

§ Motion to modify and reduce sentence

COMMONWEALTH OF PENNSYLVANIA V. TEREL D. DIXON #1027-10

MOTION TO MODIFY AND REDUCE SENTENCE

TO THE HONORABLE JUDGE KIM TESLA, JUDGE OF SAID COURT:

Defendant, Terel Darnell Dixon, by representing himself as his own counsel in this matter hereby moves to modify and reduce the sentence, and represents

1. The defendant did plea guilty to a single count of third-degree murder in an open plea agreement before the Honorable Judge Kim Tesla on August 5th 2011. Sentencing was deferred.

2. On August 12th 2011, the defendant was sentenced by Judge Kim Tesla to a term of imprisonment of no less than twelve (12) to no more than thirty (30) years on the third-degree murder charge, while sentence was suspended on other charges of carrying a firearm without a license and 2 counts of recklessly endangering another person.

3. This motion, filed pursuant to Rule 720, Pa. R. Crim.P., seeks to modify and reduce the sentence of imprisonment imposed on the the third degree murder charge.

4. While the court did impose a sentence within the guidelines, considering factors attributed to the events that led up to the incident in question on the night of May 17th 2010, it is hereby declared that sentencing could have been more lenient and defendant is not satisfied with representation of counsel, Steven Valsamidis on the date of sentencing.

5. The sentence imposed of twelve (12) to thirty (30) years was over the lowest possible mitigated sentence defendant could have recieved. Defendant would also like to establish that said court's decision was based on false testimony, media interference, evidence tamperment, lack of testimony from the only eye witness to the incident, evidence not presented to defendant in a manner timely enough to prepare a proper defense and applications of recently modified "Castle Doctrine" as they apply.

6. Defendant declares that sentencing should be reconsidered based on the Castle Doctrine as it applies while more consideration should be taken as to the lack of a criminal history related to defendant, the absence of a violent history of defendant in opposition to the lengthy, violent criminal history of the named victim in this case, Kevin Johnson which would establish Mr. Johnson's intent toward not only Terel Dixon

but, Tamara Sgro as well as the fetus she was carrying. Prior threats made by Mr. Johnson toward both Mr. Dixon and Ms. Sgro, the fact that Mr. Johnson forced his entry into the residence of Ms. Sgro while defendant was there and statements made by Ms. Sgro describing abuse she suffered at the hands of Mr. Johnson would also establish Mr. Johnson's intent toward both parties as well as the child Ms. Sgro was carrying. Defendant plans to use evidence already presented to aforementioned events to declare that defense was not only justifiable but necessary to protect named parties from Mr. Johnson.

7. It is hereby declared that more careful consideration should have been taken toward mental evaluations defendant had undergone by two highly trained, highly qualified psychiatrists, both of whom insisted that Mr. Dixon utilized training recieved during combat experience in Iraq during his time in the USmilitary. Both of these mental health professionals stated that defendant acted on mental factors outside of his control after being startled by the chaotic commotion Mr. Johnson caused while forcing his way into Ms. Sgro's residence and at the same time making threatening obscenities. Also remorse shown on the behalf of the defendant for the way he reacted, the fact that there was no preious malice shown by defendant toward Mr. Johnson and justifiable defense stipulations are asked to be considered by the Court in the matter of reducing the sentence imposed on Mr. Dixon.

8. Considering the cirumstances and the sentencing code, sentence imposed is aggravated instead of mitigated and defendant finds it excessive. Defendant harbored no malice toward Mr. Johnson but threats by Mr. Johnson toward Mr. Dixon suggests Mr. Johnson's malice and intent toward defendant. Defendant maintained steady employment from 2000 to 2009 and was never known to be troublesome. At the time of the incident, defendant was experiencing psychological problems based on threats made to his well-being by Mr. Johnson as well as Mr. Johnson's violent, aggressive behavior. The Court failed to give appropriate weight to the circumstances of the incident and the defendant's background including the fact that he is a wonderful caretaker for his only young daughter.

9. The Court in its discretion should reconsider the sentence and substantially reduce the term of imprisonment which was imposed.

WHEREFORE, for each of the foregoing, reasons, the defendants judgment of sentenced should be vacated and it should be modified and reduced.

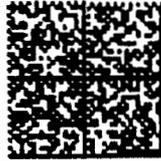
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 BRYANT P. WHITE, Notary Public  
 Shippack Twp., Montgomery County  
 My Commission Expires May 26, 2015

*Bryant P. White*  
 Notary Public

Respectfully submitted,  
*T. White*

Tere1 Dixon #KD-7082

Box 244  
Graterford, PA 19426-0244



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