

# Homeless man faces seven years in prison for a 43-cent “theft” in Pennsylvania

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A homeless Pennsylvania man faces up to seven years in prison after being arrested last month for underpaying on a 20-ounce bottle of Mountain Dew.

Joseph Sobolewski stopped at a gas station convenience store outside Harrisburg, Pennsylvania where he saw a sign advertising two 20-ounce Mountain Dew bottles for \$3.

Sobolewski picked up a bottle, laid \$2 on the counter and walked out. What he did not know is that the store charged \$2.29 for a single bottle, and with tax he had shorted the store 43 cents total.

The clerk called the police, who arrested Sobolewski, who is now being held in jail on a \$50,000 cash bond and faces three to seven years in prison.

Magisterial District Judge Jacqueline Leister told PennLive she could not remember specifically why she set Sobolewski's bond at the exorbitant \$50,000, claiming that she handles too many cases. However, she did tell PennLive it was most likely because of repeated offenses and an outstanding warrant.

Court records show that Sobolewski was arrested more than 10 years ago, when he drove off without paying after filling his gas tank. In 2011 he was arrested for stealing a pair of shoes that cost less than \$40.

Sobolewski also owes \$1,500 in child support and was arrested a few months ago, but has yet to go to trial, for stealing craft supplies from a hobby store.

Under Pennsylvania's three-strikes law, no matter how small the third theft is, the charge is an automatic felony and carries a 3- to 7-year sentence.

Sobolewski remains in jail as he awaits trial, since he cannot afford to pay the cash bond.

Thousands of people have posted comments on social media expressing their outrage at his treatment, the draconian US criminal justice system, and the

mistreatment of homeless:

“Incredibly dumb. That's all the U.S. does is jail people for ludicrous small-time crimes. Send them to prison for being a drug addict, send them to prison for petty thefts, because incarceration always works...dumb”

“This is plain stupid. And if prosecutors take him to court, they are rotten, as would be any judge or jury that would convict him.”

“Where is Charles Dickens' common decency when you need it? Does the store have a penny collector tray? Does the clerk hold a grudge? Are the police there that obtuse? Is a Judge going to say it's frivolous, here's 43 cents? Shame! He's already homeless, why not lend a hand?”

“It's seriously time to defund whatever police department that was if they have so much resources and spare time that they follow up on calls like this and track people down and arrest them over an honest mistake that didn't harm anyone at all in any way. You're arresting ppl over 40 cents? You are a giant waste of public funds.”

In 2019, the prison and jail population in Pennsylvania averaged over 82,000. Nearly another 300,000 people are on probation or parole. Pennsylvania ranks 25th in the nation in the percentage of its population in jail.

Throughout the country, 2,850,000 people are incarcerated and more than another 4.5 million people are on probation or parole. This figure is higher, in number and percentage-wise, than any other country in the world.

The United States is also the only country which jails people for life without the possibility of parole for crimes committed as a juvenile. Known as Juvenile Life Without Parole (JLWOP), there are over 2,600

throughout the country, and 414 listed in Pennsylvania prisons.

While poor laws have been ruled unconstitutional, on any given day one-quarter of those in jail are there because they cannot pay bail or have outstanding jail fees.

Typically, within 48 hours after arrest, a defendant sees a judge, who can release the person, keep them in prison, or most often set bail. If the person can pay the bail, they are released until trial, getting the bail money back if they appear for trial, convicted or not.

However, most defendants cannot pay bail, which places them at the mercy of the for-profit bail bonds industry. A bail bond company will charge an upfront fee and post the bond. The typical bond fee is 10 percent but often can be higher.

In Sobolewski's case that would be \$5,000. The company does not return the fee when the defendant shows for trial, and bondsmen are granted great powers to go after defendants who do not show, including the employment of bounty hunters.

The arrest of Sobolewski also underscores the depth of the social crisis in general and the lack of social services for the homeless in particular.

More than one-quarter of the population of Harrisburg lives below the poverty line, and the median household income is less than two-thirds the state average.

While trillions have been funneled to the banks, financial houses and the wealthy since the 2008 financial crash and during the pandemic, social programs for the poor and homeless have been slashed.



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