

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : NO. 03-10,234
:
:
vs. :
:
DUSTIN MICHAEL HOFFMAN, SR., :
Defendant :

OPINION IN SUPPORT OF ORDER OF OCTOBER 6, 2004
IN COMPLIANCE WITH RULE 1925(A) OF
THE RULES OF APPELLATE PROCEDURE

In response to Defendant's Statement of Matters Complained of on Appeal, filed October 29, 2004, it appearing that Defendant's only challenge is to this Court's conclusion that the Commonwealth's conduct which prompted Defendant's motion for mistrial did not amount to overreaching such as would justify barring re-prosecution, the Court chooses to rely on the Opinion and Order entered in response to Defendant's Motion to Dismiss, dated October 6, 2004.

Dated: November 2, 2004

By The Court,

Dudley N. Anderson, Judge

cc: District Attorney
George Lepley, Jr., Esquire
Gary Weber, Esquire
Hon. Dudley N. Anderson