

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	CR #1627-2005
	:	CR #1452-2005
vs.	:	CR #1509-2005
	:	
ARON CASH HOYT,	:	DEFENDANT'S POST-SENTENCE
Defendant	:	MOTION

OPINION AND ORDER

The Court held a non-jury trial in the above cases on July 1, 2008. The Court entered a verdict on July 2, 2008. In case #1509-2005 the Court found Defendant guilty of Count 1, Forgery, a felony of the third degree; Count 2, Theft by Deception, a misdemeanor of the first degree; and Count 4, Bad Check, a misdemeanor of the first degree. The Court found Count 3, Receiving Stolen Property, merged with Count 2, Theft by Deception.

In Case #1627-2005, the Court found Defendant guilty of Count 1, Criminal Attempt - Theft by Deception, a felony of the third degree; Count 2, Bad Check, a misdemeanor of the first degree; Count 3, Bad Check, a summary offense; and Count 4, Bad Check, a summary offense.

In Case #1452-2005, the Court found Defendant guilty of Count 1, Forgery, a felony of the third degree; Count 4, Criminal Attempt - Theft by Deception, a misdemeanor of the first degree; and Count 8, Bad Check, a misdemeanor of the second degree. The Court found Defendant not guilty of Count 2, Forgery; Count 3, Forgery; Count 6, Bad Check; and Count 7, Bad Check. The Court found Count 5, Criminal Attempt, merged with Count 4.

The above three case numbers were consolidated for trial, without objection of the defense, by Order of Judge William Kieser on October 3, 2007. Subsequently, Defendant

filed a Motion to Sever case #1627-2005 from cases #1452-2005 and #1509-2005. This Court, by Order of May 20, 2008, denied the severance request finding the three cases indicated evidence of common plan or scheme and were relevant to each other on the issue of criminal intent.

The cases have a long and somewhat convoluted procedural history with these charges having been filed in August 2005 and September 2005. Defendant pleaded guilty on August 10, 2006. He was originally sentenced by the Honorable Dudley N. Anderson on all three cases on January 30, 2007. Defendant filed a Petition to Withdraw his guilty plea on February 9, 2007. On June 1, 2007, Judge Anderson granted Defendant's Motion to Withdraw his guilty plea.

The cases stayed in the system for another year and on June 13, 2008, Defendant waived his right to a jury trial with the non-jury trial scheduled to start on July 1, 2008, before the undersigned.

As stated above, the Court entered a verdict on the cases on July 2, 2008, and scheduled sentencing for October 1, 2008. The Court permitted Defendant to remain on bail prior to sentencing.

Defendant did not appear for sentencing on October 1, 2008, and the Court entered a bench warrant for his arrest. Defendant was picked up on the bench warrant on or about January 21, 2009. Bail was revoked at that time.

Defendant was sentenced on February 26, 2009.

In case #1509-2005, the Court sentenced Defendant to incarceration in a state correctional institution for 6 to 12 months on Count 1, Forgery, and a consecutive 6 to 12

months on Count 2, Theft by Deception. The aggregate sentence in case #1509-2005 was 1-2 years.

In case #1627-2005, the Court sentenced Defendant to incarceration in a state correctional institution for 1 to 3 years on Count 1, Criminal Attempt – Theft, a felony of the third degree. The Court considered all other counts merged.

In case #1452-2005, the Court sentence Defendant to incarceration in state correctional institution for 6 to 12 months on Count 1, Forgery and a consecutive 6 to 12 months on Count 4, Criminal Attempt- Theft.

The Court made each case consecutive to the others, resulting in an aggregate sentence of 3-7 years. The Court also made Defendant eligible for a Recidivism Risk Reduction Incentive (RRRI) on all cases which would allow him to be considered for parole after serving 27 months of his three-year aggregate sentence.

Defendant filed a Post-Sentence Motion to all three numbers on March 9, 2009 and the Court heard argument on the Motion on April 3, 2009.

Underlying Facts of the Three Cases

Case #1509-2005

Defendant opened a checking account at the Montoursville branch of the Muncy Bank and Trust Company on January 27, 2005. He opened the account under his name, Aron C. Hoyt. He was given starter checks when he opened the account. Muncy Bank and Trust closed this account on July 8, 2005 because the account had a negative balance. *See*, Commonwealth Exhibit 5.

