

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

**COMMONWEALTH**

**: No. CR-1633-2009**

**:**

**:**

**vs.**

**: CRIMINAL DIVISION**

**:**

**:**

**AMBER BARTO,  
Defendant**

**:**

**:**

**OPINION AND VERDICT**

Defendant stands charged with six counts of a possession of a small amount of marijuana with intent to distribute it but not to sell it or the distribution of a small amount of marijuana but not for sale in violation of 35 P.S. § 780-113 (31). The specific counts at issue are Counts 2 through 7 of the Criminal Information. These counts relate to the testimony of Nikki Bogart who testified on April 27, 2010 by way of videotape recording (preserved testimony).

Ms. Bogart testified that marijuana was present almost every day that she either worked or visited with Co-Defendant Greg Barto and Defendant Amber Barto. She specifically testified that she smoked marijuana provided by the “Defendants” three or four nights per week during the time in question. The Court finds the testimony of Ms. Bogart to be credible.

Accordingly, the Court finds the Defendant **Guilty** of Counts 2, 3, 4, 5, 6 and 7 of the Information. Sentencing is scheduled for August 10, 2010 at 11:00 a.m. in Courtroom No. 4 of the Lycoming County Courthouse.

BY THE COURT,

---

Marc F. Lovecchio, Judge

Date: May 21, 2010

cc: George Lepley, Esquire  
Mary Kilgus, Esquire (DA)  
APO  
Gary Weber, Esquire (Lycoming Reporter)  
Work File