
First Judicial District of Pennsylvania

51CR00030072018, 51CR00030082018

Tracey Wing

*Guilty Plea Volume 1
August 14, 2018*



*First Judicial District of Pennsylvania
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[1] IN THE COURT OF COMMON PLEAS
 [2] FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
 [3] CRIMINAL TRIAL DIVISION
 [4] - - -
 [5] COMMONWEALTH : CP-51-CR-0003007-2018
 [6] vs. : CP-51-CR-0003008-2018
 [7] TRACY WING :
 [8] - - -
 [9] Courtroom 1002, Juanita Kidd Stout Center
 [10] Philadelphia, Pennsylvania
 [11] - - -
 [12] August 14, 2018
 [13] - - -
 [14] Guilty plea
 [15] - - -
 [16]
 [17]
 [18] B E F O R E: THE HONORABLE ANNE MARIE COYLE, J.
 [19] **APPEARANCES:**
 [20]
 [21] ADARA COMBS, ESQUIRE
 [22] Assistant District Attorney
 [23] For the Commonwealth
 [24] STEVE DEMAIO, ESQUIRE
 [25] Counsel for the Defendant

[1] 12-year-old and 6-year-old at home. Her babysitting
 [2] arrangements failed this morning. She told me she
 [3] got on the train at Grant Avenue, which she probably
 [4] should have taken SEPTA. It dropped her at 30th
 [5] Street. She then had to get from 30th Street to
 [6] here, which explains her tardiness to me. I don't
 [7] know if it's adequate to you. Her husband is on the
 [8] road and she's all alone. She has no vehicle. So I
 [9] told her she should have taken the 20 Bus instead of
 [10] taking the train at Grant.
 [11] **THE COURT:** Okay. Is there anything that
 [12] your client wishes to say? She doesn't have to
 [13] speak. It's up to her.
 [14] **THE DEFENDANT:** I apologize for being
 [15] late.
 [16] **THE COURT:** Ma'am, what is your address?
 [17] **THE DEFENDANT:** It changed since last
 [18] time.
 [19] **THE COURT:** What is your address?
 [20] **THE DEFENDANT:** It's 3149 Belgreen Road.
 [21] **THE COURT:** Belgreen?
 [22] **THE DEFENDANT:** Yes. B-E-L-G-R-E-E-N.
 [23] **THE COURT:** What is the ZIP code there?
 [24] **THE DEFENDANT:** 19154.
 [25] **THE COURT:** With whom do you live?

[1] **THE CRIER:** Please state your first and
 [2] last name for the record.
 [3] **THE DEFENDANT:** Tracey Wing.
 [4] - - -
 [5] (Defendant sworn.)
 [6] - - -
 [7] **THE COURT:** Counsel please identify
 [8] yourselves for the record.
 [9] **MR. DEMAIO:** Steve Demaio on behalf of Ms.
 [10] Wing.
 [11] **MS. COMBS:** And Adara Combs for the
 [12] Commonwealth.
 [13] **THE COURT:** All right. These are the
 [14] matters of Commonwealth of Pennsylvania vs. Tracy
 [15] Wing, CP ending in 3007-2018 and 3008-2018. This
 [16] Court issued a bench warrant due to Ms. Wing's
 [17] failure to appear this morning as directed. Bail
 [18] order was sued out. And it was indicated it was
 [19] Judge Coyle only.
 [20] Ms. Wing embraced us with her presence
 [21] about 10 minutes ago after everything was excused.
 [22] And I'll hear from you counsel.
 [23] **MR. DEMAIO:** Your Honor, I had a moment to
 [24] speak to my client. As I indicated before to you,
 [25] her husband is an over road truck driver. She has a

