trial Conference	
	08/05/2009	Awaiting Formal Arraignment	
	08/03/2009	Awaiting Filing of Information	

Complaint Date: 05/28/2009

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### 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>
Formal Arraignment	10/01/2009	8:30 am	Jury Assembly Room		Scheduled
Plea Court	11/09/2009	8:30 am			Continued
Plea Court	12/07/2009	8:30 am			Continued
Plea Court	02/01/2010	8:30 am			Continued
Plea Court	03/08/2010	8:30 am			Continued
Plea Court	05/10/2010	8:30 am			Continued
Plea Court	06/14/2010	8:30 am			Cancelled
Trial	08/09/2010	9:00 am			Moved
Trial	09/13/2010	9:00 am			Moved
Sentencing	02/17/2011	1:00 pm	Courtroom 2	Judge Scott A. Evans	Scheduled
Trial	04/11/2011	9:00 am			Moved
Trial	05/16/2011	9:00 am			Moved
Trial	06/20/2011	9:00 am			Continued
Trial	01/23/2012	9:00 am			Moved
Trial	02/27/2012	9:00 am			Scheduled

### DEFENDANT INFORMATION

Date Of Birth: 11/14/1968      City/State/Zip: Camp Hill, PA 17011

### CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Berlin, Alan Daniel

### BAIL INFORMATION

**Berlin, Alan Daniel** **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	05/28/2009	Monetary		\$250,000.00		
Decrease Bail Amount	06/02/2009	Monetary		\$100,000.00	Posted	06/02/2009

### 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 § 6318 §§ A1	Unlawful Contact With Minor - Sexual Offenses	05/26/2009	K 978998-6
2	2	F2	18 § 6318 §§ A6	Unlawful Contact W/ Minor - Sexual Exploitation	05/26/2009	K 978998-6

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Seq.	Orig Seq.	Grade	Statute	Statute Description	Offense Dt.	OTN
3	3	F2	18 § 901 §§ A	Criminal Attempt - Sexual Exploitation Of Children Offense Defined	05/26/2009	K 978998-6
4	4	F2	18 § 902 §§ A	Criminal Solicitation - Photograph/Film/Depict On Computer Sex Act-Child	05/26/2009	K 978998-6
5	5	F3	18 § 6318 §§ A5	Contact/Comm.W/Minor-Sexual Abuse	05/26/2009	K 978998-6
6	6	F3	18 § 6318 §§ A4	Unlawful Contact With Minor - Obscene and Other Sexual Materials and Performances	05/26/2009	K 978998-6
7	7	F3	18 § 7512 §§ A	Criminal Use Of Communication Facility	05/26/2009	K 978998-6

### 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>			

**Mistrial**

Trial	Disposition Date	Final Disposition	
1 / Unlawful Contact With Minor - Sexual Offenses	04/14/2011	Not Final	
2 / Unlawful Contact W/ Minor - Sexual Exploitation	Mistrial	F1	18 § 6318 §§ A1
3 / Criminal Attempt - Sexual Exploitation Of Children Offense Defined	Mistrial	F2	18 § 6318 §§ A6
4 / Criminal Solicitation - Photograph/Film/Depict On Computer Sex Act-Child	Mistrial	F2	18 § 901 §§ A
5 / Contact/Comm.W/Minor-Sexual Abuse	Mistrial	F2	18 § 902 §§ A
6 / Unlawful Contact With Minor - Obscene and Other Sexual Materials and Performances	Mistrial	F3	18 § 6318 §§ A5
7 / Criminal Use Of Communication Facility	Mistrial	F3	18 § 6318 §§ A4
7 / Criminal Use Of Communication Facility	Mistrial	F3	18 § 7512 §§ A

**Guilty**

Trial	Disposition Date	Final Disposition	
1 / Unlawful Contact With Minor - Sexual Offenses	03/07/2012	Final Disposition	
Hoover, Todd A.	Guilty	F1	18 § 6318 §§ A1
Confinement	05/29/2012		05/29/2012
	Min of 5.00 Years		
	Max of 10.00 Years		
	Other		
2 / Unlawful Contact W/ Minor - Sexual Exploitation	Guilty	F2	18 § 6318 §§ A6
Hoover, Todd A.	05/29/2012		