On July 13, 2005 Defendant appeared at the Muncy branch of Citizens and Northern Bank. Defendant talked with Teller Kim Sampsell and wanted to open a savings account. Defendant opened this account with a starter check drawn on his Muncy Bank and Trust checking account. This check, Commonwealth Exhibit 2, was dated July 12, 2005 and was made payable to Defendant, Aron Hoyt. The check was in the amount of \$1,862.00 and was signed by a signature that appeared to say Dave Hoyt. The top left side of the check next to a line that said "name" had the name A & D Web design. The teller believed A & D Web design was the account holder for the check. Defendant endorsed the check and the teller deposited the check into Defendant's newly opened account.

The next day, July 14, 2005, Defendant went to the Williamsport branch office of Citizens and Northern Bank. Defendant then withdrew the sum of \$1,650.00 from his Citizens and Northern account, which he had opened the day before at the Muncy branch. *See*, Commonwealth Exhibit 2.

Shortly after paying out the sum of \$1,650.00 to Defendant Citizens and Northern Bank learned that the Muncy Bank and Trust check used to open the account was no good when this initial check was returned to them indicating the account was closed. Citizens and Northern Bank then sent Defendant a letter dated July 20, 2005 informing Defendant of this matter giving him a ten-day period to make payment to them for the \$1,650.00 Defendant had obtained on July 14. *See*, Commonwealth Exhibit 3. The bank also tried to telephone Defendant about this problem but received no response. When Defendant did not respond to any of the bank's efforts the bank contacted the Pennsylvania State Police about their \$1,650.00 loss.

The Court found Defendant guilty of Forgery, a felony of the third degree, for writing the name A&D Web design in the top left corner as the holder of the account and signing the name Dave Hoyt on the check for \$1,862.00, Commonwealth Exhibit 1. The Court also found Defendant guilty of Theft by Deception, a misdemeanor of the first degree, for his obtaining the next day the sum of \$1,650.00 from Citizens and Northern Bank. *See*, Commonwealth Exhibit 2. This money was obtained by Defendant based on his deception of the prior day when he opened the account with the forged and fraudulent check for \$1,862.00, Commonwealth Exhibit 1. The Court also found Defendant guilty for the offense of Bad Check, a misdemeanor of the first degree, for the \$1,862.00 check.

Case #1627-2005

On July 29, 2005, Defendant came to the Loyalsock branch of Omega Bank. Defendant opened an account by depositing a check for \$100.00 payable to cash. The check was drawn on a Horizon Federal Credit Union account. *See*, Commonwealth Exhibit 6. The account was opened under Defendant's name, and he was the only signer for the account.

The next day Defendant deposited a second check into the account. Commonwealth Exhibit 7. This check also was written on the Horizon Federal Credit Union account. The check was made payable to Aron Hoyt for \$95.00. The top left corner of the check said A & D Web design. Defendant had Omega Bank give \$50.00 of the \$95.00 check to him in cash and the remaining \$45.00 went into Defendant's checking account.

Defendant then came back to the Omega Bank a third time. On this occasion he brought in a check made payable to himself purportedly from A & D Web design for the sum of \$1,862.00. The check was dated July 12, 2005. This check was drawn on Muncy Bank and

Trust Company. *See*, Commonwealth Exhibit 8. This check was similar to the check Defendant presented for \$1,862.00 at Citizens and Northern Bank. *See*, Commonwealth Exhibit 1. The difference between the two checks is that the check presented at Citizens and Northern Bank on the memo of the check states, "June Webwork," whereas the check presented at Omega Bank in the memo section states, "Bellion Website." Both checks are drawn on the closed Muncy Bank and Trust account. Both checks are dated July 12, 2005, and both checks are for the amount of \$1,862.00.

Witness, Janice Cathern, from Omega Bank, testified that they were suspicious of Defendant when he presented this third check for \$1,862.00, so they called Muncy Bank and Trust. They then learned that the Muncy Bank and Trust account was closed, so they knew this check was no good. In light of this information, Omega Bank did not credit the \$1,862.00 to Defendant's checking account.

John Sharp, CEO, of Horizon Federal Credit Union, testified that Defendant did not have an account with the Horizon Federal Credit Union in July 2005. Horizon closed Defendant's checking account in June 2004. Defendant received notice that the account was closed. In October 2004 Defendant withdrew the last \$20.00 from his savings account. Commonwealth Exhibits 6 and 7 were temporary starter checks given to Defendant when he opened the checking account.

