

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	
	:	
v.	:	No. 918-2008
	:	CRIMINAL DIVISION
CORY RINGKAMP,	:	APPEAL
Defendant	:	

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

The Defendant appeals from the Judgment of Sentence entered in this case on October 4, 2010. The Defendant filed a Notice of Appeal on March 17, 2011, and on March 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 April 4, 2011.

The Defendant raises several issues on appeal; 1) whether the Honorable Nancy L. Butts erred in denying the Defendant's Motion to Suppress Evidence; 2) whether the Honorable Nancy L. Butts erred in denying the Defendant's Motion for Reconsideration of her Order denying the Defendant's Motion to Suppress Evidence; 3) whether the Honorable Kenneth D. Brown erred in denying the Defendant's Post-Sentence Motion for Judgment of Acquittal on the basis that the evidence was insufficient to sustain the Court's guilty verdicts on the charges of Possession with Intent to Deliver a controlled substance, Possession of a Controlled Substance, Possession of Drug Paraphernalia, Possession of Instruments of Crime, and Criminal Conspiracy; 4) Whether the Honorable Kenneth D. Brown erred in denying the Defendant's Post-Sentence Motion for a new trial on the basis that prior counsel was ineffective in failing to file a motion to suppress evidence seized as a result of the police searching through digital images on a camera found within the vehicle during the course of the search; and 5) whether the Honorable Kenneth D.

Brown erred in denying the Defendant's Post-Sentence Motion for a new trial on the basis that prior counsel was ineffective in failing to move to suppress the evidence on the basis that the warrantless seizure of the vehicle in this case was unconstitutional.

For the purposes of this Opinion, the Court will rely on this Court's Opinion and Order dated January 6, 2009, this Court's Order of April 23, 2009, the Opinion and Order of the Honorable Kenneth D. Brown both dated March 4, 2011.

The Court notes that its Opinion and Order of January 6, 2009 does not address the issue of the seizure of the vehicle. Judge Brown addressed this issue in his March 4, 2011 Opinion via a footnote. This Court agrees with Judge Brown's reasoning and determination that there was clear probable cause to search the vehicle, and this Court finds that the decision to remove the vehicle from the scene to obtain a search warrant was appropriate.

DATE: _____

By the Court,

Nancy L. Butts, President Judge

xc: DA
Peter T. Campana, Esq.
Amanda B. Browning, Esq. (Law Clerk)