

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

COMMONWEALTH OF PENNSYLVANIA)	
)	
VS.)	NO. 2394 C 2014
)	
ALEXANDER BRANDO HRIBAL)	
Defendant.)	

OPINION AND ORDER OF COURT

The instant case is before the Court for resolution of the defendant's Petition to Decertify. The defendant seeks transfer of his case from the Criminal Court Division to the Juvenile Court Division. For the reasons set forth below, the Court denies the Petition for Decertification to the Juvenile Court Division.

~~Title 42 Section 6322(a) states:~~

Except as provided in 75 Pa.C.S.A. § 6303 (relating to rights and liabilities of minors) or in the event the child is charged with murder or any of the offenses excluded by paragraph (2)(ii) or (iii) of the definition of "delinquent act" in section 6302 (relating to definitions) or has been found guilty in a criminal proceeding, if it appears to the court in a criminal proceeding that the defendant is a child, this chapter shall immediately become applicable, and the court shall forthwith halt further criminal proceedings, and, where appropriate, transfer the case to the division or a judge of the court assigned to conduct juvenile hearings, together with a copy of the accusatory pleading and other papers, documents, and transcripts of testimony relating to the case. If it appears to the court in a criminal proceeding charging murder or any of the offenses excluded by paragraph (2)(ii) or (iii) of the definition of "delinquent act" in section 6302, that the defendant is a child, the case may similarly be transferred and the provisions of this chapter applied. In determining whether to transfer a case charging murder or any of the offenses excluded from the definition of "delinquent act" in section 6302, the child shall be required to establish by a preponderance of the evidence that the transfer will serve the public interest. In determining whether the child has so established that the transfer will serve the public interest, the court shall consider the factors contained in section 6355(a)(4)(iii) (relating to transfer to criminal proceedings).

42 Pa.C.S.A. § 6322(a).

Title 42, Section 6302(2)(ii)(C) and (I) states:

(2) The term [delinquent act] shall not include:

(ii) Any of the following prohibited conduct where the child was 15 years of age or older at the time of the alleged conduct and a deadly weapon as defined in 18 Pa.C.S.A. § 2301 (relating to definitions) was used during the commission of the offense which, if committed by an adult, would be classified as:

(C) Aggravated assault as defined in 18 Pa.C.S.A § 2702(a)(1) or (2) (relating to aggravated assault).

(I) An attempt, conspiracy or solicitation to commit murder or any of these crimes as provided in 18 Pa.C.S.A. §§ 901 (relating to criminal attempt), 902 (relating to criminal solicitation) and 903 (relating to criminal conspiracy).

42 Pa.C.S.A. § 6302(a)(2)(ii).

~~Title 18, Section 2301 defines a deadly weapon as:~~

Any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or serious bodily injury, or any other device or instrumentality which, in the manner in which it is used or intended to be used, is calculated or likely to produce death or serious bodily injury.

18 Pa.C.S.A. § 2301

Title 42 Section 6355(a)(4)(iii) states:

(a) After a petition has been filed alleging delinquency based on conduct which is designated a crime or public offense under the laws, including local ordinances, of this Commonwealth, the court before hearing the petition on its merits may rule that this chapter is not applicable and that the offense should be prosecuted, and transfer the offense, where appropriate, to the division or a judge of the court assigned to conduct criminal proceedings, for prosecution of the offense if all of the following exist:

(4) The court finds:

(iii) that there are reasonable grounds to believe that the public interest is served by the transfer of the case for criminal prosecution. In determining whether the public interest

can be served, the court shall consider the following factors:

- (A) the impact of the offense on the victim or victims;
- (B) the impact of the offense on the community;
- (C) the threat to the safety of the public or any individual posed by the child;
- (D) the nature and circumstances of the offense allegedly committed by the child;
- (E) the degree of the child's culpability;
- (F) the adequacy and duration of dispositional alternatives available under this chapter and in the adult criminal justice system; and

(G) whether the child is amenable to treatment, supervision or rehabilitation as a juvenile by considering the following factors:

- (I) age;
- (II) mental capacity;
- (III) maturity;
- (IV) the degree of criminal sophistication exhibited by the child;
- (V) previous records, if any;
- (VI) the nature and extent of any prior delinquent history, including the success or failure of any previous attempts by the juvenile court to rehabilitate the child;
- (VII) whether the child can be rehabilitated prior to the expiration of the juvenile court jurisdiction;
- (VIII) probation or institutional reports, if any;
- (IX) any other relevant factors.