The evidence in case #1627-2005 proved that Defendant opened a checking account with Omega Bank on July 29, 2005 using a check on an account closed more than a year prior by Horizon Federal Credit Union. The next day Defendant used a second check drawn on the closed Horizon account, payable to Defendant for \$95.00, and obtained \$50.00 of this sum

from Omega Bank. Both Horizon checks, Commonwealth Exhibits 6 and 7, were long-closed accounts.

Finally, Defendant then tried to present a third check in the amount \$1,862.00, Commonwealth Exhibit 8, to Omega Bank on the closed Muncy Bank and Trust account, but Defendant was not successful because Omega Bank, now suspicious of Defendant, contacted Muncy Bank and Trust and learned this account was closed.

Based on this evidence, the Court found Defendant guilty of Attempted Theft by Deception, pertaining to the \$1,862.00 check, Commonwealth Exhibit 8, and two counts of Bad Checks for Commonwealth Exhibits 6 and 7.

Case #1452-2005

Witness Tara Reighard testified that on August 4, 2005 Defendant appeared at the Loyalsock branch of M&T Bank. Defendant wanted to open a checking account. He signed an account opening form, Commonwealth Exhibit 9. Defendant did not put any money into the account, but he claimed his sister would come to the bank later in the day to put money into the account. Defendant then obtained starter checks from M&T Bank. The Bank's policy at the time was to give individuals sixty days to put money into an account before declaring it inactive.

On the same day, August 4, 2005, Defendant went to the Northwest Savings Bank. Teller, Angela Mitcheltree testified that Defendant used a starter check from M&T Bank to open a free checking account. Commonwealth Exhibit 10 is the check on the M&T account dated August 2, 2005, presented by Defendant and made payable to him for the sum of \$915.00. The memo for the check says "Webwork." The signature for the check is illegible. Defendant endorsed the check.

The teller then did a further review of the matter and learned that Defendant opened the M&T account that very morning and that no funds were in the account. She immediately closed Defendant's Northwest checking account. She then prepared a memo, Commonwealth Exhibit 12, to her Central Region Officer from her branch in Loyalsock. She noticed that the social security number Defendant gave her when he opened the account that day differed from the social security number he gave the same day at M&T as to two digits of the number. His social security number also came up differently on "Chex Systems." She further noticed the phone number he gave Northwest did not accept incoming calls.

Tim Wagner, the Acting Branch Manager for Northwest Savings Bank also testified at the non-jury trial. He supervised the Northwest staff. Mr. Wagner was made aware Defendant came to his bank on August 4, 2005. He reviewed Defendant's account after the teller opened the checking account. He contacted M&T Bank and found out that Defendant had no funds in the M&T account. He then tried to telephone Defendant at the phone number he gave them but the number did not take incoming calls.¹

The Remaining Evidence Presented by the Commonwealth

The Commonwealth called Trooper Brad Eisenhower to testify at trial about his contact with Defendant. Trooper Eisenhower interviewed Defendant on August 17, 2005. Defendant waived his Miranda rights and spoke with the Trooper.

¹ Mr. Wagner further testified Defendant used two starter checks he obtained from Northwest Savings Bank, Commonwealth Exhibits 13 and 14, and tried to deposit them at M&T Bank. Commonwealth Exhibit 13, was a check dated August 7, 2005, and made payable to Defendant for \$1,482.00, and Commonwealth Exhibit 14, was a Northwest check payable to Defendant for \$650.00, dated August 4, 2005. The Court believed this evidence was introduced in support of the forgery counts (Counts 2 and 3), and the bad check counts (Counts 6 and 7) in case number 1452-2005. The Court found Defendant not guilty of these counts, because the Commonwealth called no witnesses from M&T to verify this information.

In regard to Case #1509-2005 Defendant admitted he went to the Muncy branch of Citizens and Northern Bank on July 13, 2005. He opened a savings account with a check drawn on Muncy Bank and Trust for the amount of \$1,862.00 and Defendant admitted the name A & D Web design was a name he made up for his business. Initially, Defendant told the Trooper that he signed the check "Dave Hoyt." He then said he just scribbled a signature. Defendant denied he knew that the Muncy Bank and Trust account was closed, but he was aware the account was "suspended." The Trooper specifically asked Defendant if he was intentionally trying to deceive Citizens and Northern Bank and Defendant admitted that he was. The Trooper asked him why he did this and Defendant described his conduct as an addiction.

