

<b>IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA</b>	
<b>COMMONWEALTH</b>	<b>: No. CR-1152-2008;</b>
	<b>: CR-289-2009;</b>
	<b>: CR-1117-2010</b>
<b>vs.</b>	<b>:</b>
	<b>:</b>
	<b>: Order dismissing PCRA</b>
<b>JONATHON GADRA,</b>	<b>:</b>
<b>Defendant</b>	<b>:</b>

**OPINION AND ORDER**

AND NOW, this \_\_\_\_\_ day of August 2012, after review of the Defendant’s response to the Court’s notice of intent to dismiss his Post Conviction Relief Act (PCRA) petition, the Court DISMISSES Defendant’s petition.

Most of Defendant’s response simply regurgitates many of his original arguments. However, with respect to his claim that he is entitled to an evidentiary hearing because his attorney lied to him by telling him that even if he could beat the fleeing and eluding and unauthorized use charges at trial, he could face more time on another charge than those charges put together, defense counsel would not have been lying. The plea agreement provided for a 7-month minimum sentence for fleeing and eluding and a consecutive 2-month minimum for unauthorized use, resulting in an aggregate minimum sentence of 9 months. Defendant was also charged with false reports, false identification to law enforcement, and recklessly endangering another person. If Defendant had gone to trial and beat the fleeing and eluding and unauthorized use charges, but been convicted of recklessly endangering another person, he could have received a minimum sentence more than that called for by the plea agreement on this charge alone. Recklessly endangering another person has an offense gravity score of 3, and Defendant’s prior record score was a 3;

therefore, the standard minimum guideline range was RS-<12. In other words, if Defendant had gone to trial and been found guilty of recklessly endangering another person, the Court could have given him a minimum sentence of up to 12 months.<sup>1</sup> Thus, even assuming defense counsel told Defendant he could receive more time on another charge than the combined plea agreement for fleeing and eluding and unauthorized use, defense counsel was telling the truth.

Defendant is hereby notified that he has the right to appeal from this order to the Pennsylvania Superior Court. The appeal is initiated by the filing of a Notice of Appeal with the Clerk of Courts at the Lycoming County courthouse, and sending a copy to the trial judge, the court reporter and the prosecutor. The form and contents of the Notice of Appeal shall conform to the requirement set forth in Rule 904 of the Rules of Appellant Procedure. The Notice of Appeal shall be filed within thirty (30) days after the entry of the order from which the appeal is taken. Pa.R.App.P. 903. If the Notice of Appeal is not filed in the Clerk of Courts' office within the thirty (30) day time period, Defendant may lose forever his right to raise these issues.

**The Prothonotary shall mail a copy of this order to the defendant by certified mail, return receipt requested.**

By The Court,

---

Marc F. Lovecchio, Judge

---

<sup>1</sup> Given the fact that Defendant was on probation for corruption of minors at the time he committed these offenses and the passenger that was endangered by Defendant's conduct was a juvenile female, it is likely that the Court would have imposed a minimum sentence of more than 9 months if Defendant had been found guilty of recklessly endangering another person at trial. There also was no guarantee that the jury would accept

cc: Kenneth Osokow, Esquire (ADA)  
Jonathon Gadra, JV 9580 (regular and certified mail)  
1 Kelley Drive, Coal Township, PA 17866-1021  
Work file  
Suzanne Fedele, Prothonotary/Clerk of Courts  
Gary Weber, Esquire (Lycoming Reporter)

---

Defendant's explanations for his actions and acquit him of fleeing and eluding and unauthorized use.