

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2116 Disciplinary Docket No. 3
Petitioner	:	
	:	
v.	:	No. 183 DB 2014
	:	
	:	
DOUGLAS BENJAMIN BARBOUR,	:	Attorney Registration No. 94105
Respondent	:	(Mercer County)

ORDER

PER CURIAM:

AND NOW, this 27th day of February, 2015, there having been filed with this Court by Douglas Benjamin Barbour his verified Statement of Resignation dated January 31, 2015, stating that he desires to resign from the Bar of the Commonwealth of Pennsylvania in accordance with the provisions of Pa.R.D.E. 215, it is

ORDERED that the resignation of Douglas Benjamin Barbour is accepted; he is disbarred on consent from the Bar of the Commonwealth of Pennsylvania retroactive to October 10, 2013; and he shall comply with the provisions of Pa.R.D.E. 217. Respondent shall pay costs, if any, to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 2/27/2015

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

**BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL	:	No. 2116 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 183 DB 2014
v.	:	
	:	Attorney Registration No. 94105
DOUGLAS BENJAMIN BARBOUR	:	
Respondent	:	(Mercer County)

RESIGNATION BY RESPONDENT

Pursuant to Rule 215
of the Pennsylvania Rules of Disciplinary Enforcement

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2116, Disciplinary Docket
	:	No. 3 - Supreme Court
Petitioner	:	
	:	No. DB 2015
	:	(Complaint File #C4-14-508)
vs.	:	
	:	
DOUGLAS BENJAMIN BARBOUR,	:	Attorney Registration No. 94105
	:	
Respondent	:	(Mercer County)

RESIGNATION
UNDER RULE 215, Pa.R.D.E.

Douglas Benjamin Barbour hereby states that he is a member of the Bar of the Supreme Court of Pennsylvania, who is the subject of investigation in regard to a complaint filed with the Disciplinary Board of the Supreme Court of Pennsylvania at the number indicated above and, in conformity with Rule 215 of the Pennsylvania Rules of Disciplinary Enforcement, he further states as follows:

1. He is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on December 9, 2004. His attorney registration number is 94105.

2. He voluntarily went on inactive status on October 10, 2013 and has remained on voluntary inactive status since that time.

3. He wishes to resign from the Bar, his resignation is freely and voluntarily rendered, he is not being subjected to coercion or duress, and he is fully aware of the implications of submitting his resignation.

4. He is aware that there is presently pending an investigation into allegations that he has been guilty of misconduct, the nature and specifics of which have been made known to him, in regard to complaint file #C4-14-508, by the attached copy of the Criminal Information, Nolo Contendere Plea and Order of Sentence filed in the Court of Common Pleas of Allegheny County, Pennsylvania, at docket CP-02-CR-0000895-2013, and incorporated herein as Exhibit 1.

5. He is fully aware that the submission of this Resignation Statement is irrevocable and that he can only apply for reinstatement to the practice of law pursuant to the provision of Enforcement Rule 218(b).


6. He requests that his disbarment be made retroactive to October 10, 2013, the date that he went on voluntary inactive status. He has been advised that the Office of Disciplinary Counsel does not oppose his request.

He understands that the decision to grant his request lies solely within the discretion of the Supreme Court of Pennsylvania.

7. He has consulted with counsel in regard to submitting his resignation.

In accordance with Rule 215, Pa.R.D.E., this statement is made by the signatory subject to the penalties of 18 Pa.C.S. § (relating to unsworn falsification to authorities).

Signed this 31st day of January, 2015.


Douglas Benjamin Barbour
Respondent

12-1-11 10:05
DEPT. OF COURT RECORDS
CRIMINAL DIVISION
ALLEGHENY COUNTY PA



Commonwealth of Pennsylvania

vs

Douglas Benjamin Barbour

CC No. CC201300895

Offense Date 03/16/2012

O.T.N. No. G 575016-1

Filed Date 10/04/2012

B.C.I. No.