[1] **THE DEFENDANT:** My two children and my
 [2] husband.
 [3] **THE COURT:** Rent or own?
 [4] **THE DEFENDANT:** Rent.
 [5] **THE COURT:** Who is the owner of that
 [6] property?
 [7] **THE DEFENDANT:** Del Val Property
 [8] Management.
 [9] **THE COURT:** How far is that from the
 [10] Torresdale Train Station?
 [11] **THE DEFENDANT:** It's about a 20 minute
 [12] drive.
 [13] **THE COURT:** No, it's not. No, it's not.
 [14] **THE DEFENDANT:** Well, it's about 15 to 20
 [15] minutes.
 [16] **THE COURT:** No, it's not. Okay.
 [17] **MR. DEMAIO:** She's not driving, Your
 [18] Honor.
 [19] **THE COURT:** I said "no". My question was
 [20] very specific.
 [21] **THE DEFENDANT:** I looked up what was the
 [22] fastest way to come here and I never took that train
 [23] before. I said Suburban Station when I got off at
 [24] 30th Street. I didn't know --
 [25] **THE COURT:** Ma'am, ma'am, ma'am, Belgreen

[1] Road is within a few moments of the Torresdale Train
 [2] Station. Okay.
 [3] Where are your children today?
 [4] **THE DEFENDANT:** They're at the house.
 [5] **THE COURT:** And who is watching them?
 [6] **THE DEFENDANT:** Right now a neighbor
 [7] because the babysitter never showed up.
 [8] **THE COURT:** Okay. You're full of excuses.
 [9] Who is your husband?
 [10] **THE DEFENDANT:** John Berry.
 [11] **THE COURT:** John what?
 [12] **THE DEFENDANT:** Berry, B-E-R-R-Y.
 [13] **THE COURT:** And where is he?
 [14] **THE DEFENDANT:** He's in South Carolina at
 [15] the moment.
 [16] **THE COURT:** Is there someone that could
 [17] tend to your children if you are in confinement?
 [18] **THE DEFENDANT:** No. I don't have anyone
 [19] else to call. I don't have no family.
 [20] **THE COURT:** Okay. All right. So I'll be
 [21] referring this matter to the Department of Human
 [22] Services.
 [23] What are the names of your children?
 [24] **THE DEFENDANT:** John Berry Jr. and Jonah
 [25] Thompson.

[1] **THE COURT:** Okay. All right. Anything
 [2] else you want to tell me?
 [3] **THE DEFENDANT:** No. I apologize for
 [4] making you wait.
 [5] **MR. DEMAIO:** If I may I, Your Honor? I
 [6] have been with her in court in the past. She's
 [7] never been late before. She has no history of FTAs
 [8] or bench warrants.
 [9] **THE COURT:** She just told me nonsense. I
 [10] know it's nonsense because I'm very familiar with
 [11] the 1954 ZIP code. I'm very familiar with the
 [12] Torresdale Train Station. I'm very familiar with
 [13] everything that she just told me, so I'm not buying
 [14] it. Your bail is increased. We're removing the
 [15] bench warrant. Your bail is \$25,000 on each, 10
 [16] percent. New bail and condition on house arrest.
 [17] I'll be calling the Department of Human Services so
 [18] that your children can be taken care of in the
 [19] interim.
 [20] Is there a land line at that house?
 [21] **THE DEFENDANT:** No.
 [22] **THE COURT:** No?
 [23] **THE DEFENDANT:** No.
 [24] **THE COURT:** You're going to need one.
 [25] Okay. Trial date, please? Is this a waiver or a

[1] jury?
 [2] **MR. DEMAIO:** As of now, it's a jury, Your
 [3] Honor.
 [4] **THE COURT:** Stay-away order to remain in
 [5] place. What, if anything, is the relationship
 [6] between the complainant and the defendant?
 [7] **MS. COMBS:** The complainant was a tenant
 [8] at a location that the defendant allegedly worked
 [9] at. They don't know each other otherwise. The
 [10] complainant has since moved.
 [11] **THE COURT:** Okay. Stay-away order remains
 [12] in place. That means you're to have no direct
 [13] contact, no indirect contact, no third party contact
 [14] with the Commonwealth witnesses.
 [15] Do you understand that?
 [16] **THE DEFENDANT:** Yes, I do.
 [17] **THE COURT:** If there's any changes in
 [18] disposition as to what you all want to do with this
 [19] case, let me know. I'll relist it. Both sides are
 [20] attached.
 [21] What is the name of the neighbor that is
 [22] currently tending to your children?
 [23] **THE DEFENDANT:** Cory, C-O-R-Y. Last name
 [24] is Blanchatt, B-L-A-N-C-H-A-T-T.
 [25] **THE COURT:** Is that a male or female?

