

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PA,	: NO. 02-11,569
	:
	:
vs.	:
	:
KEVIN LATTIE,	:
Defendant	:

OPINION IN SUPPORT OF ORDER DATED APRIL 10, 2003
IN COMPLIANCE WITH RULE 1925(A) OF
THE RULES OF APPELLATE PROCEDURE

Defendant appeals from this Court’s judgment of sentence entered April 10, 2003, indicating the sentence is excessive. This Court is somewhat perplexed by this appeal as the background of this case is as follows:

Defendant was charged with one count of theft by unlawful taking, a misdemeanor of the second degree arising from the theft of a bicycle and false identification to law enforcement authorities as Defendant fled from police when they tried to apprehend him and then provided the police with a false identification. After a brief delay occasioned by Defendant’s failure to appear at criminal pre-trials and the issuance of a bench warrant for same, Defendant entered a guilty plea on April 10, 2003 to the above charges. The plea bargain called for a standard range sentence and that count 4 would run consecutive to count 1 with the remaining charges to be dismissed.

Defendant, who was incarcerated for a brief time as a result of the bench warrant, was sentenced to 10 days to one year on the theft by unlawful taking with credit for time served which was computed to be 10 days. In keeping with the plea agreement, the Court provided an additional year of probation for the false identification to law enforcement authorities. All remaining charges were dismissed. No fine was ordered, however, Defendant was, as a condition of supervision, directed to perform 50 hours of community service.

Defendant presented himself to the Court with a prior record score of 3 and in the

Court's estimation, the sentenced imposed under the above circumstances was clearly not excessive, in fact, it was generous to Defendant. Hence, that is why this Court remains perplexed at this appeal.

Date: May 28, 2003

By the Court,

Dudley N. Anderson, Judge

cc: DA
PD
Hon. Dudley N. Anderson