42 Pa.C.S.A. § 6355(a)(4)(iii).

The instant case arises out of a multiple victim stabbing incident at Franklin Regional High School on April 9, 2014. The Commonwealth alleges that the defendant, Alexander Brando Hribal ("Hribal"), brought two eight inch butcher knives into the school which he used to stab and slash students. He then set off the fire alarm causing students to exit rooms on the first and second floor of the Franklin Regional High School and continued to randomly strike students. A total of 19 students were wounded, some of the injuries life threatening. Hribal attempted to stab student, Brett Faiola; however, Mr. Faiola blocked the knife with his book bag at that time and was not wounded. In addition to the 19 students stabbed, Hribal also stabbed Sergeant John Resetar, who was a security guard at Franklin Regional High School, while he was trying to intervene. Hribal was ultimately apprehended by Sam King, one of the assistant high school principals. When Mr. King told Hribal to drop the knives, Hribal said, "I'm not going to drop the knives. My work isn't finished. There's more people to kill." N.T. 6/22/15 at 129. At this time, Joan Mellon, another assistant principal at Franklin Regional High School removed the knives from Hribal's hands, and Murrysville Police Officer, William Yashke arrived and handcuffed Hribal.

On April 25, 2014, Hribal was arrested and charged with 21 counts of Criminal Attempt Homicide, 21 counts of Aggravated Assault, and one count of Possession of a Weapon. On or about June 6, 2014, a preliminary hearing was scheduled before Magisterial District Judge Charles R. Conway at which time all charges were waived to court. On March 12, 2015, the defendant filed an Omnibus Pre-Trial Motion for Relief containing a petition seeking decertification and transfer of his case to the juvenile division. On January 22, 2015 and November 24, 2015, hearings were conducted on the defendant's motion before this Court, after

which the parties were ordered to submit briefs in support of their respective positions.

During the investigation, investigators obtained a search warrant to search the defendant's locker. The investigators discovered a statement titled "RAGNOROK" purportedly written and signed by Hribal and dated April 6, 2014. In the statement, Hribal declared his admiration for Dylan Klebold and Eric Harris who were responsible for killing 12 fellow students and one teacher and injuring 21 others at Columbine High School in Columbine, Colorado on April 20, 1999. The letter includes what could be described as an explicit plan to carry out a similar attack on students at Franklin Regional High School. Hribal had originally planned to carry out the attack on the anniversary of the Columbine killings; however, since his school was closed on that day, he rescheduled the attack for April 9, 2014, the day of Eric Harris' birthday. In the statement, Hribal wrote, "I can't wait to see the priceless and helpless looks on the faces of the students of one of the 'best schools in Pennsylvania' realize their precious lives are going to be taken by the only one among them that isn't a plebeian."

A review of the evidence and relevant law establishes that the defendant was 16 years old at the time of the alleged conduct, and he used a deadly weapon during the commission of the offenses. The defendant was subsequently charged with 21 counts of Aggravated Assault, in violation of 18 Pa.C.S.A. § 2702(a)(1) and 21 counts of Criminal Attempt Homicide, in violation of 18 Pa.C.S.A. §§ 901. These offenses are excluded from the definition of a delinquent act. Pursuant to 42 Pa.C.S.A. § 6322, this case may be transferred to the Juvenile Court Division provided that the defendant establishes, by a preponderance of the evidence, that the transfer will serve the public interest. In determining whether the defendant has established that the transfer will serve the public interest, the Court, as required, will individually address the following factors contained in section 6355(a)(4)(iii).

First, the Court addresses the impact of the offense on the victim or victims. This Court has heard testimony from a number of witnesses during the hearing on June 22, 2015, each of whom testified as to the significant impact that the event had on them. Specifically, this Court heard testimony from six students: Greg Keener, Kate Lonergan, Jared Boger, Connor Warwick, Nathan Moore, and Gillian Mazurek.

