

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,	:	
	:	
v.	:	CR-1253-10; 1270-10
	:	CRIMINAL DIVISION
WILLIAM DOWNS,	:	
Defendant	:	

ORDER

Approximately two weeks after this Court issued its December 23, 2011 decision pursuant to the Defendant's Rule 600 Motion to Dismiss, the Court became aware of an error in the calculation of the Defendant's amended Rule 600 dates. The Court previously excluded from the Defendant's Rule 600 date the period of time from June 28, 2011 until October 21, 2011, pursuant to the Defendant's continuance request, and the period from August 30, 2011 to December 16, 2011, pursuant to the Commonwealth's continuance request to which the Defense did not object. This calculation counted the period from August 30, 2011 to October 21, 2011 twice, inaccurately adding an additional period of approximately fifty-two (52) days to the Defendant's Rule 600 date. After correcting its miscalculation, the Court now determines that the Defendant's correct Rule 600 date under 1253-2010 would have been January 1, 2012, and under 1270-2010 would have been December 17, 2011.

Notwithstanding this miscalculation, the Court observes that the Defendant filed his Rule 600 Motion on November 2, 2011, and that the Motion was not decided by this Court until December 23, 2011. The Court finds that this fifty-two (52) day period of delay is excludable from the Defendant's Rule 600 date, coincidentally bringing the Defendant's Rule 600 date under 1253-2010 back to February 22, 2012, and under 1270-2010 back to February 8, 2012. See Commonwealth v. Hyland, 875 A.2d 1175, 1191 (Pa. Super. 2005) where the Superior Court

determined that the period of time taken for the court's decision on the defendant's Rule 600 Motion was excludable time for purposes of the defendant's Rule 600 date.

As the Defendant's Rule 600 dates have not yet been reached, the Court can find no reason to grant the Defendant's Motion.

In light of the foregoing, it is ORDERED and DIRECTED that the Defendant's Motion to Dismiss pursuant to Rule 600 is again DENIED.

Date:

By the Court,

Nancy L. Butts, President Judge

xc: DA
Jeana A. Longo, Esq.
Court Administrator