

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH,	:	NO. 01-11,198
Plaintiff	:	
	:	
vs.	:	
	:	
OTHELLO ALOYSIUS CHASE,	:	
Defendant	:	

OPINION IN SUPPORT OF ORDER DATED
FEBRUARY 7, 2002 IN
COMPLIANCE WITH RULE 1925(A) OF
THE RULES OF APPELLATE PROCEDURE

Defendant appeals from this Court’s Order of February 7, 2002, sentencing him to incarceration for an aggregate period of 28 to 75 years for criminal conspiracy to commit rape, rape of a child under the age of 13, involuntary deviate sexual intercourse, indecent assault, and endangering the welfare of a child. In his concise statement of matters complained of on appeal, Defendant contends the Court erred in failing to give adequate weight to his remorse, in imposing a sentence which he considers manifestly excessive in comparison to similar cases, in failing to consider the amount of time Defendant was absent from the home, and in imposing a punishment so manifestly excessive it is equivalent, in Defendant’s opinion, to a life sentence. These will be addressed seriatim.

With respect to Defendant’s contention the Court erred in failing to give adequate weight to his remorse, the Court notes that Defendant testified at the sentencing hearing that he makes no excuses, and has no remorse. Defendant testified “I am a man.” The only remorse he expressed was that he wished he had never come to Williamsport. The charges arose from Defendant’s repeated sexual abuse of his stepdaughter, age 10 at the initiation of the abuse. At the sentencing hearing, Defendant admitted to having a sexual relationship with her but claimed it was not abuse. The Court

believes there was no remorse to which weight should have been given.

With respect to the contention the sentence of the Court was manifestly excessive in comparison to similar cases, the Court notes that Defendant points to no case factually similar to the instant matter, in Order that the Court might compare the sentence. The Court believes such a case would be hard to find.

With respect to Defendant's allegation the Court erred in failing to consider the amount of time he was absent from the home, and Defendant's specific statement that the offenses could not have continuously occurred, the Court notes only that it was not found that the offenses continuously occurred, but, rather, that they were repeated and frequent.

Finally, with respect to Defendant's contention the Court has in effect imposed a life sentence, the Court feels that the egregious nature of the offenses, including the length of time over which they occurred, justifies sentencing in the aggravated range. The fact that the aggregate sentence is 28 years, does not vitiate that justification. The Court thus believes that the sentence is not manifestly excessive.

DATE: August 6, 2002

By The Court,

Dudley N. Anderson, Judge

cc: District Attorney
Public Defender
Gary L. Weber, Esq.
Hon. Dudley N. Anderson