

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH : No. CR-1485-2015
vs. :
: CRIMINAL DIVISION
: PETER LAROCHELLE,
: Appellant : 1925(a) Opinion

**OPINION IN SUPPORT OF ORDER IN
COMPLIANCE WITH RULE 1925(a) OF
THE RULES OF APPELLATE PROCEDURE**

This opinion is written in support of this court's judgment of sentence dated November 29, 2016, which became final when the court denied Peter Larochelle's post-sentence motion in an Opinion and Order entered on January 27, 2017.

On June 9, 2015, Peter Larochelle (hereinafter "Appellant") and his neighbor, Glenn Murchison got into a verbal argument over parking in the adjoining driveway, and Appellant sprayed Mr. Murchison in the face with pepper spray. Mr. Murchison was temporarily blinded for about 15 minutes and he had a pain and burning sensation in his eyes for a few days.

As a result of this incident, Appellant was charged with simple assault, a misdemeanor of the second degree, and harassment, a summary offense.

A jury trial was held on September 26, 2016. The jury found Appellant guilty of simple assault, and the court found him guilty of harassment.

On November 29, 2016, the court sentenced Appellant to 18 months' probation under the supervision of the Lycoming County Adult Probation Office.

Appellant filed a timely post-sentence motion. In his motion, Appellant challenged the weight and the sufficiency of the evidence. The court denied Appellant's post-sentence motion in an Opinion and Order entered on January 27, 2017.

Appellant filed a timely notice of appeal. On February 16, 2017, the court directed Appellant to file a concise statement of errors complained of on appeal. No such statement has been filed.

The court assumes that Appellant is asserting the same issues that he raised in his post-sentence motion. Therefore, the court would rely on its Opinion and Order entered on January 27, 2017.

DATE: June 8, 2017

By The Court,

Marc F. Lovecchio, Judge

cc: Ravi Marfatia, Esquire (APD)
Melissa Kalas, Esquire (ADA)
Work file
Gary Weber, Esquire (Lycoming Reporter)
Superior Court (original & 1)