[1] **THE DEFENDANT:** Female.
 [2] **THE COURT:** And do you have a phone number
 [3] to call this person?
 [4] **THE DEFENDANT:** It's in my phone.
 [5] **THE COURT:** Would you like to get that,
 [6] please.
 [7] **THE DEFENDANT:** It's locked up. They
 [8] locked it up downstairs.
 [9] **THE COURT:** Okay. All right. How does it
 [10] work with the phones?
 [11] **THE SHERIFF:** They'll be able to take care
 [12] of it and pull it out in the basement or bring it
 [13] back up to the lobby, Your Honor.
 [14] **THE COURT:** Okay. Because at some point I
 [15] do need the phone number. I'm going to have the
 [16] Department of Human Services contact that person so
 [17] that your children can be taken care of while you're
 [18] in custody, unless, of course, your husband comes
 [19] back.
 [20] **THE COURT:** Okay. Ma'am, you're excused.
 [21] **THE DEFENDANT:** Can I give you my
 [22] husband's number? Will that work?
 [23] **THE COURT:** Yeah. Your husband is not
 [24] going to be able to contact that person and let them
 [25] know what's going on, right?

[1] **THE DEFENDANT:** Right.
 [2] **THE COURT:** Okay.
 [3] - - -
 [4] (Defendant taken by sheriff.)
 [5] - - -
 [6] **MR. DEMAIO:** May I be excused?
 [7] **THE COURT:** Sure. While I still have
 [8] you, is this a matter on track to be resolved?
 [9] **MR. DEMAIO:** It's possible, Your Honor. I
 [10] believe my client lends herself to resolution.
 [11] **THE COURT:** Tell you what, I'm not going
 [12] to put any pressure on you. I can hold off sending
 [13] her down if you want to talk to her in the booth to
 [14] resolve her otherwise.
 [15] Do you want to talk to her in the booth?
 [16] **MR. DEMAIO:** Sure, Your Honor. I've
 [17] mostly done most of my communicating about the
 [18] tactics with her husband. He's a little more
 [19] ringwise[sic] than her. I talk to him. He talks to
 [20] her. But I can talk to her in the booth.
 [21] **THE COURT:** Well, I'm giving you that
 [22] option because I have nothing else on my list at the
 [23] moment.
 [24] Sheriff, could you please place her in the
 [25] booth and maybe we can resolve this otherwise. I

[1] will hold it under advisement for the moment.
 [2] **MR. DEMAIO:** I will need to speak to the
 [3] District Attorney as well, Your Honor.
 [4] **THE COURT:** You all have a wee chat.
 [5] **THE SHERIFF:** Your Honor, with the females
 [6] were not --
 [7] **THE COURT:** That's right. I'll tell you
 [8] what, bring her out here and I'll go in the back.
 [9] So I'll sit in the back and you all let me know what
 [10] you want to do.
 [11] - - -
 [12] (Recess taken.)
 [13] - - -
 [14] **MR. DEMAIO:** Your Honor, my client feels
 [15] that she's in no position but to take the offer.
 [16] **THE COURT:** Well, she doesn't have to take
 [17] the offer. It's up to her. Whatever you want to do
 [18] is fine by me. What is the offer?
 [19] **MS. COMBS:** The offer, Your Honor, will be
 [20] three years of reporting probation on the F2
 [21] criminal trespass and the theft with restitution and
 [22] a stay-away order.
 [23] **THE COURT:** Oh. Okay. All right.
 [24] Ma'am, is that what you want to do?
 [25] **THE DEFENDANT:** Yes.

[1] **THE COURT:** Okay. Fine.
 [2] **MS. COMBS:** And as far as restitution
 [3] goes, we will ask for a restitution date to confirm
 [4] the amount.
 [5] **MR. DEMAIO:** I will stipulate to the
 [6] amount that the District Attorney has.
 [7] **THE COURT:** Do you have a figure in mind?
 [8] **MS. COMBS:** Yes. One moment, Your Honor.
 [9] **MR. DEMAIO:** There's some discrepancy as
 [10] to the figures but they're not outrageous amounts.
 [11] **THE COURT:** You'll sort it out. Is it one
 [12] count of criminal trespass?
 [13] **MS. COMBS:** The restitution amount is
 [14] settled, Your Honor. It's \$400.
 [15] **THE COURT:** Okay. I'm assuming a
 [16] stay-away order. Is it one count or two on the
 [17] criminal trespass and on which set of Bills? You
 [18] have 3007-2018 and 3008-2018.
 [19] **MS. COMBS:** The Commonwealth will be
 [20] offering one count of criminal trespass on Docket
 [21] 3007. Theft on that docket as well. And just theft
 [22] on the other docket.
 [23] **THE COURT:** And theft on the 3008?
 [24] **MS. COMBS:** Correct.
 [25] **THE COURT:** So the theft is graded as

