

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : NO. 98-10,945

VS :

STEPHEN LYONS :

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

Defendant appeals this Court's Sentencing Order dated September 25, 2001. Pursuant to that Order, the Defendant was sentenced to undergo incarceration in a state correctional institution for a minimum of six (6) months and a maximum of forty-eight (48) months for the charge of Forgery, and a minimum of six (6) months and a maximum of twelve (12) months for the charge of Theft by Deception. This sentence was entered after the case was remanded by Superior Court Order dated August 20, 2001, after finding that the Defendant's forgery conviction had been improperly graded as a felony of the second degree, rather than a felony of the third degree.

Defendant filed a notice of appeal to the current Sentencing Order on October 25, 2001. On October 26, 2001, this Court requested that the Defendant file a statement of matters complained of on appeal in accordance with Pa.R.A.P. 1925(b). Shortly thereafter, on November 8, 2001, this Court granted Defendant's Counsel's Motion to Withdraw as Counsel. Defendant was granted additional time for filing his statement of matters complained of at that time.¹

¹ The Defendant was granted two additional extensions of time in which to file his statement after the Court was notified that, due to mailing delays, the Defendant had not timely received the Order. An additional amount of time was also given after Defendant's current counsel entered his appearance.

In the statement of matters complained of on appeal, Defendant asserts three issues for review. Defendant first asserts that the guilty verdict was against the weight of the evidence as to all counts. Defendant second asserts ineffective assistance of counsel. Defendant last asserts that new evidence, not available at the time of trial, has now become available and would effect the outcome of this case. As these are all issues raised in Defendant's initial appeal, this Court would rely on our Opinion in Support of Order in Compliance with Rule 1925(A) dated November 7, 2000.

Dated:_____

By The Court,

Nancy L. Butts, Judge

cc: DA
Donald Martino, Esquire
Honorable Nancy L. Butts
Judges
Law Clerk
Gary Weber