

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH :
 :
 vs. : No. CR-1662-2012
 : CR-1990-2013
 KENNETH MARTIN, :
 Defendant : Post-Sentence Motions

OPINION AND ORDER

As a result of an incident that occurred on June 19, 2012 at the Econo Lodge in Williamsport, PA, Defendant was charged and convicted of burglary, two counts of robbery, two counts of conspiracy to commit robbery, criminal trespass, terroristic threats, theft by unlawful taking, receiving stolen property, aggravated assault, simple assault, and recklessly endangering another person.

Defendant was sentenced to a term of incarceration in a state correctional institution, the minimum of which was 15 years and the maximum of which was 30 years. Following Defendant's sentencing, Defendant filed a timely post-sentence motion and a supplemental motion after receiving a copy of the trial transcript. Argument was held on September 16, 2016.

Defendant's first assertion of error is that the court erred in concluding that Noor Ford, the victim, was unavailable for trial and that his prior statements were admissible under the forfeiture by wrongdoing exception to the hearsay rule and confrontation clause.

Pennsylvania has previously adopted the forfeiture by wrongdoing exception to the hearsay rule. Under Rule 804 (b) (6) of the Pennsylvania Rules of Evidence, the declaration of an unavailable witness may be introduced against the party who made the witness unavailable. The rule is intended to ensure that a party does not benefit from

preventing the factfinder from hearing the testimony. *Commonwealth v. Paddy*, 569 Pa. 47, 800 A.2d 294, 310 n.10 (2002). “The language of the Rule requires that the party against whom the statement is offered acted wrongfully and that the wrongful conduct was intended to, and did in fact, procure the unavailability of the declarant as a witness.” *Commonwealth v. Santiago*, 822 A.2d 716, 731 (Pa. Super. 2003), *appeal denied*, 843 A.2d 1237 (Pa. 2004), *cert. denied*, 542 U.S. 942 (2004). Furthermore, the constitutional protection of the confrontation clause is also forfeited. *Commonwealth v. King*, 959 A.2d 405, 416 (Pa. Super. 2008). “The defendant who has removed an adverse witness is in a weak position to complain about losing the chance to cross-examine him.” *Id.* (quoting *United States v. White*, 116 F. 3d 903, 911 (D. C. Cir. 1997)).

In this particular case, Defendant asserts both procedural and substantive claims of error. Defendant first contends that despite prior rulings declaring that Defendant forfeited by wrongdoing his hearsay and confrontation rights, the court should have conducted yet another hearing immediately prior to Mr. Ford’s trial testimony. Defendant also claims that the court’s ruling that Mr. Ford was unavailable for trial purposes was in error.

Pursuant to the language of Rule 804 (b) (6), a statement offered against a party that has engaged or acquiesced in wrongdoing that was intended to, and did, procure the unavailability of the declarant as a witness is admissible. The language of the exception applies when a party’s wrongdoing is done with the intention of making the declarant unavailable. *Commonwealth v. Laich*, 566 Pa. 19, 777 A.2d 1057 1062 n. 4 (2001).

Addressing Defendant’s first contention regarding Mr. Ford’s unavailability,

Mr. Ford did in fact take the stand during Defendant's trial. His journey to the witness stand, however, was not without significant roadblocks and detours.

Ford failed to appear for Defendant's preliminary hearing. The Honorable Nancy L. Butts held a hearing on September 13, 2012 and concluded that Ford's statements would be admissible at Defendant's preliminary hearing under the exception to the hearsay rule for forfeiture by wrongdoing. As a result, all counts were held for court except the burglary charge.

The Commonwealth refiled that charge and a second preliminary hearing was held. By the time of the second preliminary hearing, the police had located Ford and he was held on a material witness warrant. Ford was transported to the preliminary hearing, but he allegedly could not recall the assault or any of the statements he made to PSP Trooper Tyson Havens. His statements to Trooper Havens were admitted and the charge was held for court.

Defendant filed an omnibus pretrial motion, which consisted of a motion to suppress physical evidence and a petition for writ of habeas corpus.

At the hearing on the omnibus motion and in particular, Defendant's request for habeas relief, defense counsel objected to the court considering any hearsay. The Commonwealth responded that Judge Butts admitted certain testimony at Defendant's preliminary hearing based on a finding of forfeiture by wrongdoing which rendered that evidence non-hearsay and that this court was bound by Judge Butts' ruling. Defense counsel argued on the contrary, that a finding of forfeiture of wrongdoing does not continue indefinitely especially when the alleged victim did not testify before Judge Butts because he could not be located but he has since been found. Defense counsel also contended that Judge

Butts' finding did not allow a wholesale quashing of Defendant's confrontation rights.

This court held in an opinion and order dated September 17, 2014 that it was not bound by the ruling of Judge Butts. Nonetheless, after considering all of the evidence, the court concluded that Ford's prior testimony would be admitted under the forfeiture by wrongdoing exception.

It is important to note that this court conducted the hearing pursuant to Rule 104 of the Pennsylvania Rules of Evidence. The court was required to decide a preliminary question as to whether certain evidence was admissible. Critically, and so deciding, this court was not bound by the evidence rules. Rule 104.

