

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : No. 98-11651
:
:
vs. : CRIMINAL DIVISION
:
MARK McCULLEY, :
Defendant : Motion in Limine

ORDER

AND NOW, this 21st day of June 1999, upon consideration of the defendant's Motion in Limine, the Court DENIES the motion. Evidence that the defendant's blood alcohol content was .10% or greater is sufficient to establish a prima facie case. 75 Pa.C.S.A. §3731(a.1); Commonwealth v. Yarger, 538 Pa. 329, 648 A.2d 529 (1994). Also, evidence of the defendant's blood alcohol content is admissible on the charge of driving under the influence of alcohol to a degree which renders one incapable of safe driving. See 75 Pa.C.S.A. §1547(d)(2) and (3); Commonwealth v. Michuck, 454 Pa.Super. 594, 598, 68 A.2d 403, 405 (1996); Commonwealth v. Kelley, 438 Pa.Super. 289, 295, 65 A.2d 378, 381 (1994).

By The Court,

Kenneth D. Brown

cc: Nicole, Spring, Esquire (APD)
Daniel Holmes, Esquire (ADA)