In regard to Case #1452-2005 Defendant admitted that on August 4, 2005, he went to the Loyalsock branch of M&T Bank and opened a checking account. He did not put money in the account, but he obtained starter checks. Defendant then went to Northwest Savings Bank and opened a checking account using a starter check from the newly opened M&T account. Defendant presented the starter check, which was dated August 2, 2005, and made payable to Defendant for \$915.00. Defendant scribbled a signature on the check. He knew there was no money in the M&T account to cover this \$915.00 check.

Defendant told the Trooper that passing bad checks to different banks had become addicting for him and that was why he kept doing this. Defendant acknowledged that at no time did he deposit any hard currency in either M&T Bank or Northwest Savings Bank.

The Defense

Defendant testified in his own defense. Defendant testified in 2005 he worked as a writer and did web design work. He called the web design business A & D Web design. He

was paid for Web work he did through Paypal. It would take 3-4 days for banks to transfer Paypal payments into a bank account.

Defendant admitted opening the accounts in question. Defendant denied any of his actions occurred with criminal intent. Rather, Defendant claimed that he believed he would get the money to cover the checks from his Paypal account. He referred to the money he obtained as advancements on money he expected to receive. He claimed the money would have come to his accounts if the banks had not closed them.

Defendant denied that he was trying to steal money from the involved banks. He claimed he was simply trying to obtain money until his money from his Paypal payments came through. When asked why he made it look like payments were coming to him from A & D Web design he testified he felt this name looked professional. Defendant claimed the signatures he wrote were just sloppy versions of his name. When Defendant was asked what he meant when he told the Trooper that his conduct was addicting, he answered this was simply a way for him to get an advance on money that he expected to receive. When Defendant was asked by the prosecution about his admission to the Trooper that he was trying to deceive the banks, Defendant testified he did not remember saying this to the Trooper.

Post-Sentence Motion

The Court will address the issues raised by Defendant in his post-sentence motion. Defendant's motion, captioned "Motion for a New Trial/Motion to Dismiss," raises the following issues.

In averment 25 Defendant contends the Court erred by denying his motion to continue the trial and hire private counsel. The decision whether to grant or deny a continuance

is within the discretion of the trial court. In *Commonwealth v. Wright*, 961 A.2d 119 (Pa. 2008), the Pennsylvania Supreme Court stated:

"[t]he denial of a request for a continuance is within the sound discretion of the trial court and will not be reversed absent a showing of an abuse of discretion." *Commonwealth v. Busanet*, 572 Pa. 535, 817 A.2d 1060, 1076 (Pa. 2002). In determining whether denial of a continuance in a criminal case was an abuse of discretion, we consider the nature of the crime and the attending circumstances. *Commonwealth v. Scott*, 469 Pa. 258, 365 A.2d 140, 143 (Pa. 1976). We also have regard for the orderly administration of justice and the criminal defendant's right to have adequate time to prepare a defense. *Commonwealth v. Crews*, 536 Pa. 508, 640 A.2d 395, 403 (Pa. 1994).

961 A.2d at 133. The Court in the factual summary of this case reviewed the long history of this case in the court system. This was an extremely old case which Defendant seemed to be delaying for a long time leading up to the trial. Defendant was finally given a firm date for trial. The witnesses appeared and were ready to testify. It would not have made sense to allow this case to be delayed further to allow Defendant to hire new counsel. The continuance request was simply a last minute delay tactic with the goal of further delaying this very old case. The Court sees no error in the denial of the continuance.

In averment 26 of the motion Defendant alleges error because Commonwealth witnesses testified without disclosure of any criminal records. Although Defendant, through counsel, included this information in the request for discovery, Defendant never filed a motion to compel to obtain a Court order to require the Commonwealth to disclose this information. Furthermore, Defendant offers no allegation or evidence that any of the Commonwealth witnesses had any criminal records which could have been used to impeach them. Most, if not all, of the Commonwealth witnesses were bank employees. It is doubtful any had criminal records. Defendant has not offered any evidence of having been deprived of criminal record

information which he could have used at trial to impeach any witness. This issue is without merit.

