

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : NO. 01 - 10,160
:
vs. :
:
JOHN W. GOOD, III, :
Defendant :

OPINION IN SUPPORT OF ORDER OF AUGUST 3, 2006,
IN COMPLIANCE WITH RULE 1925(A) OF
THE RULES OF APPELLATE PROCEDURE

Defendant appeals this Court’s Order of August 3, 2006, which summarily dismissed his Motion to Receive Credit for Back Time After Formal Revocation. Due to the simplicity of the matter, the Court did not request a Rule 1925(b) Statement.

On March 12, 2001, Defendant pled guilty to a consolidated count of corruption of minors, and was sentenced to a period of 48 months County probation supervision. On November 26, 2003, however, that probation was revoked and Defendant was instead sentenced to a period of incarceration in a State Correctional Institution, of one-and-a-half to five years. Defendant was given credit for time spent incarcerated since November 12, 2003. On July 17, 2006, Defendant filed a Motion to Receive Credit for Back Time After Formal Revocation, requesting thirty-one months “credit for Back Time (Street time)”, apparently for the time from March 12, 2001, through November 12, 2003.¹ By Order dated August 3, 2006, the Court summarily dismissed the motion inasmuch as the time for which Defendant sought credit was spent on probation, and only time spent “in custody” qualifies for credit against a sentence of incarceration. See Commonwealth v. Frye, 853 A.2d 1062 (Pa. Super. 2004).

As the Court believes Defendant’s appeal to be without merit, it is respectfully suggested the Order of August 3, 2006, be affirmed.

Dated: September 27, 2006

Respectfully Submitted,

Dudley N. Anderson, Judge

cc: DA
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Hon. Dudley Anderson

¹ Incidentally, the Court calculates such at thirty-two months rather than thirty-one.