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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>			
Confinement	Min of 1.00 Years Max of 2.00 Years Other	05/29/2012	
3 / Criminal Attempt - Sexual Exploitation Of Children Offense Defined Hoover, Todd A. Merged	Guilty  05/29/2012	F2	18 § 901 §§ A
4 / Criminal Solicitation - Photograph/Film/Depict On Computer Sex Act-Child Hoover, Todd A. Merged	Guilty  05/29/2012	F2	18 § 902 §§ A
5 / Contact/Comm.W/Minor-Sexual Abuse Hoover, Todd A. Probation	Guilty 05/29/2012 Min of 8.00 Years Max of 8.00 Years Other	F3	18 § 6318 §§ A5  05/29/2012
6 / Unlawful Contact With Minor - Obscene and Other Sexual Materials and Performances Hoover, Todd A. Probation	Guilty 05/29/2012 Min of 2.00 Years Max of 2.00 Years Other	F3	18 § 6318 §§ A4  05/29/2012
7 / Criminal Use Of Communication Facility Hoover, Todd A. Probation	Guilty 05/29/2012 Min of 2.00 Years Max of 2.00 Years Other	F3	18 § 7512 §§ A  05/29/2012

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### LINKED SENTENCES:

#### Link 1

CP-22-CR-0003478-2009 - Seq. No. 2 (18§ 6318 §§ A6) - Confinement is Consecutive to  
CP-22-CR-0003478-2009 - Seq. No. 1 (18§ 6318 §§ A1) - Confinement

#### Link 2

CP-22-CR-0003478-2009 - Seq. No. 5 (18§ 6318 §§ A5) - Probation is Consecutive to  
CP-22-CR-0003478-2009 - Seq. No. 1 (18§ 6318 §§ A1) - Confinement

#### Link 3

CP-22-CR-0003478-2009 - Seq. No. 5 (18§ 6318 §§ A5) - Probation is Consecutive to  
CP-22-CR-0003478-2009 - Seq. No. 2 (18§ 6318 §§ A6) - Confinement

#### Link 4

CP-22-CR-0003478-2009 - Seq. No. 6 (18§ 6318 §§ A4) - Probation is Concurrent with  
CP-22-CR-0003478-2009 - Seq. No. 5 (18§ 6318 §§ A5) - Probation

#### Link 5

CP-22-CR-0003478-2009 - Seq. No. 7 (18§ 7512 §§ A) - Probation is Concurrent with  
CP-22-CR-0003478-2009 - Seq. No. 5 (18§ 6318 §§ A5) - Probation

#### Link 6

CP-22-CR-0003478-2009 - Seq. No. 7 (18§ 7512 §§ A) - Probation is Concurrent with  
CP-22-CR-0003478-2009 - Seq. No. 6 (18§ 6318 §§ A4) - Probation

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### COMMONWEALTH INFORMATION

Name: William Ross Stoycos  
Attorney General

Supreme Court No: 068468

Phone Number(s):  
484-467-7395 (Phone)

Address:  
Pa Ofc Of Attorney General  
Strawberry Sq 16th Fl  
Harrisburg, PA 17120-0001

Name: Dauphin County District Attorney's  
Office  
Prosecutor

Supreme Court No:

Phone Number(s):  
717-780-6767 (Phone)

Address:  
101 Market Street  
Harrisburg, PA 17101

Name: Michael Alan Sprow  
Attorney General

Supreme Court No: 088573

Phone Number(s):  
717-787-6346 (Phone)

Address:  
Strawberry Sq 16th Floor  
Harrisburg, PA 17120

### ATTORNEY INFORMATION

Name: William T. Tully, Esq.  
Private

Supreme Court No: 036410

Rep. Status: Active

Phone Number(s):  
Address:  
Suite B  
3964 Lexington St  
Harrisburg, PA 17109

### ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	05/28/2009		Migrated, Judge
Bail Set - Berlin, Alan Daniel			
1	06/02/2009		Berlin, Norman/Marylin
Bail Posted - Berlin, Alan Daniel			
2	06/02/2009		Migrated, Judge
Order Granting Motion for Modification of Bail - Berlin, Alan Daniel			
1	08/03/2009		Court of Common Pleas - Dauphin County
Original Papers Received from Lower Court			

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1	08/13/2009		Attorney General
AG Information, filed			
1	09/17/2009		Tully, William T.
Entry of Appearance/William Tully, Esq.			
2	09/17/2009		Tully, William T.
Waiver of Appearance at Arraignment			
1	09/30/2009		District Attorney
Arraigned			
1	11/05/2009		Hoover, Todd A.
Order Granting Motion for Continuance			
1	12/09/2009		District Attorney
Counter Continuance Filed			
1	02/03/2010		District Attorney
Counter Continuance Filed			
1	03/08/2010		District Attorney
Counter Continuance Filed			
1	05/11/2010		District Attorney
Counter Continuance Filed			
1	06/14/2010		Lewis, Richard A.
Continued to 08/09/10			
1	08/09/2010		Curcillo, Deborah E.
Continued to 09/13/10			
1	10/26/2010		Sprow, Michael Alan
Commonwealth's Proposed Jury Instructions			
2	10/26/2010		Attorney
Written Guilty Plea Colloquy			