Defendant, in averment 27, complains the Court permitted the admission of hearsay evidence from a bank teller from Citizens and Northern Bank. Defendant, in his motion, does not further detail what this evidence was. The only bank teller witness the Court can establish from reviewing its hand written notes of the trial is Kim Sampsell, a teller from Citizens and Northern Bank. Defendant opened a savings account at Citizens and Northern Bank with Kim Sampsell on July 13, 2005. He opened the account using the check for \$1,862.00, Commonwealth Exhibit 1. The check was payable to Defendant and appeared to be signed by a Dave Hoyt. The check was written on an M&T checking account. Ms. Sampsell testified the M&T account was closed because the check was returned to Citizens and Northern Bank with the stamp “account closed” on the check. *See*, Commonwealth Exhibit 1.

Further, Beth Colley of M&T Bank testified at trial. She verified Defendant had opened an account at M&T on January 27, 2005. She identified Commonwealth Exhibit 1 was a temporary or starter check, which would have been given to Defendant. She testified M&T Bank closed this account due to overdrafts. She also testified that the M&T account did not have \$1,862.00 in it and that it was closed four days before Defendant presented the check at Citizens and Northern Bank with a negative balance. Thus, the Court sees no merit in Defendant’s hearsay complaint in averment 27 of his post sentence motion.

In averment 30 of his motion, Defendant next raises that the Court’s guilty verdicts in cases 1509 and 1452 were based on insufficient evidence and/or are against the weight of the evidence.

In case 1509 Defendant went to Citizens and Northern Bank in Muncy on July 13, 2005, and opened a checking account with the starter check written on M&T Bank for the amount of \$1,862.00. The check appeared to be from a business, A & D Web design and was payable to Defendant. The check was signed by Defendant with the false name of Dave Hoyt. The M&T account was a closed account.

The very next day, July 14th, Defendant went to a different branch of Citizens and Northern Bank in Williamsport and withdrew \$1,650.00 of the original sum. Defendant pocketed the \$1,650.00 and to this day has not paid the money back.

Defendant admitted his intent to deprive this bank and others in his confession to Trooper Eisenhower.² He described his pattern of behavior to all the banks as addictive. He is clearly guilty of forgery, theft by deception and bad check offenses in this case. The evidence is sufficient for the verdicts and the verdicts are not against the weight of the evidence.

In case 1452 Defendant, on August 4, 2005, went to the Loyalsock Branch of M&T Bank to open a checking account. He put no money in the account but obtained starter checks. Defendant claimed his sister would later come into the Bank and deposit money in the account.

Defendant, on this same date, then went to Northeast Savings Bank and used a starter check from M&T Bank, which he dated August 2, 2005, payable to himself for \$915.00, to open a checking account. The signature on the check made payable to Defendant was illegible.

² Trooper Eisenhower testified Defendant admitted to him he knew the M&T account did not have the money to cover this check. While he denied he knew the M&T account was closed, he admitted he was aware the M&T account was “suspended.”

Fortunately, Northwest Bank immediately discovered Defendant's fraud when they contacted M&T Bank and learned he had no funds in the M&T account. Northwest Bank then immediately closed this checking account. When they checked this matter out further they discovered the social security number given by Defendant to M&T Bank differed from the social security number given by Defendant, on the same day, to Northwest Savings Bank. When Northwest tried to telephone Defendant at the number he gave them, they found the number did not take incoming calls.

It is apparent from the evidence that Defendant forged the check made payable to himself for \$915.00 so he could open an account with Northwest Savings Bank.

However, in regard to the Court's guilty verdict for Count 4, Criminal Attempt, Theft by Deception, the Court must agree with the Defendant's claim that there was insufficient evidence for the conviction.

The Court in entering the guilty verdict mistakenly believed this Count pertained to Defendant's conduct of August 4, 2005 of opening a checking account at M&T, but not placing any money in the account, and then going to Northwest Savings Bank on the same day and opening an account there by depositing an M&T starter check for \$915.00 payable to himself. The Court construed the attempt of Theft by Deception on the premise that he intended to take money out of the Northwest account.

