

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	
	:	No. 1452-2005; 1509-2005
v.	:	1627-2005
	:	CRIMINAL DIVISION
ARON HOYT,	:	APPEAL
Defendant	:	

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

The Defendant appeals the Order of the Honorable Nancy L. Butts dated April 11, 2011, which dismissed the Defendant's Post Conviction Relief Act (PCRA) Petition. The Defendant filed a Notice of Appeal on May 5, 2011 and on May 6, 2011, 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 Court received the Defendant's concise statement on June 10, 2011.

The Defendant contends in his concise statement that trial counsel was ineffective by failing to raise the argument that the record gives rise to doubts as to whether the Defendant ever planned to withdraw the full \$2007.00 of the funds he deposited with Omega Bank. The Defendant believes that in light of this argument, Count 1 under CR: 1627-2005 was misgraded as a third-degree felony with an offense gravity score of five, when it should have been graded as a first-degree misdemeanor with an offense gravity score of three. The Defendant also contends that this Court erred by denying the requested PCRA relief in the form of permission to file a Second Motion for Reconsideration of Sentence.

The Court believes the denial of the Defendant's PCRA Petition was appropriate, and for purposes of this Opinion will rely on its Order of March 3, 2011.

DATE: _____

By the Court,

Nancy L. Butts, President Judge

xc: DA
Joel M. McDermott, Esq.
Gary L. Weber (LLA)