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4	10/26/2010		Evans, Scott A.
Order of SOAB Assessment			
5	10/26/2010		Evans, Scott A.
Sentence Deferred - Pre-Sentence Investigation Order			
1	01/14/2011		Evans, Scott A.
Sent Continuance			
1	02/17/2011		Evans, Scott A.
Hearing Held			
2	04/14/2011		Hoover, Todd A.
Mistrial			
3	04/14/2011		Hoover, Todd A.
Disposition Filed			
1	05/16/2011		Hoover, Todd A.
Continued to 06/20/11			
2	05/16/2011		Tully, William T.
Motion for Continuance			
1	05/17/2011		Court of Common Pleas - Dauphin County
Excerpt of Proceedings- Testimony of Alan Berlin (4/13/11)			
2	05/17/2011		Tully, William T.
Motion for Continuance			
1	05/19/2011		Hoover, Todd A.
Order Granting Motion for Continuance			
1	05/27/2011		Tully, William T.
Motion for Continuance			
1	05/31/2011		Curcillo, Deborah E.
Order Granting Motion for Continuance			



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1	03/07/2012		Hoover, Todd A.
Jury Trial-Sentence Deferred			
2	03/07/2012		Hoover, Todd A.
Disposition Filed			
3	03/07/2012		Hoover, Todd A.
Pre-Sentence Investigation Ordered			
1	05/21/2012		Attorney General
Commonwealth's Sentencing Memorandum			
1	05/29/2012		Hoover, Todd A.
Order - Computers Used To Facilitate Crime Are Ruled To Be Derivative Contraband			
2	05/29/2012		Commonwealth of Pennsylvania
Sentence Conditions (Megan's Law Case)			
3	05/29/2012		Attorney
Notification of Requirement of Registration of Sexual Offender Filed			
5	05/29/2012		Hoover, Todd A.
Order - Sentence/Penalty Imposed			
1	05/31/2012		Court of Common Pleas - Dauphin County
Penalty Assessed			
1	06/08/2012		Tully, William T.
Motion for Modification of Sentence			
1	07/06/2012		Hoover, Todd A.
Sentencing Order			
1	07/13/2012		Court of Common Pleas - Dauphin County
Transcript of Proceedings Sentencing 5/29/12			
1	07/16/2012		Hoover, Todd A.
Order-Defendant Shall File a Brief in Support of Post Sentence Motion			

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1	08/03/2012		Tully, William T.
Defendant's Motion for 14-Day Extension for Filing of Briefs in Support of the Post-Sentence Motion			
1	08/09/2012		Hoover, Todd A.
Order Directing Briefs to be filed			
1	08/27/2012		Tully, William T.
Brief In Support of Post-Trial Motion			
1	09/06/2012		Spro, Michael Alan
Commonwealth's Response to Defendant's Brief in Support of Post-Trial Motion			
1	09/07/2012		District Attorney
PA Commission on Sentencing			
1	10/25/2012		Klein, Dale Elise
Order Denying Post Sentence Motion Pursuant to Pa.R.Crim.P 720(B)(3)			
2	10/25/2012		Hoover, Todd A.
Order (10/25/12) - Order Granting Nunc Pro Tunc Relief for the Filing of an Appeal			
1	11/26/2012		Tully, William T.
Notice of Appeal			
1	11/30/2012		Superior Court of Pennsylvania - Middle District
Superior Court Docketing Statement (2082 MDA 2012) Due: 01/25/2013			
1	12/14/2012		Hoover, Todd A.
Order			
1	01/23/2013		Hoover, Todd A.
Trial Court Opinion			
1	01/28/2013		Court of Common Pleas - Dauphin County
Late Remit Letter			