Greg Keener was a sophomore at Franklin Regional High School on the date of this incident. N.T. 6/22/15 at 138. Mr. Kenner testified that he went to elementary school with Hribal and grew up with him. Id. On the morning of April 9, 2014, Mr. Kenner stated that as he was standing at his locker taking off his sweatshirt, he saw Hribal running towards him in the hallway carrying two knives. Id. at 138-142. He testified that he instantly got stabbed in the right abdomen. Id. Mr. Kenner entered Mr. Passarelli's classroom where he felt excruciating pain. Id. at 145. Mr. Keener was transported to Forbes Regional Hospital where he was told he had a 20% chance of survival. Id. at 146-147. Mr. Kenner underwent more than 20 surgeries while hospitalized and was in a drug induced coma or condition for the first two weeks. Id. at 148. Mr. Kenner remained in the intensive care unit for 30 days and lost 40 pounds. Id. at 149. Mr. Kenner was not cleared to play sports for more than a year after the incident. Id. at 154. Mr. Kenner testified that he had flashbacks and nightmares for ten months after the incident. Id. at 157.

Kate Lonergan was a junior at Franklin Regional High School on the date of this incident. Id. at 160. Ms. Lonergan testified that she has known Hribal since elementary school. Id. at 166. Ms. Lonergan testified that as she was walking to her English class with her friend, she heard the fire alarm go off and proceeded from the second floor to the first floor. Id. 161-162. She stated as she came down the stairs, she proceeded to the left and Hribal was coming towards her. Id. at

163. Once he was right up against her, he took his right hand and he slashed her lip up to her cheek. Id. at 164. At that time, Ms. Lonergan indicated that Hribal appeared “pretty emotionless”. Id. at 165-166. Ms. Lonergan now has a scar, visible to the Court, from her lip to her ear. Ms. Lonergan testified that because of this incident, she has Post Traumatic Stress Disorder, and sudden sounds cause her to be startled. Id. at 170.

Jared Boger was a junior at Franklin Regional High School on the date of this incident. Id. at 175. Mr. Boger testified that he was upstairs at his friend’s locker when they heard the fire alarm and they made their way downstairs. Id. at 175-176. Once they were downstairs, Mr. Boger testified that he stepped into the hallway and was stabbed in the chest by an unknown individual. Id. Mr. Boger did not know Hribal at the time, however, he later learned that it was Hribal who stabbed him. Id. As a result of his injuries, Mr. Boger was placed on a ventilator and three-fourths of his liver had to be surgically removed. Id. at 178. Mr. Boger underwent five surgeries, lost 20 pounds, and still has pain throughout his stomach and chest which prevents him from playing baseball. Id. at 179-183.

Connor Warwick was a sophomore at Franklin Regional High School on the date of this incident. Id. at 186. Mr. Warwick testified that he knew Hribal and they got along. Id. at 178. Mr. Warwick testified that he was talking to his friend on the first floor in the science hall when he observed someone run past him and jump onto Kolden Cook’s back. Id. at 188. Next, the person ran back towards Mr. Warwick and stabbed him in the lower right abdomen. After being stabbed, Mr. Warrwick made his way into Mr. Lucci’s classroom and passed out. Id. at 189. Mr. Warwick identified Hribal as the individual who stabbed him. Id. at 190-192. Mr. Warwick testified that the knife went through both sides of his stomach, nicked his gallbladder, and went into his pancreas. Id. at 193. Mr. Warwick was hospitalized for 33 days. Id. at 194. During the

hospitalization, Mr. Warwick's lung collapsed causing his heart rate and blood pressure to sky rocket. Id. at 195. Mr. Warwick testified that it was unbearably painful. Id.

Nathan Moore was a sophomore at Franklin Regional High School on the date of this incident. Id. at 200. He indicated that as he was walking towards the office, he thought he saw a fight break out. Id. at 201. Mr. Moore went to try to break up the fight and observed Hribal stabbing Brandon Brown. Id. at 201-202. Hribal then lunged at Mr. Moore and slashed him in the face. Id. Mr. Moore testified that he knew Hribal since elementary school. Id. at 202.

Gillian Mazurek was a sophomore at Franklin Regional High School on the date of this incident. Id. at 213. Ms. Mazurek saw what she thought to be a fight break out and then saw Hribal running towards her. Id. at 214. The fire alarms went off, and Ms. Mazurek went outside.

