

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

**COMMONWEALTH OF PENNSYLVANIA**

**v.**

**AMBER BARTO,**  
**Petitioner**

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**CP-41-CR-0000845-2009**

**CP-41-CR-0001633-2009**

**PETITION FOR EARLY RELEASE  
FROM SPECIAL PROBATION**

**OPINION AND ORDER**

On June 12, 2023, Amber Barto (Petitioner) filed a Petition for Early Release from Special Probation Supervision. Hearing was scheduled on August 22, 2023 however the matter was continued by Petitioner due to the matter not being reached for lack of court time. The parties were agreeable to having the Court consider the issue without argument once it had the materials from the Department of Corrections/Pennsylvania Parole Board (PPB). After the Court would make its decision, the Petitioner would have the opportunity to schedule argument to support her position. This opinion is generated as a result of the Court's review of the PPB report and general case materials.

***Background***

On May 7, 2010 at docket number 845-2009, after a jury trial, the Petitioner was convicted of two counts of Sexual Abuse of Children<sup>1</sup> two counts of Corruption of Minors<sup>2</sup> and one count of Possession of Drug Paraphernalia<sup>3</sup>. On the same day, to docket number 1633-2009, Petitioner was convicted of eight counts of Possession with the Intent to Deliver a Controlled Substance, cocaine, each an ungraded felony, one count of Criminal Conspiracy to Possess drugs

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<sup>1</sup> 18 Pa. C.S. §§ 6312(b) and 6312(d)(1).

<sup>2</sup> 18 Pa. C.S. § 6301.

<sup>3</sup> 35 P.S. § 780-113(a)32.

with the Intent to Deliver, an ungraded felony, and six counts of Corruption of Minors, each a misdemeanor of the first degree. Finally, although included in the petition, Petitioner was convicted of one count of Corruption of Minors, misdemeanor of the first degree. Judge Marc F. Lovecchio<sup>4</sup> on December 2, 2010 sentenced her to an aggregate of five (5) to ten (10) years in state prison with a consecutive ten (10) years probation to be supervised by the PPB.

At the time of the filing of the petition, Petitioner had completed her entire parole sentence. According to her supervision history from Petitioner's parole agent, Petitioner was released from SCI- Cambridge Springs on December 28, 2016. She was referred to both outpatient sex offender and alcohol and other drug (AOD) counseling and successfully completed it on December 11, 2017. On September 4, 2018 she was successfully discharged from her sex offender counseling.

In 2019, Petitioner requested to have unsupervised visits with her daughter. As a consequence, she was again referred to outpatient sex offender counseling and required to complete two polygraph examinations. Upon recommendation of her counselor, Petitioner was given permission to have unsupervised contact with her daughter. Petitioner remained in outpatient sex offender counseling until she was again successfully discharged on June 4, 2020.

Petitioner completed her entire parole sentence on September 30, 2020. She began her probationary sentence on September 30, 2020, with the expiration date of special probation on September 30, 2030. While on her consecutive probation on both of her cases, she has continued to have no violations of her supervision including, but not limited to, no positive urines or sanctions for failing to comply with conditions of supervision. She has held steady employment while on supervision as well.

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<sup>4</sup> Judge Lovecchio retired on November 3, 2021.

### ***Discussion***

Petitioner filed a motion to terminate probation early in accordance with 42 Pa.C.S.A. § 9771(a), which provides that “[t]he court may at any time terminate continued supervision or lessen or decrease the conditions upon which an order of probation has been imposed.” 42 Pa.C.S.A. § 9771(a).

Although no formal hearing was held, the Commonwealth, PPB and the Lycoming County Adult Probation Office had no objection to the Petitioner’s early release. Petitioner will remain required to register as a Megan’s Law offender until she has completed her registration obligations. She still has convictions for multiple felony offenses. She was incarcerated for six years and has completed approximately seven years of supervision post incarceration without any violations. She has completed all the programming to which she was referred to enable her to reunite with her daughter as well as successfully complete her conditions of supervision.

To an outside observer it may seem unusual to release Petitioner from supervision early in light of the nature of her convictions; however, Petitioner’s case was unusual. She was significantly less culpable than her co-defendant husband, who had a somewhat unique and compelling personality which enabled him to manipulate (with the aid of drugs and alcohol) teenaged and young adult women, including Petitioner, into doing what he wished. Petitioner’s co-defendant remains incarcerated, and they are no longer married. Now that she is free from her co-defendant’s sphere of influence and has already completed nearly seven years of supervision with the PPB, the Court is convinced that she can be a law-abiding, productive member of society without additional probation supervision.

***Conclusion***

Based upon the foregoing, the Court finds no reason to continue Petitioner on special probation. She has successfully completed all of the specialized counseling to which she was referred both while on parole and probation. She has had no violations during her entire supervision history. The Court finds that no purpose would be served by conducting any further hearing.

**ORDER**

**AND NOW**, this 26th day of September, 2023, without objection of both the District Attorney's office and the Pennsylvania Parole Board, and upon review of the Petitioner's supervision history, Petitioner's Petition for Early Release from Probation Supervision is hereby **GRANTED**. It is **ORDERED AND DIRECTED** that the Petitioner is released from any further supervision obligation with any County or State agency under the above-captioned cases. Petitioner must still continue to register with the Pennsylvania State Police.

By the Court,

Nancy L. Butts, President Judge