Pre-Trial Date 02/22/2013

S.I.D. No. 40202668

180/365 Dates 04/02/2013 / 10/04/2013

Race White

F / A Date 03/07/2013

Sex Male

Judge

SS # 181-64-8792

Reporter

D.O.B. 07/17/1979

Minute Clerk

A.D.A.

And now, 6-23-14, Ct 1+2
are amended to M, and
Ct 3+4+5+6 are WD

By the Court:

SEE ATTACHED SHEET CASE(S) TO BE LINKED

Count 1: 184304: ENDANGERING WELFARE OF CHILDREN
M

Count 2: 184304: ENDANGERING WELFARE OF CHILDREN
M

Count 3: 182701B2: SIMPLE ASSAULT OF A CHILD
WD

Date: President Judge 6-23-14 20

Count 4: 182701B2: SIMPLE ASSAULT OF A CHILD
WD

Courtroom No. 324

Before JEFFREY A. MANNING Judge

Count 5: 182705: RECKLESSLY ENDANGERING ANOTHER PERSON
WD

D. Giovanni Trial A.D.A.

Porter Def. Attorney

Count 6: 182705: RECKLESSLY ENDANGERING ANOTHER PERSON
WD

Zwick Court Reporter

The Defendant present in open court with counsel,
pleads guilty to the preferred charges

AND NOW 6-23-14
SENTENCE DEFERRED PENDING

PRE - SENTENCE REPORT.

Sent 9-15-14

in the within information.

Douglas B. Barbour
Record verified by: A. Roth

EXHIBIT

COMMONWEALTH OF PENNSYLVANIA

VS.

DOUGLAS BENJAMIN BARBOUR

Criminal Action No. CC201300895

The District Attorney of ALLEGHENY County, by this information charges that on (or about) Friday, the 16th day of March, 2012, through on (or about) Friday, the 14th day of September, 2012 in the said County of ALLEGHENY, DOUGLAS BENJAMIN BARBOUR hereinafter called actor, did commit the crime or crimes indicated herein. that is:

Count 1	ENDANGERING WELFARE OF CHILDREN	Felony 3
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The actor being a parent, a guardian, or a person supervising the welfare of John Doe, a child or children under 18 years of age, knowingly endangered the welfare of said child or children through a course of conduct violating the duty of care, protection or support, namely, inappropriate care and/or inappropriate physical contact with a minor child in violation of Section 4304 of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. §4304, as amended.

Count 2	ENDANGERING WELFARE OF CHILDREN	Felony 3
---------	---------------------------------	----------

The actor being a parent, a guardian, or a person supervising the welfare of Jane Doe, a child or children under 18 years of age, knowingly endangered the welfare of said child or children through a course of conduct violating the duty of care, protection or support, namely, inappropriate care and/or inappropriate physical contact with a minor child in violation of Section 4304 of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. §4304, as amended.

Count 3	SIMPLE ASSAULT OF A CHILD	Misdemeanor 1
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The actor, being 21 years of age or older, attempted to cause or intentionally, knowingly or recklessly caused bodily injury to John Doe, a child under 12 years of age, in violation of Sections 2701(a)(1) and (b)(2) of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. §§2701(a)(1) & (b)(2), as amended.

Count 4

SIMPLE ASSAULT OF A CHILD

Misdemeanor 1

The actor, being 21 years of age or older, attempted to cause or intentionally, knowingly or recklessly caused bodily injury to Jane Doe, a child under 12 years of age, in violation of Sections 2701(a)(1) and (b)(2) of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. §§2701(a)(1) & (b)(2), as amended.

Count 5

RECKLESSLY ENDANGERING ANOTHER PERSON

Misdemeanor 2

The actor recklessly engaged in conduct which placed or may have placed John Doe, a minor in danger of death or serious bodily injury, in violation of Section 2705 of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. §2705, as amended.