However, in looking at the original criminal complaint, Count 4 applies to an allegation that Defendant returned to M&T Bank on August 9, 2005, and attempted to make a \$600.00 withdrawal. He was unsuccessful because M&T had closed this account. While evidence of the forgery may have proven Count 4 if the Commonwealth called the pertinent

witnesses, the Commonwealth at trial neglected to call witnesses from M&T to prove these allegations. The Court noting the Commonwealth's failure to call these additional witnesses found Defendant not guilty of Count 2, Forgery; Count 3, Forgery; Count 6, Bad Check; and Count 7, Bad Check. The Court at the time did not realize Count 4, Attempted Theft by Deception, related to this M&T transaction. In light of this realization, the Court will grant Defendant's Motion to Dismiss Count 4 in case 1452, as it dismissed the other counts which pertained to this transaction.

Defendant, in averment 36 of his post sentence motion argues that there was insufficient evidence for the conviction for the offense of Theft by Deception under case 1627-05. He also asserts the correct grading for this offense should have been as a misdemeanor of the second degree, as opposed to a misdemeanor of the first degree.

Factually, Defendant on July 29, 2005, went to the Omega Bank in Loyalsock to open a checking account. Defendant opened the account with a \$100.00 check drawn on Horizon Federal Credit Union. The check was dated July 29, 2005 and was payable to cash. *See*, Commonwealth Exhibit 6. The evidence at trial showed this Horizon account was closed in June of 2004. The evidence showed Defendant received notice of this account being closed.

The next day Defendant went back to Omega Bank and deposited a second check, Commonwealth Exhibit 7, for \$95.00. Defendant then withdrew \$50.00 from this account.

Defendant then returned to Omega Bank on a third day. On this day he tried to deposit into his Omega account a check, Commonwealth Exhibit 8, dated July 12, 2005, for \$1,862.00. This check was drawn on Muncy Bank and Trust. The check was made payable to Defendant and purported to be from A & D Web design. The signature on the check is illegible.

The Omega official called Muncy Bank and Trust and learned that account was closed and the check was not good.

The Court found sufficient evidence for Criminal Attempt, Theft by Deception, a felony of the third degree, because the evidence showed Defendant was involved in a fraudulent scheme to open accounts with bad checks written on closed accounts with other banks and then withdrawing money from the new account until the victimized bank closed his account. Defendant was successful in obtaining \$50.00 from this scheme on July 30, 2005. He was not successful in obtaining additional monies and hence was found guilty of attempted Theft by Deception. Grading as a third degree felony is by virtue of 18 Pa. C.S.A. §3903(a.1) which indicates that a felony of the third degree is proven if the amount exceeds \$2,000. Here the criminal attempt pertains to the \$1,862.00 deposit and the \$145.00 prior deposit. Since the total exceeds \$2,000.00 the Court graded the attempt as a felony of the third degree.

In light of the prior discussion in this Opinion the Court denies Defendant's Motion in Arrest of Judgment raised in Defendant's averment 42, except for the dismissal of the attempt charge, Count 4, in case 1452.

The last issue raised by Defendant in averments 44-46 is reconsideration of sentence. Defendant argues that consecutive sentences were inappropriate as the cases involved one criminal episode. The Court believes based on the facts of the three cases the Court has ample basis to run some of the sentences consecutive to each other. The conduct for each charge was separate and distinct. While the conduct did arise out of a common plan or scheme to defraud banks out of money this does not mean only one sentence could be imposed by the Court. The sentences reflected the individual criminal acts of Defendant.

In light of the Court granting Defendant's motion to dismiss Count 4, Attempted Theft by Deception in case 1452, the Court will issue an amended sentencing order in that case deleting the previous sentence for Count 4 in case 1452. We will also do amended sentencing orders to the other two case numbers, 1509 and 1627, reflecting the recomputed aggregate sentence for all three case numbers.

Accordingly, the following Order is entered.

ORDER

AND NOW, this _____ day of June 2009, Defendant's Motion for Arrest of Judgment in case 1452-05 as to Count 4, Attempted Theft by Deception, is granted for reasons stated in the foregoing Opinion. Count 4 is dismissed.

In all other aspects, Defendant's Post-Sentence Motion is DENIED.

The Court will issue separate amended sentencing orders to reflect the dismissal of Count 4 in case 1452-05.

By the Court,

Kenneth D. Brown, P.J.

cc: A. Melissa Kalas, Esquire
Jeana A. Longo, Esquire
Gary L. Weber, Esquire
Work File