At this time, someone noticed blood on her leg. Id. at 217. As a result of her injuries, Ms.

Mazurek was taken to UPMC East where she received 16 stitches to close the wound on her leg. Id. Ms. Mazurek testified that once she returned to school, she had to leave class early so that she could be in the hallway without any other students present. Id. at 218-219. Ms. Mazurek indicated that she has received counseling for approximately 20 to 30 sessions during the summer. Id. at 220-221.

Upon a review of the testimony, this Court finds the witnesses to be credible and finds that the testimony of the witnesses and the nature of the injuries as indicated in Commonwealth's exhibit 12, clearly rise to the level of having a significant, life changing impact on the victims. It appearing to the Court that defense counsel has conceded that the impact was great, the Court will not go into future detail regarding this factor.

Second, the Court will address the impact of the offense on the community. This Court has heard testimony from a number of witnesses during the hearing on November 24, 2015.

Each witness testified to the significant impact that the event had on them personally, and upon the community. Specifically, this Court heard testimony from Joan Mellon, Amy Vongeis, Joyce Skena, James Passarelli, Rebecca Scirio, and Monica Carolla.

Joan Mellon is one of the assistant principals at Franklin Regional High School and was working in that capacity on the date of the incident. N.T. 11/24/15 at 5. Ms. Mellon is responsible for removing the two knives from Hribal's hands while he was being held down by Mr. King. Id. at 8-12. With regard to the impact that this event has had on the students and staff at Franklin Regional High School, Ms. Mellon testified that the teachers and students talk quite often about their "triggers" and the effect that certain sounds have on them. Id. at 16-18. Ms. Mellon indicated that the events of April 9, 2014 still impact teachers every single day. Id. at 18.

Personally, Ms. Mellon stated that she cannot pick up a knife without remembering the events of April 9, 2014. Id. Ms. Mellon stated that the professionals at Franklin Regional High School are working very hard to educate the students; however, she could not agree that they have moved on. Id. at 22.

Amy Vongeis is a learning support aide at Franklin Regional Senior High School in special education and was working in that capacity on the date of the incident. Id. at 24. Ms. Vongeis witnessed Hribal coming down the hallway, swing his arms with a knife in his hands, and strike students as he walked. Id. at 26-27. Ms. Vongeis testified that after the incident she continued to experienced flashbacks. Id. at 33-34.

Joyce Skena is a learning support aide at Franklin Regional High School and was working in that capacity on the date of the incident. Id. at 38. Ms. Skena testified that she saw Hribal standing in the science hallway with two large knives. Id. at 38-39. She further testified

that she saw Hribal take one of the knives and slash a student's arm. Id. When Ms. Skena sees a knife, it triggers memories of April 9, 2014. Id. at 44.

James Passarelli is a science teacher at Franklin Regional High School and was working in that capacity on the date of the incident. Three of the stab victims who were severely injured were brought into Mr. Passarelli's classroom where, despite his lack of any medical training, he attempted to provide emergency assistance to them. Id. at 49. Mr. Passarelli testified that the first couple of months after the incident were some of the hardest months of his life. Id. at 54. Mr. Passarelli ultimately sought therapy to help him cope; however, he is still reminded of the events of April 9, 2014. Id. at 54-55.

Rebecca Scimio was a freshman at Franklin Regional High School on the date of the incident. Id. at 57. Ms. Scimio observed Hribal running down the hallway stabbing people, one of whom was her own brother. Id. at 57-60. Ms. Scimio testified that she had nightmares for three or four months after the incident and went to counseling for approximately five months. Id. at 61-62.

Monica Carolla also testified at the hearing on November 24, 2015. Mrs. Carolla's daughter, Julianna Carolla, was a senior at Franklin Regional High School on the date of the incident and was stabbed in the right hand by Hribal. Id. at 68. Julianna has permanent damage to her right hand due to the injury she sustained. Id. at 69. Mrs. Carolla testified that this incident has affected her whole family. Id. at 70.

This Court finds the testimony of the witnesses to be credible and finds that the testimony clearly rises to the level of having a significant, life changing impact on the Franklin Regional students and staff. Based on the testimony, it is clear that the students and staff are making

significant progress; however, it appears to this Court that many individuals are still coping with the events that occurred on April 9, 2014.