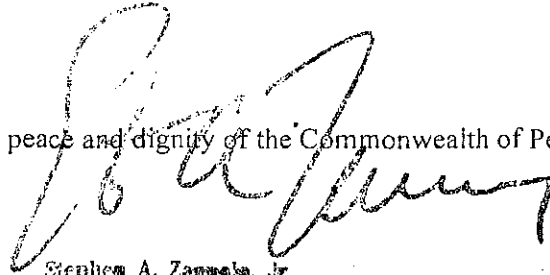
Count 6

RECKLESSLY ENDANGERING ANOTHER PERSON

Misdemeanor 2

The actor recklessly engaged in conduct which placed or may have placed Jane Doe, a minor in danger of death or serious bodily injury, in violation of Section 2705 of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. §2705, as amended.

All of which is against the Act of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.

A handwritten signature in dark ink, appearing to read "Stephen A. Zappala, Jr.", is written over a horizontal line.

Stephen A. Zappala, Jr.

Attorney for the Commonwealth

CASE(S) LINKED TOGETHER:

COMMONWEALTH V. DOUGLAS BENJAMIN BARBOUR

KRISTEN BRIANNE BARBOUR
CC201300939 No Date

Judge:

D/A:

CASE(S) LINKED TOGETHER:

COMMONWEALTH V. DOUGLAS BENJAMIN BARBOUR

KRISTEN BRIANNE BARBOUR

CC201300939 No Date

Judge:

D/A:

Manning

CC No. CC201300895

COMMONWEALTH OF PENNSYLVANIA

VS

DOUGLAS BENJAMIN BARBOUR

RECEIPT OF COPY OF INFORMATION

I hereby certify that I have received a copy of the information filed by the District Attorney in the above-captioned action.

/ / DEFENDANT

☒ DEFENDANT'S COUNSEL OF RECORD

X 
SIGNATURE

3-7-13
DATE

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :

CRIMINAL DIVISION

vs.

DOUGLAS BARBAUR

CC No.

2013-00895

**NOLO CONTENDERE
EXPLANATION OF DEFENDANT'S RIGHTS**

You or your attorney have indicated to the officers of this Court that you wish to plead *nolo contendere* to certain specific criminal charges which the Commonwealth of Pennsylvania has brought against you.

In order to have your plea accepted by this Court here today, you must waive your right to confront the prosecution witnesses against you and agree to permit the Attorney for the Commonwealth to summarize the Commonwealth's evidence against you. You must agree to stipulate to the authenticity and accuracy of any Crime Laboratory reports presented by the Commonwealth and to the chain of custody of any of the Commonwealth's evidence involved in your case.

You must fully understand that your plea must be voluntary and no clemency is being promised in exchange for your plea, with the exception of any plea bargain or arrangement previously agreed to between your attorney and the Assistant District Attorney assigned to your case.

By pleading *nolo contendere*, you are stating that you do not contest the charges against you. A plea of *nolo contendere* has the same effect as a plea of guilty. In pleading *nolo contendere*, although you do not admit guilt, you agree to forego a trial, be convicted of a crime, and be sentenced accordingly. The Commonwealth would not have to prove each and every element of the crimes with which you are charged as would be required in a jury or non-jury trial.

APPROPRIATELY
AT _____

DEFENDANT'S INITIALS

DBB
Defendant's
initials

Please be advised that you must fully understand that the Constitution of the United States of America and the Constitution of the Commonwealth of Pennsylvania give to you an absolute right to have a trial by jury.

If you intend to waive your Constitutional right to a trial by jury, please answer all the questions on this form. Most of the questions are designed to be answered "yes" or "no." Where general information is requested, please answer the question as fully as possible.

If you do not understand the question, you should say so in writing on this form. You should also tell your lawyer and the judge who hears your case so they can explain it to you. You must fully understand all of your rights before your plea can be accepted by the judge.

You should initial each page at the bottom after you have read, understood and completed your answers to the questions on that page. When you have finished all of the questions, you must sign the form at the end.

