

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

: NO. CR – 7 - 2006

vs.

TYRONE DUNN,

Defendant

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OPINION IN SUPPORT OF ORDER OF JULY 18, 2006,
IN COMPLIANCE WITH RULE 1925(A) OF
THE RULES OF APPELLATE PROCEDURE

Defendant appeals this Court’s Order of July 18, 2006, which sentenced him on one consolidated count of aggravated assault to two and a half to five years incarceration, and on counts of escape, fleeing and eluding, and recklessly endangering another person, to a consecutive term of two years probation supervision, following his guilty plea on May 11, 2006. In his Concise Statement of Matters Complained of on Appeal, Defendant questions whether his plea was voluntary and whether the sentence was excessive.

With respect to the voluntariness of the plea, Defendant offers no reason why the Court should find that it was not voluntary and, indeed, a review of the guilty plea colloquy, both the written form and the oral colloquy conducted by the Court, shows that Defendant fully understood what he was doing in pleading guilty and that he entered the plea of his own accord, freely and voluntarily.

With respect to the sentence, Defendant contends it was excessive because “Defendant was sentenced to a period longer than the 9 months Defendant believed the sentence to be for the crimes charged.” This statement is somewhat puzzling inasmuch as Defendant was sentenced in accordance with a plea agreement that included a proposed sentence of two and a half to five years incarceration, and Defendant was sentenced exactly in keeping with that agreement. Further, when offered the opportunity to comment just prior to the imposition of sentence, and after it was indicated that the sentence would be two and a half to five years, Defendant said nothing about believing he would be sentenced to nine months.

Accordingly, the Court believes Defendant's appeal to be without merit, and respectfully suggests the Order of July 18, 2006, should be affirmed.

Dated: October 17, 2006

Respectfully Submitted,

Dudley N. Anderson, Judge

cc: DA
PD
Gary L. Weber, Esq.
Hon. Dudley Anderson