In addition to the impact that the offense had on the Franklin Regional School District, the Court also finds that there was a significant and lasting impact to the community as a whole. As the Commonwealth explained, "Students depart their homes each morning expecting to be in a safe school environment. Parents send their children to schools expecting staff and teachers to protect their children as their own and expect their children to be as safe as they are in their homes. Such expectations were brutally and violently shattered by Alex Hribal on April 9, 2014." Commonwealth's Brief in Opposition to Defendant's Petition to Decertify at 10. This Court agrees with the Commonwealth's position and finds that those expectations of safety in schools and homes were significantly impacted by the events of April 9, 2014.

Third, the Court will address the threat to the safety of the public or any individual posed by the child, the nature and circumstances of the offense allegedly committed by the child, and the degree of the child's culpability. In the present case, the Commonwealth relies upon the testimony of Doctor Bruce Wright, M.D. Dr. Wright is a board certified psychiatrist who evaluated Hribal and testified on behalf of the Commonwealth in this matter. Specifically, on November 24, 2015, Dr. Wright testified that when he examined Hribal, Hribal told him that he was inspired by and worshipped the Columbine killers. N.T. 11/24/15 at 78. He said that he thought about Columbine "every minute of every day." *Id.* Hribal said that he thought that the Columbine killers wanted him to carry out this act, and he said "it was his destiny to kill enough people that he would be worshipped as they were." *Id.* The Commonwealth argues that Hribal's actions posed a threat to the safety of the public on April 9, 2014, the nature and circumstances

of his offenses demonstrate extreme callousness and malice, and Hribal was solely culpable for the crimes.

To the contrary, defense counsel argues that because Hribal was secured in Westmoreland County Prison, denied bail to be released to his parent's custody on house arrest, and received an intense therapeutic regimen, he is not a threat to the safety of the public. Although this Court agrees that the defendant was not a threat to the safety of the public while incarcerated, that is not the present issue before the Court. This factor focuses upon whether, upon release, the defendant would be a threat to the public.

Additionally, defense counsel relies on the testimony of Doctor Christine A. Martone, M.D. Dr. Martone is a board certified psychiatrist who evaluated Hribal after the incident and again in April 2015. N.T. 6/22/15 at 35-37, 42. During the June 22, 2015 hearing, Dr. Martone testified that Hribal had a major depressive disorder with psychotic features, which is now resolved, but needs to continue with treatment. Id. at 42. However, Dr. Martone testified that had Hribal not been suffering from the mental illness, he would not have committed this act. Id. at 48.

The Court agrees with the Commonwealth's analysis of the three above-referenced factors. The Court finds that through the defendant's actions of obtaining two kitchen knives and bringing them into school without anyone noticing, pulling the fire alarm so there would be more potential victims available to him, indicating that "he has more people to kill", resisting apprehension, and writing the statement titled "RAGNOROK", the defendant displayed a level of sophistication in carrying out these acts. The Court finds that the defendant created a specific plan to harm as many people as possible and had the motivation and capability to execute that plan. The crimes were unprovoked, and the defendant knew several of the students since

elementary school. Additionally, Hribal's own words and actions signify to the Court that the defendant not only intended to wound others, but wished to kill as many people as possible. The Court reviewed the letter entitled "RAGNOROK", found in the defendant's school locker which had been written by the defendant. The Court believes that this letter could be interpreted as evidence of the defendant's sophisticated and well thought plan to injure and/or cause the death of many individuals.

Next, the Court addresses the adequacy and duration of dispositional alternatives available under this chapter and in the adult criminal justice system. Defense counsel's brief indicates that treatment in the juvenile system would be more than adequate to treat Hribal. Defense counsel refers to the testimony of Dr. Martone. In June 2015, Dr. Martone testified that Hribal was amenable to treatment and believed that Hribal could receive the type of rehabilitative treatment he needed in the juvenile system. Id. at 45-46. However, Dr. Martone has no specific knowledge of SCI Pine Grove and the services provided there. Id. at 77.