1. What is your full name? Douglas Benjamin Barbour
2. How old are you today? 34
3. How far did you go in school? J.D. degree
4. Can you read, write and understand the English language? ☒ Yes ☐ No
5. Do you understand that if you have been charged with more than one offense, the court may impose a separate, or consecutive, sentence for each offense?
☒ Yes ☐ No
6. Have you discussed with your attorney the elements of each charged offense?
☒ Yes ☐ No
7. Have you discussed with your attorney the factual basis of each charged offense? ☒ Yes ☐ No
8. Have you discussed with your attorney how the facts in your case prove the elements of each charged offense? ☒ Yes ☐ No
9. Do you understand that both the Constitution of the United States of America and the Constitution of the Commonwealth of Pennsylvania give you an absolute right to a trial by jury? ☒ Yes ☐ No
10. Do you understand that if you want a jury trial, you would take part in the selection of the jury along with your attorney and with the Assistant District Attorney assigned to prosecute your case? ☒ Yes ☐ No

11. Do you understand that you and your attorney and the Assistant District Attorney assigned to prosecute your case would select a jury from a panel of jurors randomly picked by computer from the voter registration lists and other legally approved lists of citizens of Allegheny County? ☒ Yes ☐ No
12. Do you understand that both the defense and prosecution would have the right to "challenge" members of the jury panel and that this means you and the prosecution would have the right to keep certain persons on the jury panel from being a member of the jury in your case? ☒ Yes ☐ No
13. Both you and the prosecution would have as many challenges "for cause" as the court would approve. "For cause" means a good reason why the challenged person could not be an impartial juror in your case. Do you fully understand this? ☒ Yes ☐ No
14. Both you and the prosecution would each also have a number of "peremptory challenges." A "peremptory challenge" is one in which no reason has to be given to prevent a prospective juror from being a member of your jury. If you are charged with felonies, both you and the prosecution each have seven "peremptory challenges." If you are charged only with misdemeanors, both you and the prosecution each have five "peremptory challenges." Do you fully understand this? ☒ Yes ☐ No
15. All twelve members of the jury finally selected would have to be satisfied that the Commonwealth had proven your guilt beyond a reasonable doubt on each charge; that is, the vote of all twelve must be guilty before you could be found guilty? Do you fully understand this? ☒ Yes ☐ No
16. You also may choose to be tried before a judge without a jury in what is called a "non-jury" trial and that the judge, in addition to ruling on legal questions and defining the law as in jury trials would also sit as a trier of fact, much like a jury does in a jury trial; and it would be the judge who determines from the evidence presented whether the Commonwealth has proven you guilty beyond a reasonable doubt. Do you fully understand this? ☒ Yes ☐ No
17. In either the jury trial or non-jury trial before a judge, you enter the courtroom clothed with the presumption of innocence and that presumption remains with you until such time, if ever, that a jury in a jury trial or judge in a non-jury trial, would find you guilty beyond a reasonable doubt. Do you fully understand this? ☒ Yes ☐ No
18. In either a jury trial or in a non-jury trial before a judge, it is the burden of the Commonwealth to prove you guilty "beyond a reasonable doubt," and to do this the Commonwealth must prove each and every element of the crime or crimes with which you are charged "beyond a reasonable doubt" to the satisfaction of all twelve jurors in a jury trial or to the satisfaction of the judge in a non-jury trial. Do you fully understand this? ☒ Yes ☐ No

