

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH : No. CR-681-2003 (03-10,681)
: CR-957-2003 (03-10957)
:
vs. : CRIMINAL DIVISION
:
:
ADRIAN STAFFORD, :
Appellant : 1925(a) Opinion

**OPINION IN SUPPORT OF ORDER IN
COMPLIANCE WITH RULE 1925(a) OF
THE RULES OF APPELLATE PROCEDURE**

This opinion is written in support of this Court's judgment of sentence dated November 29, 2004 and docketed December 2, 2004. The relevant facts follow.

Appellant was charged with three counts of delivery of a controlled substance, three counts of possession with intent to deliver a controlled substance, three counts of possession of a controlled substance, three counts of possession of drug paraphernalia, criminal use of a communication facility, and criminal conspiracy. A jury trial was held June 8-9, 2004. The jury found Appellant guilty of all the charges. On November 29, 2004, the court sentenced Appellant to an aggregate term of incarceration in a state correctional institution for a minimum of 4 years and a maximum of 8 years. Appellant filed a motion to modify sentence on December 7, 2004, which the court summarily denied on December 16, 2004. Appellant filed a notice of appeal on January 14, 2005.¹

The sole issue raised in Appellant's statement of matters complained of on

¹ During the trial of the matter, private counsel, R. Bruce Manchester, represented Appellant. At sentencing, the court granted Appellant's oral motion to proceed in forma pauperis. Mr. Manchester filed the notice of appeal for Appellant and Eric Linhardt was appointed to represent Appellant for this appeal. Since Mr. Linhardt

appeal is that the “trial court erred in admitting the Commonwealth’s exhibits into evidence sua sponte where both the Commonwealth and Defense had rested their cases and the Commonwealth had failed to mover for the admission of their exhibits.” This issue is without merit. During the testimony of Officer Dustin Kreitz, the Commonwealth moved to admit its exhibits. N.T. at p. 287. There was no objection from defense counsel, and the court admitted the exhibits. Id. The Commonwealth rested its case at the end of Officer Kreitz’ testimony. Id. at p. 309. Because the record does not support Appellant’s allegation of error in this case, he is not entitled to relief.

DATE: _____

By The Court,

Kenneth D. Brown, P. J.

cc: William Simmers, Esquire (ADA)
Eric Linhardt, Esquire
Work file
Gary Weber, Esquire (Lycoming Reporter)
Superior Court (original & 1)

was not trial counsel, the court granted Mr. Linhardt’s request for an extension for file his concise statement of matters complained of on appeal. This statement was filed on June 30, 2005.