The Commonwealth refers to the testimony of Robert Behr. Mr. Behr is a unit manager at SCI Pine Grove. He testified that SCI Pine Grove provides a safe, secure environment with a staff intensive environment for young adult offenders who are prosecuted as adults and who are all under the age of 22 years. N.T. 11/24/15 at 129-130. Mr. Behr testified that after viewing Hribal in Court and hearing testimony of his treatment team, he presents as being no different than many of the other individuals at SCI Pine Grove. Id. at 132-133.

Additionally, the Commonwealth argues that the offenses committed by Hribal warrant more than a total of four and one-half years of incarceration. Although the Court recognizes the seriousness of the offenses and the impact that they have had upon the victims and the community, the Court is not focused on punishment, but rather on whether the defendant is

amenable to rehabilitation within the juvenile court system prior to and leading up to his 21st birthday. The defendant has failed to convince this Court by a preponderance of evidence, that the defendant can be adequately rehabilitated in a juvenile setting within the remaining period of time leading to his 21st birthday. As a result, the Court finds the testimony of Mr. Behr to be credible inasmuch as he opined that SCI Pine Grove would be an adequate dispositional alternative in the adult criminal justice system.

Lastly, the Court will address whether the child is amenable to treatment, supervision, or rehabilitation as a juvenile by considering the relevant factors contained in 42 Pa.C.S.A. § 6355 (a)(4)(iii)(G). After a review of the factors, this Court finds that Hribal was 16 years of age at the time of the offenses. Hribal is described as having an average to a slightly above average intelligence, he was immature at the time of the offenses, and he had no prior criminal record or delinquent history. N.T. 6/22/15 at 49.

Defense counsel attached a copy of the professional reports of Dr. Bruce Chambers Ph.D., Dr. Christine A. Martone, M.D., Dr. William E. Bush, Ed.D., Dr. Alan A. Axelson, M.D., and Rachel Butler-Pardi, LSW. Defense counsel argues that the professional evidence and testimony clearly establish that Hribal is amenable to treatment and can be rehabilitated prior to the expiration of the juvenile court jurisdiction.

During the June 2015 hearing, Dr. Martone testified that Hribal is amenable to treatment and believes that Hribal could receive the type of rehabilitative treatment he needs in the juvenile system. Id. at 45-46. Dr. Martone testified that had Hribal not been suffering from the mental illness, he would not have committed this act. Id. at 48. Dr. Martone testified that the treatment Hribal is receiving is working well and “within three and one-half to four years, he will be vastly improved.” Id. at 53. In her professional opinion, Dr. Martone testified that Hribal would

receive the best treatment in the juvenile system, and she rendered these opinions within a reasonable degree of medical certainty. Id.

The Commonwealth refers to the testimony of Dr. Wright. Dr. Wright testified that during his examination of Hribal in July, Hribal stated, "Maybe I need treatment to worry about the blame less and worry about myself more. I don't need treatment for anger management or violent things." N.T. 11/24/14 at 79. Dr. Wright testified that Hribal's statement indicated a significant lack of insight into the magnitude of the problems that brought him to examine Hribal. Id. Further, Dr. Wright testified that he questioned whether Hribal actually had a psychotic thought disorder. Id. at 103. Dr Wright expressed that it is extremely unlikely for an individual to hide psychotic symptoms from people who are closest to them including family and teachers, Hribal gave inconsistent history for psychotic symptoms to Dr. Chambers and Dr. Martone at different times, and it is very unusual for Hribal's delusional ideation that the Columbine killers were controlling him, to go away spontaneously at the time of his arrest. Id. at 103-105.

Dr. Wright testified that he was unable to say with any degree of medical certainty, that Hribal is amenable to treatment, will remain amenable to treatment, and can be rehabilitated within the jurisdiction of the juvenile court system. Id. at 107-108. The opinion is based upon the fact that it is difficult to predict whether treatment will be successful and whether Hribal will be amenable to treatment over the next three years. Id. Dr. Wright stated that Hribal's present psychological treatment has been unusual because of its intensity, and although Hribal's treatment has been successful, there are a number of negative prognostic factors. Id. at 108-109. Dr. Wright opined that despite the intensive therapy, Hribal still has episodes of depression, continued problems with interpersonal relationships, and he has continued suicidal and homicidal

ideations. Id. As recent as September of 2015, Hribal reported, both, suicidal and homicidal ideations. Id. Further, Hribal is consistently described as having impaired judgment and insight and may have psychotic symptoms as per Dr. Alan A. Axelson, M.D. Id.

