

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	
	:	
v.	:	No. 851-2008
	:	CRIMINAL DIVISION
GRADY L. NEAL, IV,	:	APPEAL
Defendant	:	

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

The Defendant appeals the Judgment of Sentence entered in this case on February 17, 2009, by the Honorable Kenneth D. Brown¹. On July 21, 2010, this Court granted the Appellant's PCRA petition thereby reinstating his appellate rights *nunc pro tunc*. The Defendant filed a Notice of Appeal on August 13, 2010, and on the same day, this Court directed the Defendant, in accordance with Pa.R.A.P. No. 1925(b), to file within thirty days a concise statement of matters complained of on appeal. The Defendant filed his concise statement on September 10, 2010.

The Defendant raises two issues on appeal: 1) the Court erred in denying the Suppression Motion in this case; 2) the Court erred in denying the Post Sentence Motion which alleged that the evidence was insufficient to sustain the jury's verdict and that the jury's verdict was against the weight of the evidence.

For the purposes of this Opinion, this Court will rely on the Opinion and Order of the Honorable Kenneth D. Brown, dated July 1, 2009, which addressed the claim that the Court erred in denying the Suppression Motion. The Court will also rely on the Opinion and Order of this Court, dated July 18, 2009, that addressed the issues of whether the evidence was

¹ Judge Brown retired from active judicial service on 12/31/2009.

insufficient to sustain the jury's verdict and whether the jury's verdict was against the weight of the evidence.

It is respectfully suggested that Judge Brown's Opinion and Order dated July 1, 2009, and this Court's Opinion and Order dated July 18, 2009, be affirmed.

DATE: _____

By the Court,

Nancy L. Butts, President Judge

xc: DA
James R. Protasio, Esq.
Amanda Browning, Esq. (Law Clerk)
Gary L. Weber (LLA)