

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : NO. 97-11,916

VS. :

KEVIN BEATTY :

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

Defendant, Kevin Beatty, has appealed this Court's verdict of guilty on the charge of driving under the influence - .10% or greater, 75 Pa. C.S.A. §3731(a)(4). Defendant raises three issues on appeal, to which the Court will rely upon its previously issued Opinions.

Defendant's first issue alleges a violation of Pa. Rules of Criminal Procedure 1100(g). This Court issued an Opinion on May 11, 1999 which reviewed all of the evidence and applicable caselaw. The Court would rely on its discussion and review of the issue as set forth in that Opinion.

For his second and third issue, Defendant challenges the method used by the Commonwealth in testing the blood used to support the finding by the Commonwealth that the Defendant possessed a blood alcohol level by weight of .10% or greater at the time he was operating a motor vehicle. This Court took extensive testimony on October 29, 1999 and issued an Opinion based upon the information provided by the Commonwealth dated November 9, 1999. However, a motion to reconsider was filed by the Commonwealth, additional testimony taken on January 11, 1999 and a subsequent Opinion issued by this Court dated January 27, 1999 reversing its earlier ruling finding the testing method satisfied the requirements of the law.

Finally, this Court issued an Opinion on Defendant's Post-Sentence Motion in Arrest of Judgment and New Trial dated December 1, 1999. This Opinion addressed Defendant's additional challenge of a Rule 1100 violation in this case concerning the time charged to Defendant for the hearing on the Motion in Limine challenging the blood alcohol results, and the subsequent Motion for Reconsideration filed by the Commonwealth.

Date: January 18, 2000

BY THE COURT,

Nancy L. Butts, Judge

xc: D.A.  
Peter Campana, Esquire  
Law Clerk  
Honorable Nancy L. Butts  
Judges  
Gary Weber, Esquire