[1] what? Well, the theft on the criminal trespass
 [2] would not merge because it's not a burglary.
 [3] **MS. COMBS:** I believe it's an M2, I
 [4] believe.
 [5] **THE COURT:** Is it an M2?
 [6] **MS. COMBS:** I believe so.
 [7] **THE COURT:** Well, it's \$400.
 [8] **MS. COMBS:** It's an M2, Your Honor. If
 [9] you deduct the amount to change the locks, which has
 [10] nothing to do with the actual amount itself.
 [11] **THE COURT:** Okay. I can always put
 [12] restitution \$200 on each separately for a total of
 [13] \$400 so that they don't get confused.
 [14] **MS. COMBS:** That's fine.
 [15] **THE COURT:** You all right with that?
 [16] **MS. COMBS:** Yes.
 [17] **THE COURT:** You need two sets of forms,
 [18] please. I think Kelly has the other copies over
 [19] here. You need two sets of each.
 [20] **MS. COMBS:** While we're waiting, can I
 [21] pass the restitution forms up to the Court?
 [22] **THE COURT:** Yes. You didn't put the
 [23] negotiations on the form. You actually have it in
 [24] reverse. On CP ending in 3007 of 2018, that's where
 [25] I put the criminal trespass and the theft; yes?

[1] **MS. COMBS:** Yes.
[2] **MR. DEMAIO:** Sorry. I think I flipped
[3] them, Your Honor.

[4] **THE COURT:** All right. Hold on. So I'm
[5] going to change the seven to an eight on the Written
[6] Guilty Plea Colloquy 2. I'm going to change the
[7] eight to a seven on the Written Guilty Plea Colloquy
[8] Number 1.

[9] Now, on Colloquy Number 1, I thought it
[10] was criminal trespass and theft?

[11] **MS. COMBS:** For the second docket, it was
[12] just the theft.

[13] **THE COURT:** Okay.

[14] **MS. COMBS:** So it's one count of criminal
[15] trespass and two counts of theft.

[16] **THE COURT:** Right. Right. So you didn't
[17] put the theft on the one with the criminal trespass.

[18] **MS. COMBS:** Oh. I understand. I'm sorry.

[19] **THE COURT:** Okay. So I added the theft.

[20] And you didn't put the negotiated sentence on the CP
[21] ending -- hold on. Okay. You all are going to
[22] initial these changes, please.

[23] The theft on the M2 of 3008 has to be two
[24] years reporting probation because it's an M2, so I'm
[25] going to correct that as well. And I'll note that

[1] it's running concurrently to Bill 3007 of 2018. And
[2] note that you're dropping the remaining charges on
[3] each. Stay-away order to remain. Criminal trespass
[4] is an F2. The maximum penalty for the 3007 is not
[5] 10 years. It's 12 years. It's not \$25,000. It's
[6] 25, plus five. So it's \$30,000.

[7] Could you all initial the corrections,
[8] please, on each?

[9] **MS. COMBS:** Yes, Your Honor.

[10] **MR. DEMAIO:** Yes.

[11] **THE COURT:** All right. Let's review.

[12] Ms. Wing, I have before me two written
[13] guilty plea colloquy forms. Ma'am, you may be
[14] seated. Counsel you may be seated. Those forms
[15] **reflect the following:** You intend to plead guilty
[16] under CP case ending in 3007 of 2018, which is
[17] Number 1 on our list today. That colloquy form is
[18] Court Exhibit 1 moved into the record, as if set
[19] forth and full.

