

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	
	:	No: 1317-2010
v.	:	
	:	CRIMINAL DIVISION
CATHERIN (DETWILER) HUFF,	:	APPEAL
Defendant	:	

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

The Defendant appeals the Sentencing Order of the Honorable Kenneth D. Brown dated October 13, 2011.¹ A timely Post-Sentence Motion was filed October 24, 2011 and was denied on January 20, 2012. The Defendant filed a Notice of Appeal on February 7, 2012 and on February 9, 2012, this Court directed the Defendant, in accordance with Pa.R.A.P. No. 1925(b), to file within thirty (30) days a concise statement of matters complained of on appeal. The Court received the Defendant's concise statement on February 28, 2012.

The Defendant raises two issues on appeal: 1) that her conviction for Theft by Deception was not supported by the evidence, as the Commonwealth could not have established the factual predicate necessary to convict her of this offense, specifically that the Defendant intentionally failed to correct a false impression which the deceiver previously created or reinforced; and 2) that the verdict was against the weight of the evidence as the Commonwealth failed to present evidence that the Defendant was involved in a counterfeiting operation.

¹ Judge Brown retired from active judicial service on December 31, 2009.

For purposes of this Opinion, the Court will rely on Judge Brown's Opinion and Order dated January 20, 2012, which denied the Defendant's Post-Sentence Motion.

DATE: _____

By the Court,

Nancy L. Butts, President Judge

xc: DA
Kirsten A. Gardner, Esq.
Gary L. Weber (LLA)