

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :
 :
 v. : **NO. 04-11,739**
 :
KEVIN HOPKINS :

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

The Defendant appeals this Court’s Sentencing Order dated October 20, 2005. On August 4, 2005, in a non-jury trial, the Court found the Defendant guilty of Criminal Conspiracy (Count 1), Delivery of a Controlled Substance (Count 2), and two counts each of Possession with Intent to Delivery Controlled Substance (Counts 3, 6), Possession of a Controlled Substance (Counts 4, 7), and Possession of Drug Paraphernalia (Counts 5, 8). Accordingly, the Court sentenced the Defendant to undergo incarceration in a State Correctional Institution for an indeterminate period of time, the minimum of which being three (3) years and the maximum of which being six (6) years on Count 6; five (5) years of probation, to run consecutively to his sentence on Count 6, on Count 1; and incarceration in a State Correctional Institution, to run concurrently with his sentence on Count 6, for an indeterminate period of time, the minimum of which being one (1) years and the maximum of which being two (2) years on Count 2.¹

The Defendant filed a notice of appeal to the current Sentencing Order on November 4, 2005. On November 7, 2005, this Court requested that the Defendant file a Statement of Matters Complained of on Appeal in accordance with Pa.R.A.P. 1925(b); on November 30, 2005, the Defendant filed said Statement.

¹ The Court found that Counts 3, 4, 5, 7, and 8 merged for the purposes of sentencing.

In the Statement of Matters Complained of on Appeal, the Defendant asserts that this Court erred in denying the Defendant's Motion for Extraordinary Relief. Relying on this Court's Opinion and Order dated August 31, 2005, the Court rejects the Defendant's assertion.

Dated: _____

By The Court,

Nancy L. Butts, Judge

cc: DA
Jay Stillman, Esquire
File
Law Clerk