[20] On that count, you intend to plead guilty
[21] to criminal trespass, a felony of the second degree
[22] and theft, a misdemeanor of the second degree in
[23] exchange for which the Commonwealth will recommend
[24] an aggregate sentence of three years of reporting
[25] probation. Restitution totaled to the complainant,

[1] divided by each cases is \$200 on each for a total of
[2] \$400. Stay-away order with the complainant. And
[3] the term of probation on the theft under 3007 is two
[4] years reporting probation, running concurrently to
[5] the criminal trespass. All other charges will be
[6] dropped.

[7] Similarly as to the Court Exhibit's 2
[8] reflective of the written guilty plea colloquy 3008
[9] of 2018, which is Number 2 on our list, it's my
[10] understanding consistent with the negotiations you
[11] intend to plead guilty to the single count of theft,
[12] misdemeanor of the second degree. In exchange that
[13] the Commonwealth would recommend the imposition of
[14] two years of reporting probation running
[15] concurrently with CP 3007 of 2018.

[16] Again, restitution on that set of Bill is
[17] \$200. That's on 2007. Total restitution for both
[18] cases is \$400. Stay-away order is to be ordered.
[19] The Commonwealth will withdrawal the remaining
[20] charges as to that set of counts as well.

[21] Is that your understanding as to what you
[22] intend to do today?

[23] **THE DEFENDANT:** Yes.

[24] **MR. DEMAIO:** May I, Your Honor, have a
[25] moment with her?

[1] **THE COURT:** Okay.

[2] - - -
[3] (Pause.)
[4] - - -

[5] **THE COURT:** Now, has anyone promised you
[6] anything else to have you plead guilty before me?

[7] **THE DEFENDANT:** No.

[8] **THE COURT:** Okay. Has anyone forced you
[9] to plead guilty before me?

[10] **THE DEFENDANT:** No.

[11] **THE COURT:** All right. Ms. Wing, you are
[12] 35 years old; is that correct?

[13] **THE DEFENDANT:** Yes.

[14] **THE COURT:** Gone through 12 grades in
[15] school, ma'am?

[16] **THE DEFENDANT:** Yes.

[17] **THE COURT:** Read, write, and understand
[18] the English language?

[19] **THE DEFENDANT:** Yes.

[20] **THE COURT:** Are you under the influence of
[21] any drugs or alcohol?

[22] **THE DEFENDANT:** No.

[23] **THE COURT:** Are you taking any
[24] medications?

[25] **THE DEFENDANT:** No.

[1] **THE COURT:** Treated for any mental health
 [2] difficulties?
 [3] **THE DEFENDANT:** No.
 [4] **THE COURT:** Now, prior to making this
 [5] decision, have you discussed this decision with
 [6] Mr. Demaio?
 [7] **THE DEFENDANT:** Yes.
 [8] **THE COURT:** Are you satisfied with his
 [9] representation and advice to you?
 [10] **THE DEFENDANT:** Yes.
 [11] **THE COURT:** Are you satisfied that he
 [12] would be ready to go to trial if that matter had
 [13] gone to trial as previously scheduled?
 [14] **THE DEFENDANT:** Yes.
 [15] **THE COURT:** Ma'am, do you understand that
 [16] by pleading guilty here today, you're giving up your
 [17] right to a trial? Okay. You're giving up your
 [18] right to decide what kind of trial you want. You
 [19] could have had a trial before me or a trial before a
 [20] jury.
 [21] Do you understand that?
 [22] **THE DEFENDANT:** Yes.
 [23] **THE COURT:** Also, you're giving up your
 [24] right to present to this Court any pretrial motions
 [25] that you may have had available to you. I don't

[1] carefully to the Assistant District Attorney. What
 [2] she's going to do, ma'am, is read into the record
 [3] the evidence that she would have had to introduce
 [4] had this matter had gone to trial. Then I'm going
 [5] to ask you some questions, so please pay attention.
 [6] **MS. COMBS:** Your Honor, in this case the
 [7] facts are that on the 2700 Block of Axe Factory Road
 [8] where the complainant, Ms. Eunice Cortes, was
 [9] residing there in one of the apartments. Eunice is
 [10] spelled E-U-N-I-C-E. Cortes is C-O-R-T-E-S.
 [11] On February the 15th of this year, she
 [12] noticed \$160 that she had left on her nightstand
 [13] missing. On February the 16th, the following day,
 [14] she realized \$20 missing. She then installed a
 [15] camera on her nightstand and captured the defendant
 [16] removing \$40 from her purse on March the 2nd of
 [17] 2018.
 [18] She doesn't know the complainant. She
 [19] allegedly works in the complex and also lived there
 [20] at that point in time. And those are the facts of
 [21] the case, Your Honor.
 [22] **THE COURT:** What type of work did she do
 [23] at the complex?
 [24] **MS. COMBS:** That I do not know, Your
 [25] Honor.

