

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	: NO. 02-11,351
	:
vs.	: CRIMINAL DIVISION
	:
CODY E. HEFFNER,	:
Defendant	: Post-Sentence Motions

**OPINION AND ORDER**

After a trial by jury, Defendant, a juvenile charged as an adult, was found guilty of terroristic threats, two counts of involuntary deviate sexual intercourse, and two counts of indecent assault. Other counts including those charging aggravated assault and aggravated assault with a deadly weapon had been dismissed after a defense demurrer during trial. Defendant was sentenced January 5, 2004, to five to ten years incarceration. In the instant post-sentence motions, filed January 12, 2004, Defendant challenges this Court's denial of his request to be tried in the juvenile system.<sup>1</sup> Argument on the motion was heard March 1, 2004.

Defendant's pre-trial request was denied by Order dated December 30, 2002, and by Order dated March 26, 2003, entered in response to Defendant's request for reconsideration, the Court further explained its reasons for keeping Defendant in the adult system. Once the charges of aggravated assault were dismissed, Defendant renewed his request to be transferred, arguing this Court no longer had jurisdiction and citing Section 6322 of the Juvenile Act. While that section provides for transfer to juvenile court in spite of charges that led to originally filing in adult court, such transfer is discretionary with the Court. 42 Pa.C.S. Section 6322(a). For the same reasons the Court declined to transfer the case prior to trial, the post-trial request was also denied.

The Court wishes to note Defendant's actions subsequent to being found guilty do not warrant reconsideration of this Court's original decision to keep Defendant in the adult system. While on bail Defendant's behavior has been problematic, replete with drug and alcohol use,

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<sup>1</sup> Although in his written post-sentence motion Defendant also challenges the weight and sufficiency of the evidence, Defendant did not pursue these claims at argument.

running from the police, and curfew violations. In addition, Defendant took the stand at trial and unabashedly, without hesitation, testified falsely. All of these actions have convinced this Court that its initial instincts regarding Defendant and the inappropriateness of disposition through the juvenile system were correct.

**ORDER**

AND NOW, this 9<sup>th</sup> day of March, 2004, for the foregoing reasons, Defendant's Post-Sentence Motion is hereby DENIED.

BY THE COURT,

Dudley N. Anderson, Judge

cc: DA  
Joseph Nocito, Esq., 63 Pierce St., Kingston, PA 18704  
Jeffrey Yates, Esq.  
Gary Weber, Esq.  
Hon. Dudley Anderson