

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

| | |
|-------------------------------|-----------------|
| COMMONWEALTH OF PENNSYLVANIA, | : NO. 02-11,746 |
| Plaintiff | : |
| | : |
| vs. | : |
| | : |
| DALE S. BARTLEY, | : |
| Defendant | : |

OPINION IN SUPPORT OF ORDER
DATED JULY 15, 2003 IN
COMPLIANCE WITH RULE 1925(A) OF
THE RULES OF APPELLATE PROCEDURE

Defendant has appealed from this Court’s sentencing Order dated July 15, 2003, following his conviction in a bench trial held May 9, 2003, of one count of driving under the influence. In his statement of matters complained of on appeal, filed August 28, 2003, Defendant contends this Court erred in denying his pre-trial Motion for Habeas Corpus relief, in denying his pre-trial Motion to Suppress Evidence, and in finding him guilty of the charge of driving under the influence.

With respect to this Court’s denial of Defendant’s pre-trial Motion for Habeas Corpus relief and for Suppression of Evidence, the Court chooses to rely on the Opinion issued with respect to both motions, dated January 16, 2003.

With respect to Defendant’s challenge to the verdict itself, Defendant contends both that the evidence was insufficient to establish his guilt beyond a reasonable doubt and also that the verdict was against the weight of the evidence. This Court considered Defendant’s argument regarding his guilt beyond a reasonable doubt at the time of trial, and the Court’s findings and discussion are contained in its Opinion preceding the verdict, dated May 20, 2003. Although the weight of the evidence was not argued at that time, upon further review, the Court does not find the verdict to be against the weight of the evidence. The Court is satisfied with the Commonwealth’s level of proof and with its conclusion that Defendant was properly found

guilty of driving under the influence of alcohol to a degree which rendered him incapable of safe driving.

DATE: September 15, 2003

By the Court,

Dudley N. Anderson, Judge

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