[1] know if you did or did not, but once you plead
 [2] guilty, you're giving up that right as well.
 [3] Do you understand that?
 [4] **THE DEFENDANT:** Yes.
 [5] **THE COURT:** Okay. Now, are you pleading
 [6] guilty because you are guilty?
 [7] **THE DEFENDANT:** Yes.
 [8] **THE COURT:** Ma'am, I see a signature on
 [9] Page 3 of each of the Court's Exhibits that I've
 [10] moved into the record as if set forth and full.
 [11] Are these your signatures?
 [12] **THE DEFENDANT:** Yes.
 [13] **THE COURT:** And prior to signing the form,
 [14] did you go over all the rights and responsibilities
 [15] contained on the form, which are duplicate in
 [16] nature, with your counsel?
 [17] **THE DEFENDANT:** Yes.
 [18] **THE COURT:** Did you understand everything
 [19] that was on the form?
 [20] **THE DEFENDANT:** Yes.
 [21] **THE COURT:** Okay. Ma'am, do you have any
 [22] questions whatsoever about any aspect of this guilty
 [23] plea?
 [24] **THE DEFENDANT:** No.
 [25] **THE COURT:** What I ask you to do is listen

[1] **THE COURT:** Okay.
 [2] **MS. COMBS:** I only know that information
 [3] from the complainant's statement.
 [4] **THE COURT:** Ms. Wing, did you hear the
 [5] facts as stated by the Commonwealth's
 [6] representative?
 [7] **THE DEFENDANT:** Yes.
 [8] **THE COURT:** And are those the facts to
 [9] which you're pleading guilty?
 [10] **THE DEFENDANT:** Yes.
 [11] **THE COURT:** Do you have anything to add or
 [12] delete to those facts?
 [13] **THE DEFENDANT:** No.
 [14] **THE COURT:** Ma'am, I find that those --
 [15] consistent with those facts, the defendant did not
 [16] have permission to be in the complainant's
 [17] residence?
 [18] **MS. COMBS:** Correct, Your Honor. The
 [19] complainant did give a statement indicating that she
 [20] didn't know the defendant but did not give her
 [21] permission to enter her residence on any of those
 [22] dates.
 [23] **THE COURT:** Okay. I find that those facts
 [24] amply make out the charges at issue. You may
 [25] arraign her.

[1] **COURT OFFICER:** Yes, Your Honor. Tracey
 [2] Wing, to Docket No. CP-51-CR-3007-2018, to the
 [3] charge of criminal trespass, graded as a felony of
 [4] the second degree, how do you plead, ma'am?
 [5] **THE DEFENDANT:** Guilty.
 [6] **COURT OFFICER:** On the same docket number,
 [7] charging you with theft, graded as a misdemeanor in
 [8] the second degree, how to you plead?
 [9] **THE DEFENDANT:** Guilty.
 [10] **COURT OFFICER:** Tracey Wing, to Docket No.
 [11] CP-51-CR-3008-2018, to the charge of theft, graded
 [12] as a misdemeanor of the third degree, how do you
 [13] plead?
 [14] **THE COURT:** No. No. It's the second
 [15] degree.
 [16] **COURT OFFICER:** To the charge of theft,
 [17] graded as a misdemeanor of the second degree, how do
 [18] you plead?
 [19] **THE DEFENDANT:** Guilty.
 [20] **COURT OFFICER:** Your Honor, Ms. Wing has
 [21] plead guilty on all charges and all Bills and
 [22] information have been signed.
 [23] **THE COURT:** I note that on the original
 [24] docket it said M3, so that's amended; is that right,
 [25] Commonwealth?

