

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : NO. CR – 1730 - 2004  
:   
vs. :   
:   
RONADL FOUST, :   
Defendant :

OPINION IN SUPPORT OF ORDER OF OCTOBER 10, 2005,  
IN COMPLIANCE WITH RULE 1925(A) OF  
THE RULES OF APPELLATE PROCEDURE

Defendant has appealed this Court’s Sentencing Order of October 10, 2005, entered following his conviction by a jury of one count of retail theft and one count of theft by unlawful taking. In his Statement of Matters Complained of on Appeal, Defendant raises the same issues raised in his post-sentence motion. Therefore, the Court chooses to rely on the Opinion and Order entered in response to Defendant’s motion, dated January 11, 2006.<sup>1</sup>

Dated: February 28, 2006

Respectfully submitted,

Dudley N. Anderson, Judge

cc: District Attorney  
Charles Brace, Esquire  
Gary Weber, Esquire  
Hon. Dudley N. Anderson

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<sup>1</sup> Defendant does raise one issue on appeal that was not addressed by the Court in the January 11, 2006, opinion: “whether the inference of intent (and the corresponding jury instruction) were properly used and applied.” The Court is unsure of Defendant’s contention with respect to this issue and thus will state only that the standard instruction, No. 15.3929F Presumption Relating to Retail Theft, was included in the jury instructions. Since Defendant does not indicate how this was improper, the matter will not be addressed further.