

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : No. 00-10239
:
:
vs. : CRIMINAL DIVISION
:
:
RONALD UNGARD, :
Defendant : 1925(a) Opinion

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

This opinion is written in support of this Court's judgment of sentence issued on or about December 11, 2000. A jury convicted the defendant of aggravated assault, reckless endangerment, and simple assault. No appeal was filed from this sentence.

On November 29, 2001, the defendant filed a pro se Post Conviction Relief Act (PCRA) petition. In his petition, the defendant asserted trial counsel failed to file an appeal from his sentence. On December 3, 2001, the Court appointed the Public Defender's office to represent the defendant. The Court scheduled an argument on the PCRA petition for March 26, 2002, but continued it so that James Cleland, counsel for the defendant, could obtain former counsel's file on this case. On April 5, 2002, counsel for the Commonwealth and the defense stipulated to the entry of an Order reinstating the defendant's appeal rights nunc pro tunc.

On May 2, 2002, defense counsel filed a notice of appeal. The only issue raised by the defense is that the evidence was insufficient to support the aggravated assault conviction. The Court fully addressed this issue in its Opinion and Order dated March 23, 2001, in which it denied the defendant's Motion for Judgment of Acquittal and/or a New Trial. Rather than issue another Opinion on this issue, the Court would rely on the Opinion and Order dated March 23, 2001 and docketed March 26, 2001.

DATE: _____

By The Court,

Kenneth D. Brown, J.

cc: Kenneth Osokow, Esquire (ADA)
James Cleland, Esquire (PD)
Law Clerk
Gary Weber, Esquire (Lycoming Reporter)
Work File