Dr. Wright testified that almost everyone who evaluated Hribal diagnosed him with major depression with psychosis or a depressive type psychosis disorder. Id. at 110. He testified that, "There's a tremendous risk of relapse when an individual has an illness of that degree." Id. He further stated, "If the intensity of treatment was decreased, [Hribal's] risk of relapse and the likelihood of successful rehabilitation within [the juvenile court] timeframe is significantly diminished." Id. at 112. Other treatment providers also raised concerns of whether Hribal can be successfully treated by the time he turns 21. Although Dr. Axelson stated that Hribal may be amenable to treatment within the juvenile system, he stated that it may take longer than that which can be provided up to the defendant reaching the age of 21 years. Id. at 114-115. Additionally, Dr. Bush testified that Hribal may still have issues after his 21st birthday based upon this prodromal condition that has been diagnosed. Id.

The Court finds the testimony of Dr. Wright to be credible within the context of this difficult matter. Dr. Wright's opinion is based upon a realistic analysis of the defendant's history, the events which lead to him being charged in this matter, and a realistic and sensible prognosis for the defendant's future mental health. To the contrary, the Court finds that Dr. Martone's opinion, although logical in the context of a professional assessment, is premised upon much speculation and conditional analysis.

Furthermore, upon careful consideration of the serious impact this event has had upon the victims, and generally, the apparent long-lasting effect upon the community, the Court is unwilling to accept the opinions offered by the defendant's experts in this regard, as being

feasible. Simply put, the Court finds that the risk of the defendant's relapse, potential for re-offending in a similar manner, now, or upon his release at age 21, and many unknown and unpredictable psychological/psychiatric factors, to outweigh the likelihood that the defendant's re-entry into our community would be safe and of no concern to the community. This is not to detract from any progress the defendant has made while he has been intensively counseled by his team of psychiatrists and psychologists while in the custody of the Westmoreland County Detention Center and the Westmoreland County Prison. The Court believes that the defendant has received intensive and highly professional care while in custody. This progress, however measured, and regardless of prognosis, does not quell what the Court views as a real and serious risk to the community as a whole, if the defendant is released from custody upon reaching his 21st birthday, which would necessarily occur if decertified at this time.

Upon a review of the factors contained in 42 Pa.C.S.A. § 6355(a)(4)(iii), this Court finds that the defendant has not established by a preponderance of the evidence that the transfer of his case will serve the public interest. Furthermore, the Court finds that the juvenile system cannot adequately address the myriad of concerns expressed by the Commonwealth's expert within the remaining time leading up to the defendant's 21st birthday.

Accordingly, the Court enters the following Order:

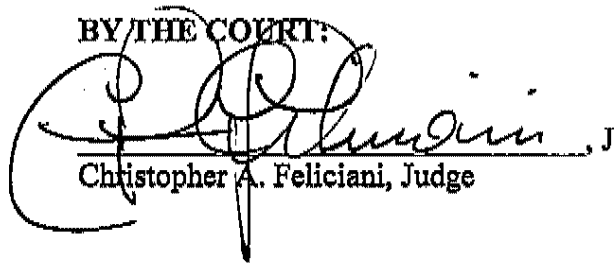
IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY,
PENNSYLVANIA - CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA)	
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VS.)	NO. 2394 C 2014
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ALEXANDER BRANDO HRIBAL)	
Defendant.)	

ORDER OF COURT

AND NOW, to wit, this 9th day of May, 2016, after careful consideration of the Petition for Decertification to the Juvenile Court Division, briefs submitted by the parties, and the testimony presented by the parties, it is hereby ~~ORDERED, ADJUDGED and DECREED that~~ the Defendant's Petition for Decertification to the Juvenile Court Division is hereby **DENIED**.

BY THE COURT:



Christopher A. Feliciani, Judge

ATTEST:



Clerk of Courts

- cc: File
- Law Clerk
- John Peck, Esq., District Attorney
- Patrick Thomassey, Esq., for Defendant, Alex B. Hribal
- Pamela Neiderheiser, Esq., Court Administrator's Office