[1] She can address it better.
 [2] **THE COURT:** She was a what?
 [3] **THE DEFENDANT:** My mother and my
 [4] stepfather -- I was a victim in a case with you a
 [5] couple of years ago.
 [6] **THE COURT:** With me?
 [7] **THE DEFENDANT:** Yes.
 [8] **THE COURT:** Okay.
 [9] **MR. DEMAIO:** She's a homemaker primarily.
 [10] There's not much else to tell.
 [11] **THE COURT:** Commonwealth, is there
 [12] anything else you want to tell me?
 [13] **MS. COMBS:** Your Honor, I don't have
 [14] anything additional to add. However, given the
 [15] posture of the case and my inability to speak to the
 [16] complainant, I would like to pass up the victim
 [17] impact statement that was provided to my office. If
 [18] the Court would make a copy for defense counsel. It
 [19] just indicates how she feels about the case and
 [20] information she would like the Judge to consider.
 [21] **THE COURT:** Okay. Is that your only copy?
 [22] **MS. COMBS:** Yes.
 [23] **THE COURT:** Can I take a wee gander at it
 [24] first and then we'll make copies?
 [25] **MS. COMBS:** Sure.

[1] **MS. COMBS:** Yes, Your Honor.
 [2] **THE COURT:** That's to the '008, correct?
 [3] **MS. COMBS:** Correct.
 [4] **THE COURT:** Okay. All right. Have a seat
 [5] for a second.
 [6] - - -
 [7] (Defendant complies.)
 [8] - - -
 [9] **THE COURT:** What is the offense gravity
 [10] score, prior record score, guideline calculations,
 [11] please.
 [12] **MS. COMBS:** The prior record score is a
 [13] zero. The guideline calculation as a result of the
 [14] second degree is a four. The guideline would be RS
 [15] to three, plus or minus, three.
 [16] **THE COURT:** Okay. What can you tell me
 [17] about your client?
 [18] **MR. DEMAIO:** Your Honor, she's a
 [19] stay-at-home mom at this point. She has a
 [20] 12-year-old and a 6-year-old that she's responsible
 [21] for. Her husband is an overnight truck driver.
 [22] He's currently on the road. She's never been
 [23] convicted of a crime before, although she's had some
 [24] encounters. I believe she indicated to me at some
 [25] point she was a victim with you involved somehow.

[1] **THE COURT:** For the record, I've read the
 [2] victim impact statement. Ms. Wing, is there
 [3] anything else you want to tell me before I make a
 [4] decision to accept or reject?
 [5] **THE DEFENDANT:** No.
 [6] **THE COURT:** Okay. Well, I'm going to
 [7] accept these very generous negotiations with a word
 [8] of caution. Particularly after reading that victim
 [9] impact statement, that particular complainant, whom
 [10] you took advantage of, the reason she installed the
 [11] camera in her own home was because she no longer
 [12] felt safe and because money had been taken from her
 [13] and she couldn't figure out who, where, or why.
 [14] Your reaction to what you had been doing scared her.
 [15] When someone has been violated within
 [16] their own home, albeit, the perception is, it's just
 [17] a minor theft. It's just this. It's just that.
 [18] Not a violent crime per se. The effect upon the
 [19] victim is that they no longer feel safe in their own
 [20] home and in their own sanctuary. That's extremely
 [21] harmful and that's what she expressed in a very
 [22] impressive manner, I might add. Particularly
 [23] expressed that it's in English. It's my
 [24] understanding she's Portuguese.
 [25] I have a question in my mind, Ms. Wing,

[1] because while you have no prior convictions, this is
[2] not your first time up at bay. I note that there
[3] was a prior arrest for arson. A prior arrest for
[4] theft. I'm wondering why you're here. It could be
[5] many different reasons. I'm wondering if narcotics
[6] use is part and parcel of your difficulties or if
[7] it's just you have sticky fingers and you don't care
[8] about people. I don't know. I don't know you
[9] beyond meeting you today.

[10] I will be setting forth conditions within
[11] your probation that I expect to be strictly adhered.
[12] Because if you violate any of the terms or
[13] conditions of your probation, ma'am, in any way,
[14] shape or form, trust me when I tell you, I will not
[15] hesitate to send you to the state for as long as I
[16] can send you.

