

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : No. 00-10,498

VS :

JEFFREY JOHN BERNARD :

OPINION

Before the Court is Defendant's Motion for Reconsideration of this Court's Sentencing Order of June 27, 2000. On that date, Defendant pled guilty to the following offenses: obedience to authorized person directing traffic, stop sign violation, careless driving, overtaking a vehicle on the right, reckless driving, and driving upon a sidewalk. Defendant was sentenced to pay a total of \$400.00 in fines. In his motion for reconsideration, Defendant alleges that he was never informed that his driving privileges would be suspended for a period of six months for the offense of reckless driving. Defendant additionally alleges that he was not informed that he would face additional suspensions for pleading guilty to the other summary offenses. Defendant alleges that some of the offenses should have been considered lesser-included offenses, and therefore he should not have sustained a license suspension pursuant thereto.

At the hearing on the motion, the Commonwealth argued that the Court can not consider the merits of Defendant's Motion for Modification of his sentencing Order, as it has not been timely filed. The Court agrees. Trial Courts have the power to modify a criminal sentence within 30 days after entry, if no appeal is taken, 42 Pa. C.S.A. § 5505. Generally, once the 30-day period for altering or modifying sentence is over, trial court loses power to alter its orders. [42 Pa.C.S.A. § 5505](#). [Commonwealth v. Martin, 346](#)

Pa.Super. 129, 499 A.2d 344 (1985). Although the Court may have power to correct obvious and patent mistakes beyond the thirty day limit, Commonwealth v. Cole, 437 Pa. 288, 263 A.2d 339 (1970), that is not the relief requested here. While it is possible that the offenses of careless driving and reckless driving originate from the same act, making it a lesser-included offense, this is not obvious from the Order. Since the mistake in the Order is not obvious or patent, and since the motion for sentence modification has not been filed within the limited time allowed for modification or appeal, unfortunately, this Court is without jurisdiction to modify the Sentencing Order at this time.

ORDER

AND NOW, this \_\_\_\_ day of May, 2001 the Court, having no jurisdiction to entertain Defendant's Motion for a Modification of his Sentence, said Motion is DISMISSED.

By The Court,

Nancy L. Butts, Judge

cc: DA  
Craig S. Boyd, Esquire  
Honorable Nancy L. Butts  
Judges  
Law Clerk