19. A reasonable doubt is an honest doubt arising from the evidence presented or from the lack of evidence and it is the kind of doubt that would cause a reasonable, prudent person to pause or to hesitate before acting in a matter of the highest personal importance. Do you fully understand this?
☒ Yes ☐ No
20. In either a jury trial or a non-jury trial before a judge, you have the absolute right to remain silent and need not present any evidence in your own behalf and there is no burden placed on you to prove your own innocence or, for that matter to prove anything since the burden is always on the Commonwealth to prove you guilty beyond a reasonable doubt. Do you fully understand this?
☒ Yes ☐ No
21. However, in either a jury trial or a non-jury trial before a judge, you have the right, if you so desire, to testify and to have witnesses testify on your behalf and you would have the right to present any relevant evidence which you believe would tend or help to prove your innocence and to challenge the evidence and testimony presented by the prosecution. You also would have the right, either yourself or through your attorney, to cross-examine or question any witnesses presented by the Commonwealth in order to test their credibility and the truthfulness of their testimony. Do you fully understand this? ☒ Yes ☐ No
22. By pleading *nolo contendere*, you are giving up all of these rights described in the previous questions. Do you fully understand this? ☒ Yes ☐ No
23. When you plead *nolo contendere*, the Commonwealth would not have to prove each and every element of the crime or crimes with which you are charged by the presentation of witnesses and/or other evidence but the Assistant District Attorney could simply present a summary of the evidence against you. Do you fully understand this? ☒ Yes ☐ No
24. By pleading *nolo contendere*, you agree to forego a trial, be convicted of a crime, and be sentenced accordingly. You are stating that you do not challenge or dispute the charges against you. Do you fully understand this?
☒ Yes ☐ No
25. By pleading *nolo contendere*, you give up the right not only to file pretrial motions, but also you abandon or give up any pretrial motions already filed and not yet decided and any pretrial motions in which decisions were already made. Do you fully understand this? ☒ Yes ☐ No
26. Do you understand that by pleading *nolo contendere*, you also give up the right to present or assert any defenses on your behalf? ☒ Yes ☐ No
- These defenses might include alibi, self-defense, mental infirmity, or insanity. Have you discussed with your attorney why these defenses are not available in your case? ☒ Yes ☐ No

27. If you were convicted after a jury trial or non-jury trial before a judge, you could appeal the verdict to the appellate courts and raise any errors that were committed in the trial court and this could result in a new trial or a dismissal. By pleading guilty, you are giving up this right. Do you fully understand this?

☒ Yes ☐ No

28. Do you fully understand that if you were convicted after a jury trial or a non-jury trial before a judge, you could challenge in this Court and in the appellate courts whether the Commonwealth had presented enough evidence to prove you guilty beyond a reasonable doubt? ☒ Yes ☐ No

29. By pleading *nolo contendere*, you give up certain rights of appeal; in a jury trial or a non-jury trial before a judge, you would have the right to appeal any errors that might arise in your case to the appellate courts. However, when you plead *nolo contendere*, you limit the grounds for those appeals to four specific reasons:

(1) that this Court did not have jurisdiction in your case. With rare exception, this Court only has jurisdiction where the crime was committed in Allegheny County;

(2) that the sentence or probation imposed by this Court is illegal;

(3) that your plea was not knowingly, intelligently, and voluntarily made; and

(4) the incompetence or ineffectiveness of the attorney who represents you.

All other grounds for appeal are given up. Do you fully understand this?

☒ Yes ☐ No

30. In order to raise a claim on direct appeal that your attorney was ineffective or incompetent, it is necessary to you to first raise that claim in a post sentence motion, filed within ten (10) days of your sentencing. Otherwise, you cannot challenge the competence of your attorney until the post conviction stage. Do you understand this? ☒ Yes ☐ No

31. Do you understand that you have the right to file a motion seeking to withdraw your *nolo contendere* plea at any time prior to the date of sentencing?

☒ Yes ☐ No

32. Do you understand that you must be sentenced within ninety (90) days of the date of the entry of your plea of *nolo contendere*? ☒ Yes ☐ No

33. Do you understand you have the right within ten (10) days after you have been sentenced to file a motion seeking to withdraw your plea of *nolo contendere*?

☒ Yes ☐ No

34. If you were to file a motion seeking to withdraw your plea of *nolo contendere*, either prior to sentencing or within ten (10) days after sentencing, that motion must be filed in writing. If you would fail to do so within these time periods, you would forever give up those rights. Do you fully understand this?

☒ Yes ☐ No

35. In order to appeal your conviction that results for your plea of *nolo contendere*, you must file in writing your motion seeking to withdraw your plea, either prior to sentencing or within ten (10) days after sentencing and state one or more of the four (4) grounds listed below as the basis for a motion seeking to withdraw your plea:

- (a) Your plea was not knowing, intelligent and voluntary;
- (b) That your crime was not committed within the jurisdiction of this Court, i.e. not committed within Allegheny County;
- (c) That the sentence of this Court is illegal; and/or,
- (d) That your attorney was ineffective and incompetent.

