

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	: NO. 01-11,379
	:
	:
vs.	: CRIMINAL DIVISION
	: Motion to Dismiss
NATHAN GEYER,	:
Defendant	:

ORDER

AND NOW, this 7th day of January, 2002, it appearing the Superior Court decision in Commonwealth v Failor, 734 A.2d 400 (Pa. Super. 1999), has been overturned by the Pennsylvania Supreme Court in Commonwealth v Failor, 770 A.2d 310 (Pa. 2001), this Court's reference to said decision in it's Opinion and Order dated January 3, 2002, is hereby withdrawn.

Inasmuch as the Court continues to believe the theft charges and DUI charge do not arise from a single criminal episode, however, the Order denying the Motion to Dismiss is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

cc: DA
PD
Gary Weber, Esq.
Hon. Dudley N. Anderson