

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	CR-357-2012
	:	
v.	:	
	:	CRIMINAL DIVISION
BASIL GARCIA,	:	
Defendant	:	1925(a) Opinion

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

On April 23, 2013, following a jury trial before this Court, the Defendant was found guilty of Fleeing or Attempting to Elude a Police Officer, Unauthorized Use of Automobiles and Other Vehicles, Tampering With or Fabricating Physical Evidence, Criminal Mischief, Possession of a Controlled Substance, Possession of Drug Paraphernalia, Receiving Stolen Property (firearm); and Firearms Not to be Carried Without License. The Defendant was found not guilty of Receiving Stolen Property. On November 14, 2013, this Court sentenced the Defendant to an aggregate sentence of sixty-nine (69) months to 138 months in a State Correctional Facility with a consecutive four (4) years of supervision with the Pennsylvania Board of Probation and Parole.

On November 26, 2013, the Defendant filed Post Sentence Motions. The first issue raised by the Defendant was that there was not sufficient evidence to support the jury's guilty verdicts regarding the offenses of Firearms Not to be Carried Without a License and Receiving Stolen Property (firearm). Similarly, the Defendant alleges that the guilty verdicts on the same offenses were contrary to the weight of evidence. In order to have the transcripts prepared for use, the hearing on the Post-Sentence Motions was held on January 14, 2014. In its opinion and order dated February 19, 2014, this Court determined that the guilty verdicts of Firearms Not to be Carried without a License and Receiving Stolen Property (firearm) were not against the weight of evidence. This Court also determined that the guilty verdicts of Firearms Not to be

Carried without a License and Receiving Stolen Property (firearm) were supported by sufficient evidence.

For purposes of this Opinion, the Court will rely on its Opinion and Order dated February 19, 2014.

DATE: _____

By the Court,

Nancy L. Butts, President Judge

cc: DA
Julian Allatt, Esq.