

IN THE COURT OF COMMON PLEAS OF
LYCOMING COUNTY, PA

COMMONWEALTH :
 : NO: 671-2008
 :
 vs. :
 :
 :
 JAMES BRICKER :

OPINION
Issued Pursuant to Pa.R.A.P. 1925(a)

Background

On February 28, 2008 the Defendant was charged with solicitation of rape of a child, solicitation of involuntary deviate sexual intercourse with a child, solicitation of indecent assault, endangering the welfare of children, corruption of minors and solicitation of aggravated sexual assault. The Defendant filed a Motion to Dismiss all the solicitation charges on September 11, 2008. On December 15, 2008 the Commonwealth filed a Motion to Amend the information to include one count of rape, two counts of involuntary deviate sexual intercourse, two counts of indecent assault and two counts of aggravated assault.

On May 14, 2009 the Honorable Kenneth D. Brown denied the Defendant's Motion to Dismiss, but granted the Commonwealth's Motion to Amend.

On May 5-6, 2010, following a jury trial before the undersigned Judge, the Defendant was convicted of six (6) counts of Criminal Solicitation, two (2) counts of Endangering the Welfare of a Child, two (2) Counts of Corruption of Minors and one (1) count of Indecent Assault.

The Defendant was sentenced on February 4, 2011 to an aggregate term of a minimum of thirty (30) years and three (3) months to a maximum of sixty (60) years and six (6) months.

The Defendant filed a Post-Sentence Motion on February 14, 2011 which was denied by Court Order dated May 10, 2011. On May 20, 2011 the Defendant filed a Notice of Appeal. In his Concise Statement of Matters Complained of on Appeal the Defendant raises the same four issues set forth in his Post-Sentence Motion: that the sentence imposed was manifestly excessive; the Court erred in denying the Defendant's Motion to Dismiss; the Court erred in granting the Commonwealth's Motion to Amend the Information; and, the Court erred in charging the jury under Jury Instruction 12.902(A), Criminal Solicitation.

For purposes of this appeal, this Court relies upon its Opinion and Order dated May 10, 2011 and this Court respectfully requests affirmance of its Order.

BY THE COURT,

Date

Richard A. Gray, J.

cc: District Attorney
Public Defender (BM)
Gary Weber, Esquire