[17] So Number 1, obviously you are to have no
[18] contact whatsoever with this complainant. I
[19] explained what that means to you already. You are
[20] to pay back \$400, which frankly is a minimal figure
[21] to what she had been experiencing. So my best guess
[22] is that that's a drop in the bucket to what that
[23] woman has lost. So I expect it to be paid
[24] forthwith.

[25] You are to do your level best to obtain

[1] and maintain legitimate employment. Ma'am, you are
[2] going to engage in community service of 50 hours
[3] minimum. You're going to be randomly drug and
[4] alcohol tested. The first hot urine, you are to
[5] come back to me. If that is the difficulty, we're
[6] going to deal with it. So if you do have a
[7] difficulty with that, the time to tell me is now.

[8] **MR. DEMAIO:** I can assure you there's
[9] none.

[10] **THE COURT:** Okay. Well, time will tell.
[11] Okay. So let's start giving back instead of taking.
[12] Fines and costs to be paid during the period of
[13] probation.

[14] Now, as to the actual sentence with those
[15] conditions, the sentence on the criminal trespass,
[16] CP ending in 3007 of 2018, Count 2, as a felony of
[17] the second degree, it's three years reporting
[18] probation. On Count 3, theft by unlawful taking,
[19] graded as a misdemeanor of the second degree, two
[20] years of reporting probation running concurrently to
[21] the criminal trespass count.

[22] Similarly as to CP ending in 3008-2018,
[23] Count 3 solely, theft by unlawful taking, as amended
[24] and graded as an M2, two years of reporting
[25] probation running concurrently to CP ending in

[1] 3007-2018. Same conditions. Basically, it's \$200
[2] restitution on each case and regular fines and
[3] costs. Same conditions apply on everything. Okay.
[4] All right.

[5] Do you understand what I just said?

[6] **THE DEFENDANT:** Yes, Your Honor.

[7] **THE COURT:** You may advise.

[8] **MR. DEMAIO:** Ms. Wing, you've just been
[9] sentenced by the Honorable Judge Anne Marie Coyle to
[10] three years probation on docket number ending in
[11] 3008 and concurrent three years reporting probation,
[12] on docket number ending in 3007.

[13] Do you understand that?

[14] **THE DEFENDANT:** Yes.

[15] **MR. DEMAIO:** You have 10 days from today's
[16] date to ask Her Honor to reconsider the sentence.
[17] It's very unlikely that she would because it was a
[18] very generous negotiated sentence with the District
[19] Attorney. But if you were to, and she were to deny
[20] your petition for reconsideration, you would then
[21] have 30 days in which to appeal to the Superior
[22] Court of Pennsylvania. If you can't afford counsel
[23] for that, counsel may be appointed.

[24] Do you understand all of that?

[25] **THE DEFENDANT:** Yes.

[1] **MR. DEMAIO:** Are you satisfied, Your
[2] Honor?

[3] **THE COURT:** Yes. The original bail is
[4] reinstated. The bail order that was sued out is
[5] vacated. The subsequent direction that the
[6] defendant is to be on house arrest with increased
[7] bail, is also vacated. Thank you, sheriff.

[8] **THE SHERIFF:** All right, Your Honor.

[9] **THE COURT:** Ma'am, you need to step back.
[10] We have some paperwork for you to sign and you'll be
[11] taken downstairs for probation.

[12] **THE DEFENDANT:** Thank you, Your Honor.

[13] **THE COURT:** You're welcome. Good luck to
[14] you.

[15] **MR. DEMAIO:** That concludes my business.
[16] May I be excused?

[17] **THE COURT:** Yes.

[18] - - -
[19] (Proceedings concluded.)

[20] - - -

CERTIFICATION

[1]
[2]
[3] I HEREBY CERTIFY THAT THE PROCEEDINGS AND EVIDENCE
[4] ARE CONTAINED FULLY AND ACCURATELY IN THE NOTES
[5] TAKEN BY ME ON THE TRIAL OF THE ABOVE CAUSE, AND
[6] THIS COPY IS A CORRECT TRANSCRIPT OF THE SAME.

[10]
[11] MONICA M. VAZQUEZ
[12] JUDICIAL COURT REPORTER
[13]

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[18] this transcript does not apply to any reproduction of the
[19] same by any means unless under the direct control and/or
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