

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,	: NO. 02-10,800
Plaintiff	:
	:
vs.	:
	:
JAY KREIDER,	:
Defendant	:

OPINION IN SUPPORT OF ORDER  
DATED FEBRUARY 13, 2003 IN  
COMPLIANCE WITH RULE 1925(A) OF  
THE RULES OF APPELLATE PROCEDURE

Defendant appeals this Court’s Sentencing Order of February 13, 2003. Defendant was sentenced to 10 to 20 years at a State Correctional Institution with an additional 10 years state supervision. On October 1, 2002, Defendant pled guilty to 12 counts of involuntary deviate sexual intercourse, a felony of the first degree, six counts of indecent assault and 18 counts of the corruption of minors.

Defendant acknowledged having repeated sexual intercourse with his adopted daughter starting when she was 12 years old. This conduct continued over a period of two years. The intercourse occurred over her protests.

At the time of sentencing, the District Attorney’s Office asked for a minimum 60-year sentence. The Court had in its possession many letters and there were many neighbors, church members and friends who appeared on behalf of Defendant. There is no question that Defendant was a hard working dairy farmer who regularly attended church. There is no question that he did eventually accept responsibility and appeared to express extreme remorse. There is also no question that these events were in fact an extreme hardship on this family including the possible loss of their farm. The victim did state to the Court that she had no desire to see her father incarcerated and it is acknowledged that Defendant did engage in some post offense

rehabilitation.

Had there been a single act of involuntary deviate sexual intercourse, this Court would have been required to sentence Defendant to a mandatory minimum of a five-year period of state incarceration. This Court reasons the circumstances in this case, where the offense occurred repeatedly over a significant period of time demanded more. Frankly, if the Court had not considered the Defendant's acceptance of responsibility, his post offense rehabilitation, his remorse, his cooperation, the impact on family members and the words of the victim, the sentence would have been much closer to the recommendation advanced by the District Attorney's Office. Moreover, the Court disputes Defendant's assertion that the undersigned sentenced Defendant in some disparate manner for similar offenses in this County. The Court refers all parties to the recent case, Commonwealth v Chase; No. 01-11,198, noting that Mr. Chase's sentence was significantly longer for a three-year period of involuntary deviate sexual intercourse, based on his lack of remorse and failure to accept responsibility

Dated: August 13, 2003

By The Court,

Dudley N. Anderson, Judge

cc: District Attorney  
Eric R. Linhardt, Esq.  
Gary L. Weber, Esq.  
Hon. Dudley N. Anderson