If you do not file this motion within the proscribed time limits, you will have given up this right. Do you fully understand this? ☒ Yes ☐ No

36. If your motion seeking to withdraw your plea of *nolo contendere*, which is filed prior to sentencing, is denied you would have ten (10) days from the date of sentencing to file with this Court a post-sentencing motion challenging the denial of your motion to withdraw your plea of *nolo contendere*. Do you fully understand this? ☒ Yes ☐ No

37. Following the imposition of sentence upon you for your entry of a plea of *nolo contendere*, you have the right to file post-sentencing motions with this Court which include;

- (a) a motion challenging the validity of a plea of *nolo contendere*;
- (b) a motion challenging the denial of a motion seeking a withdrawal of a plea of *nolo contendere*;
- (c) a motion to modify sentence.

Do you fully understand these rights? ☒ Yes ☐ No

38. If you would file any post-sentencing motions, those motions must be decided by this Court within one hundred twenty (120) days of the date of the filing of said motions, or within one hundred fifty (150) days of the date of filing of those motions if you sought and were granted a thirty (30) day extension, which extension only you can request? Do you fully understand this?

☒ Yes ☐ No

39. If your post-sentencing motions are not decided within one hundred twenty (120) days of the date of filing, or within one hundred fifty (150) days of the date of filing, if you sought and received a thirty (30) day extension, then said motions

are deemed to have been denied by operation of law and cannot be reconsidered by this Court. Do you fully understand this? ☒ Yes ☐ No

40. If this court would deny your post-sentencing motion within either the one hundred twenty (120) or one hundred fifty (150) day time periods, you would have the right to file with this Court a motion to reconsider the denials of your post-sentencing motions; however, any motion to reconsider the denial of post-sentencing motions must be filed by you and decided by this Court within either the one hundred twenty (120) or one hundred fifty (150) day time limits. If such a motion to reconsider the denial of post-sentencing motion is not filed by you or, if filed, not decided by this Court within the one hundred twenty (120) or one hundred fifty (150) day time limits, then any appellate rights that you have begin to run from the last day of either time limit. Do you fully understand this?

☒ Yes ☐ No

41. Should your post-sentencing motion be denied by this Court or by operation of law, you will receive, either from this Court or from the Clerk of Courts, an order of court advising you of your appellate rights, the right to assistance of counsel, if indigent; the right to proceed *in forma pauperis*, and, the qualified right to bail. Any appeal to the Superior Court must be filed within thirty (30) days of the denial of your post-sentencing motion. Do you fully understand?

☒ Yes ☐ No

42. If you wish to file any of these motions with this Court or an appeal to the Superior Court of Pennsylvania and cannot afford an attorney to assist you to do so, this Court will appoint an attorney for you at no cost to you. Do you fully understand this? ☒ Yes ☐ No

43. When you plead *nolo contendere*, and your plea is accepted by this Court, all that remains is for the judge to sentence you on the charges to which you are pleading; but if your plea is rejected, your case will be sent back for reassignment to another courtroom and another judge for trial. Do you fully understand this? ☒ Yes ☐ No

44. Have you and your attorney discussed the maximum possible sentences which this Court could impose? ☒ Yes ☐ No

45. If there is a mandatory minimum sentence applicable and this mandatory sentence is sought by the Commonwealth, then this Court has no discretion to impose a lesser sentence and must impose at least the minimum sentence that is required by law. Do you fully understand this? ☒ Yes ☐ No

46. Are you aware that if the offenses with which you are charged do not require a mandatory sentence under the statutory law of Pennsylvania, this Court is not bound by the sentencing guidelines and may deviate from the guidelines; however, if the Court does so, both the District Attorney and you would have a right to appeal such deviation? ☒ Yes ☐ No

