

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	
	:	
v.	:	No. 1185-2005
	:	CRIMINAL DIVISION
HAROLD HOSKINS,	:	APPEAL
Defendant	:	

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

The Defendant appeals the Opinion and Order of the Court dated August 10, 2011, which dismissed the Defendant's Post Sentence Motion. The Defendant filed a Notice of Appeal on August 17, 2011, and on August 18, 2011, the 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 Court received the Defendant's concise statement on August 24, 2011.

The Defendant raises three issues on appeal: 1) the jury's verdict of guilty on the offense contained in Count Nine should be overturned because the evidence presented at trial was insufficient to sustain a conviction on Count Nine Criminal Attempt Homicide with James Drummond as the victim as the Commonwealth offered no evidence to establish Appellant committed any act that would constitute a substantial step toward the commission of killing James Drummond and no evidence that Appellant exhibited a specific intent to murder James Drummond; 2) the jury's verdict of guilty on the offenses contained in Counts Eight and Nine should be overturned because the evidence presented at trial was insufficient to sustain a conviction on either Count Eight, Criminal Attempt Homicide with Donnie Evans as the victim, or Count Nine, Criminal Attempt Homicide with James Drummond as the victim, as the Commonwealth failed to establish Appellant acted with an intent to kill either Evans or Drummond; and 3) the trial court erred in sentencing Appellant using the Deadly Weapon Used

Sentencing Matrix of the Pennsylvania Sentencing Guidelines because the evidence presented at trial established Appellant did not use or possess a deadly weapon.

For the purposes of this Opinion, this Court will rely on its Opinion and Order of August 10, 2011.

DATE: _____

By the Court,

Nancy L. Butts, President Judge

xc: DA
Donald F. Martino, Esq.
Gary L. Weber (LLA)