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1	02/05/2013		Court of Common Pleas - Dauphin County
Certificate and Transmittal of Record to Superior Court (2082 MDA 2012)			
1	04/22/2013		Tully, William T.
Motion for Transcript			
1	04/29/2013		Hoover, Todd A.
Order Granting Motion for Transcripts			
1	06/17/2013		Court of Common Pleas - Dauphin County
Transcript of Proceedings/Jury Trial/3/5 to 3/7/12			
1	06/18/2013		Court of Common Pleas - Dauphin County
Supplemental Certificate and Transmittal of Record to Superior Court (2082 MDA 2012)			
1	06/27/2013		Superior Court of Pennsylvania - Middle District
Certificate of Remittal/Remand of Record			
2	06/27/2013		Superior Court of Pennsylvania - Middle District
Order (2082 MDA 2012)			
1	07/18/2013		Attorney
Concise Statement of the Matters Complained on Appeal			
1	07/19/2013		Hoover, Todd A.
Trial Court Memorandum Opinion			
2	07/19/2013		Court of Common Pleas - Dauphin County
Certificate and Transmittal of Record to Superior Court (2082 MDA 2012)			
1	01/29/2014		Superior Court of Pennsylvania - Middle District
(2082 MDA 2012) Certificate of Remittal/Remand of Record			

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2	01/29/2014		Superior Court of Pennsylvania - Middle District
(2082 MDA 2012) Superior Court Order			
1	03/14/2014		Hoover, Todd A.
Trial Court Memorandum Following Remand By Order Filed 1-14-14 By Superior Court			
2	03/14/2014		Court of Common Pleas - Dauphin County
Certificate and Transmittal of Record to Superior Court 2082 MDA 2012			
1	12/16/2014		Superior Court of Pennsylvania - Middle District
Certificate of Remittal/Remand of Record			
2	12/16/2014		Superior Court of Pennsylvania - Middle District
Superior Court Decision (2082 MDA 2012)			
1	01/30/2015		Court of Common Pleas - Dauphin County
Penalty Satisfied			
1	10/08/2015		Attorney
Motion for Leave of Court to Obtain Transcripts			
1	10/12/2015		Lewis, Richard A.
Order Granting Motion for Leave of Court to Obtain Transcripts			
1	11/04/2015		Tully, William T.
Transcript of Proceedings Filed Jury Trial (04-12,13-2011)			
1	11/18/2015		Hoover, Todd A.
Transcript of Proceedings Filed Voir Dire (3-5-12) Opening Statements (3-6-12) Closing Argmt (3-7-12)			
1	10/01/2019		Court of Common Pleas - Dauphin County
Courtesy Copy of Paperwork from DA's Office			

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### CASE FINANCIAL INFORMATION

Last Payment Date: 10/09/2015

Total of Last Payment: -\$19.65

Berlin, Alan Daniel Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Total</u>
<b>Costs/Fees</b>					
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
Judicial Computer Project	\$8.00	(\$8.00)	\$0.00	\$0.00	\$0.00
ATJ	\$2.00	(\$2.00)	\$0.00	\$0.00	\$0.00
DNA Detection Fund (Act 185-2004)	\$250.00	(\$250.00)	\$0.00	\$0.00	\$0.00
Clerk of Court Costs (Dauphin)	\$162.70	(\$162.70)	\$0.00	\$0.00	\$0.00
District Attorney Costs (Dauphin)	\$18.00	(\$18.00)	\$0.00	\$0.00	\$0.00
Automation Fee (Dauphin)	\$5.00	(\$5.00)	\$0.00	\$0.00	\$0.00
Costs of Prosecution - CJEA	\$50.00	(\$50.00)	\$0.00	\$0.00	\$0.00
Superior Court Appeal (Dauphin)	\$70.50	(\$70.50)	\$0.00	\$0.00	\$0.00
Clerk of Court Automation Filing Fee (Dauphin)	\$5.00	(\$5.00)	\$0.00	\$0.00	\$0.00
COC Postage (Dauphin)	\$10.00	(\$10.00)	\$0.00	\$0.00	\$0.00
Post Trial Motion, etc. (Dauphin)	\$19.65	(\$19.65)	\$0.00	\$0.00	\$0.00
Costs/Fees Totals:	\$733.35	(\$733.35)	\$0.00	\$0.00	\$0.00
<b>Fines</b>					
Crimes Code, etc.	\$250.00	(\$250.00)	\$0.00	\$0.00	\$0.00
Crimes Code, etc.	\$250.00	(\$250.00)	\$0.00	\$0.00	\$0.00
Crimes Code, etc.	\$100.00	(\$100.00)	\$0.00	\$0.00	\$0.00
Crimes Code, etc.	\$100.00	(\$100.00)	\$0.00	\$0.00	\$0.00
Fines Totals:	\$700.00	(\$700.00)	\$0.00	\$0.00	\$0.00
Grand Totals:	\$1,433.35	(\$1,433.35)	\$0.00	\$0.00	\$0.00

\*\* - Indicates assessment is subrogated