

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : NO. CR – 747 - 2009
 :
 vs. :
 :
 HAROLD BEAMER, :
 Defendant :

OPINION IN SUPPORT OF ORDER OF DECEMBER 16, 2009,
IN COMPLIANCE WITH RULE 1925(A) OF
THE RULES OF APPELLATE PROCEDURE

Defendant appeals this Court’s Order of December 16, 2009, which sentenced him on seven counts of summary harassment to seven consecutive terms of 90 days incarceration, following his conviction of such after a bench trial. In his Concise Statement of Matters Complained of on Appeal, Defendant contends the Commonwealth failed to prove the element of “specific intent to harass or annoy.”

Defendant was charged with eight¹ counts of harassment under 18 Pa.C.S. Section 2709(a)(4), which provides, in pertinent part: “A person commits the crime of harassment when, with intent to harass, annoy or alarm another, the person: ... communicates to or about such other person any ... threatening ... language... .” As was explained at the time of trial, the Court found that Defendant made threats with the intent to alarm those to whom they were communicated. Although there was no direct testimony regarding Defendant’s intent in making the threats, a defendant's intent may be inferred from his words or actions when viewed in the light of all the attendant circumstances. *See Commonwealth v. Duncan*, 363 A.2d 803 (Pa. Super. 1976). Inasmuch as there were numerous telephone calls to various people and Defendant made basically the same threats in all of the calls, it was clear to the Court that he intended to alarm the people to whom he was speaking. Thus, the Court found that the Commonwealth did prove the requisite intent.

1 Defendant was found not guilty of one count and therefore was sentenced on only seven counts.

Dated: April 5, 2010

Respectfully Submitted,

Dudley N. Anderson, Judge

cc: DA
Robert Cronin, Esq.
Gary L. Weber, Esq.
Hon. Dudley Anderson