47. Do you understand that if you are entering a plea of *nolo contendere* to the charge of Violation of the Controlled Substance, Drug, Device and Cosmetic Act, that independent of any sentence this Court might impose, the Department of Transportation has the right, upon receipt of notice of this conviction, to impose an additional penalty upon you, in the form of the suspension of your driver's license for a period of time ranging anywhere from ninety (90) days to two (2) years? ☒ Yes ☐ No
48. Do you understand that if you are entering a plea of *nolo contendere* to the charge of Violation of the Vehicle Code: Driving Under the Influence of Alcohol, a controlled substance or both, that independent of any sentence this Court might impose, the Department of Transportation has the right, upon receipt of notice of this conviction, to impose an additional penalty upon you, in the form of the suspension of your driver's license for a period of one (1) year? ☒ Yes ☐ No
49. Do you understand that any term of imprisonment imposed as a result of your plea may be imposed separately or consecutively, with any other state or federal term of imprisonment you are currently serving? ☒ Yes ☐ No
50. Do you understand that the conviction that will result from your plea may serve as a violation of any term of state or federal probation or parole? ☒ Yes ☐ No
51. Do you understand that a violation of your state or federal probation or parole could result in the imposition of a further separate, or consecutive, term of imprisonment? ☒ Yes ☐ No
52. Your plea must be voluntary and your rights must be voluntarily, knowingly and intelligently waived. If anyone has promised you anything other than the terms of a plea bargain, your plea will be rejected. If anyone has forced you or attempted to force you in any way to plead *nolo contendere*, your plea will be rejected. Do you fully understand this? ☒ Yes ☐ No
53. Has anybody forced you to enter this plea? ☐ Yes ☒ No
54. Are you doing this of your own free will? ☒ Yes ☐ No
55. Have any threats been made to you to enter a plea? ☐ Yes ☒ No
56. Has anyone (including your attorney) promised you anything in exchange for the *nolo contendere* plea other than the terms of any plea bargain? ☐ Yes ☒ No

57. Do you understand that if there is a plea bargain in this case, the terms of the plea bargain will be stated on the record before the judge and that you will be bound by the terms of the plea bargain as they appear of record?
☒ Yes ☐ No
58. Do you understand that this Court is not bound by any plea bargain entered into by you and the District Attorney? ☒ Yes ☐ No
59. If the Court rejects the plea bargain after hearing a summary of the evidence, you would then have a right to withdraw your plea and your case would be reassigned to another judge before whom you would have the option of entering a straight plea with no plea bargain involved or have your case heard by that judge in a non-jury trial, and of course, you would still have the right to a trial by jury if you so desire. Do you fully understand this? ☒ Yes ☐ No
60. Is there a plea bargain in this case? ☒ Yes ☐ No
61. Are you satisfied with the legal advice and legal representation of your attorney?
☒ Yes ☐ No
62. Have you had ample opportunity to consult with your attorney before entering your plea, and are you satisfied that your attorney knows all of the facts of your case and has had enough time within which to check any questions of fact or law which either you or your attorney may have about the case?
☒ Yes ☐ No
63. Has your attorney gone over with you the meaning of the terms of this document? ☒ Yes ☐ No
64. Have you ever had any physical or mental illness that would affect your ability to understand these rights or affect the voluntary nature of your plea?
☐ Yes ☒ No
65. Are you presently taking any medication which might affect your thinking or your free will? ☐ Yes ☒ No
66. Have you had any narcotics or alcohol in the last forty-eight (48) hours?
☐ Yes ☒ No
67. If you are entering a plea of *nolo contendere*, do you admit that you are not challenging the charges against you? ☒ Yes ☐ No
68. Do you understand your rights? ☒ Yes ☐ No

I AFFIRM THAT I HAVE READ THE ABOVE DOCUMENT IN ITS ENTIRETY, I UNDERSTAND ITS FULL MEANING, AND I AM STILL NEVERTHELESS WILLING TO ENTER A PLEA TO THE OFFENSES SPECIFIED. I FURTHER AFFIRM THAT MY SIGNATURE AND INITIALS ON EACH PAGE OF THIS DOCUMENT ARE TRUE AND CORRECT.

