

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA
CRIMINAL DIVISION**

COMMONWEALTH OF PENNSYLVANIA,	:	
	:	
v.	:	CR 197-2015
	:	822-2015
GEORGIA SAMPSELL,	:	823-2015
Defendant	:	425-2015
	:	

ORDER

AND NOW, this _____ day of August, 2016, after a court conference, the Court recognizes that treating Petitioners request to stop deductions from her prison account as a PCRA was improvidently granted and as such the Order dated January 27, 2016, is hereby VACATED.

This Court will reaffirm its order of April 8, 2016: To Wit “To the extent Defendant challenges the Department of Corrections authority or ability to deduct monies from his account pursuant to Act 84 and Department policy, this Court lacks jurisdiction to address those claims. See Commonwealth v. Jackson, 858 A.2d 627 (Pa. Super. Ct. 2004) (Commonwealth Court has exclusive jurisdiction over claims regarding Act 84 deductions).”

Even if the Court had not included Costs as part of Defendant’s Sentence, the Defendant would nevertheless be liable for costs. See 42 Pa CS § 9728(b.2) Mandatory Payment of Costs. Part (b) Procedure of Section 9728. Collection of restitution, reparation, fees, costs, fines and penalties is what is referred to as “Act 84”. The Sentencing Code was amended by Section 4 of the Act of June 18, 1998, P.L. 640. Morgalo v. Gorniak, 2016 Pa. Commw. LEXIS 112, 134 A.3d 1139, (Pa. Commw. Ct. Mar. 8, 2016). Section 9728(b)(5) states “the Department of

Corrections shall be authorized to make monetary deductions from inmate personal accounts for the purpose of collecting restitution or any other court-ordered obligation or costs imposed under section 9721(c.1)...The Department of Corrections shall develop guidelines relating to its responsibilities under this paragraph.”

The Department of Corrections has developed such guidelines: See Policy Statement Collection of Inmate Debts, Policy Number: DC-ADM 005, Issued October 17, 2007 and Effective October 24, 2007:

The business office, through inmate account deductions makes payment of 20% of the inmate’s account balance and monthly income for restitution, reparation , fees, costs, fines and/or penalties associated with the criminal proceedings pursuant to **42 Pa C.S. § 9728, Act 84 of 1998** [emphasis Department of Corrections own], provided that the inmate has a balance that exceeds \$10.00. DCM-ADM 005, Collection of Inmate Debts Procedures Manual Section 3- Collections.

BY THE COURT,

Nancy L. Butts, President Judge

cc: Georgia Sampsell, OS7326
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