DATE: 6/23/2014 Doyle B. Barbour
Signature of Defendant

CERTIFICATION OF DEFENSE COUNSEL

I certify that:

- (1) I am an attorney admitted to the Supreme Court of Pennsylvania.
- (2) I represent the defendant herein.
- (3) I know no reason why the defendant cannot fully understand everything that is being said and done here today.
- (4) The defendant read the above form in my presence and appeared to fully understand it; I have gone over the form completely with the defendant, explained all of the items on the form and answered any questions he or she had.
- (5) I see no reason why the defendant cannot and is not knowingly, intelligently and voluntarily giving up his or her rights to trial and pleading *nolo contendere*.
- (6) I made no promises to the defendant other than any that appear of record in this case.

DATE: 6/23/14 Chly A
Attorney for Defendant

Commonwealth of Pennsylvania

v.

Douglas Benjamin Barbour

IN THE COURT OF COMMON PLEAS OF
ALLEGHENY COUNTY, PENNSYLVANIA

CRIMINAL DIVISION

DOCKET NO: CP-02-CR-0000895-2013

DATE OF ARREST:

OTN: G 575016-1

SID: 402-02-66-8

DOB: 07/17/1979

ORDER OF SENTENCE

AND NOW, this 15th day of September, 2014, the defendant having been convicted in the above-captioned case is hereby sentenced by this Court as follows. The defendant is to pay all applicable fees and costs unless otherwise noted below:

Count 1 - 18 § 4304 §§ A1 - Endangering Welfare of Children - Parent/Guardian/Other Commits Offense (M1)

To be placed on Probation - County Regular Probation - for a minimum period of 5 Year(s) and a maximum period of 5 Year(s) to be supervised by Allegheny County Probation.

The following conditions are imposed:

Contact - No Contact: Defendant is to have no contact with victim.

This sentence shall commence on 09/15/2014.

Count 2 - 18 § 4304 §§ A1 - Endangering Welfare of Children - Parent/Guardian/Other Commits Offense (M1)

To be placed on Probation - County Regular Probation - for a minimum period of 5 Year(s) and a maximum period of 5 Year(s) to be supervised by Allegheny County Probation.

The following conditions are imposed:

Contact - No Contact: Defendant is to have no contact with victim.

This sentence shall commence on 09/15/2014.

Count 3 - 18 § 2701 §§ B2 - Simple Assault - Grading - Victim Under 12 Defendant 21 Or Older (M1)

Offense Disposition: Withdrawn

Count 4 - 18 § 2701 §§ B2 - Simple Assault - Grading - Victim Under 12 Defendant 21 Or Older (M1)

Offense Disposition: Withdrawn

Count 5 - 18 § 2705 - Recklessly Endangering Another Person (M2)

Offense Disposition: Withdrawn

Count 6 - 18 § 2705 - Recklessly Endangering Another Person (M2)

Offense Disposition: Withdrawn

Count 7 - 18 § 2702 §§ A1 - Aggravated Assault (F1)

Offense Disposition: Withdrawn

Docket No: CP-02-CR-0000895-2013

Count 8 - 18 § 2702 §§ A1 - Aggravated Assault (F1)

Offense Disposition: Withdrawn

Count 9 - 18 § 4304 §§ A1 - Endangering Welfare of Children - Parent/Guardian/Other Commits Offense (F3)

Offense Disposition: Charge Changed

Count 10 - 18 § 4304 §§ A1 - Endangering Welfare of Children - Parent/Guardian/Other Commits Offense (F3)

Offense Disposition: Charge Changed

LINKED SENTENCES:

Link 1

CP-02-CR-0000895-2013 - Seq. No. 2 (18§ 4304 §§ A1) - Probation is Concurrent with

CP-02-CR-0000895-2013 - Seq. No. 1 (18§ 4304 §§ A1) - Probation

09/15/2014

BY THE COURT:



President Judge Jeffrey A. Manning