The Commonwealth presented audio and written statements from Ford and testimony from Trooper Havens that Ford left town and refused to disclose his whereabouts because he was concerned for his safety and the safety of his family. Although Ford was physically present to testify because he was being detained on a material witness warrant, he claimed that he could not remember any of the conversations or statements he made to Trooper Havens. He also did not reveal where he was living or say if he had any problems being in a Philadelphia jail "for personal reasons." When confronted with his previous audio and written statements that he was in fear for his life, Ford claimed his fear was because the Commonwealth was forcing him to testify and he did not trust cops. He tried to explain his previous statements "you guys offer me death" and he was "in fear for his life" as something that could happen to him if he testified, but that "could be from whatever."

It was apparent to the court that Ford was feigning a lack of memory to avoid admitting anything in Defendant's presence. In fact, in several of the previous written and

recorded statements, Ford specifically asked Trooper Havens if the statements would be disclosed to Defendant. Notably, Ford never denied making the statements that Trooper Havens had attributed to him.

Despite Ford's claim of lack of memory, he admitted that his signature was on the letter admitted as Commonwealth's Exhibit 4. This letter states in relevant part: "You expect me to testify on your behalf then get shipped to a Philly jail where I'm told more than once someone will get to me? This is where doing the right thing can depend on how you view things. If I was to do what you ask me then I risk putting myself and possibly my family in danger...do you guys think it should come a time when I should look out for my wellbeing? Or should I be more concerned about the DA who probably won't even come to my funeral whether it be months or years from now. I mean I don't think you guys understand I know who and what exactly I am dealing with. No matter how much you all try to downplay it, I know what's going on. This has nothing about street code or anything; that stuff left me over a year ago. The fact of the matter is I will have to live life looking over my shoulders regardless of the outcome and I already have come to agreement with that."

This letter was also consistent with and similar to recorded statements Ford made to Trooper Havens and Williamsport Bureau of Police agent Steven Sorage, as well as another letter that was sent to Judge Butts, which the Commonwealth admitted as exhibits through a motion to reopen the record.

In addition to these written and recorded statements by Ford, Trooper Havens testified at a September 13, 2012 hearing before Judge Butts that Ford told him he had received numerous phone calls from Defendant threatening him not to cooperate with police.

Trooper Havens obtained Defendant's phone records, as well as the records for Ford's stolen I-phone. The records showed numerous phone calls to and from the phone number Ford was using after the incident.

The court concluded based upon all of this evidence that the Commonwealth established forfeiture by wrongdoing and that Ford's statements would not be considered hearsay and were admissible pursuant to Rule 804 (b) (6).

This case was first called to trial on June 11, 2015 before the Honorable Dudley Anderson. Judge Anderson concluded that Mr. Ford was unavailable for trial and, based on the prior decision of this court, Defendant had forfeited his confrontation rights as well as his right to object to any hearsay testimony of Mr. Ford.

During trial, an issue arose with respect to a spectator's conduct. A juror testified in-camera that this spectator, who was present in the courtroom both days of the trial, had an interaction with her the day before. (N.T., June 11, 2015, at 73). This spectator was physically pushing the juror away as they approached the elevator. (*Id.* at 75). It "could be" that he was trying to send her a message. (*Id.* at 76).

As well, some other jurors that were closely following behind her may have been privy to the incident. (*Id.* at 85). In fact, the juror that was "bumped" told another juror about it. (*Id.* at 108). Other than this other juror, maybe three or four others knew about the bumping incident. (*Id.* at 109). Still another juror was concerned that during the testimony, Defendant and his apparent supporters would make eye contact, make comments and even laugh. (*Id.* at 124, 125). Further, while the jurors were waiting at the elevator to leave, the supporters stared, nudged one juror and made her "feel uncomfortable." (*Id.* at 125).

Another juror indicated that as she was at the elevator, one of Defendant's supporters was standing near the elevator pushing the button and specifically said "we got you" which bothered her. (*Id.* at 128).

Defense counsel argued that the spectator, sitting behind the defense table, "looks like he's with us." (*Id.* at 92). As a result of the above incidents, Judge Anderson granted a defense motion for a mistrial.

The case next came before visiting Senior Judge Michael Williamson on January 21, 2016. Judge Williamson had previously been assigned to the case by President Judge Nancy Butts and was handling pretrial motions. Defendant requested that Judge Williamson revisit this court's prior forfeiture by wrongdoing decision.

Defendant argued that the issue should be revisited because the victim, Mr. Ford, was now "available" because he was present under subpoena. (Transcript, January 21, 2016, at 6). Judge Williamson concluded that he was bound by this court's prior forfeiture by wrongdoing decision. (*Id.* at 9). In deciding the procedure by which Judge Williamson would consider Mr. Ford's unavailability, defense counsel requested, and Judge Williamson agreed, that Mr. Ford would be called and questioned in front of the jury. (*Id.* at 18).

In this particular case, Mr. Ford was again summoned to appear pursuant to a material witness warrant. He was held without bail for a short period of time and subsequently posted bail. He appeared in court and testified before the jury as requested by Defendant. He testified that he did not remember anything and claimed that he had been on drugs the entire time.

While not required to do so, this court considered all of the prior evidence and

concluded that the Defendant had forfeited his rights to claim that Mr. Ford's prior testimony was hearsay and to confront Mr. Ford.

As indicated earlier, Defendant asserts both a procedural and substantive argument regarding Mr. Ford's unavailability and forfeiture by wrongdoing.

Defendant first argues that this court erred in determining that Mr. Ford was unavailable. Without citing any case law whatsoever, Defendant argues that he could only be deemed unavailable if it was a result of the Defendant causing Mr. Ford's unavailability. (Defendant's brief in support of post-sentence motion, pp. 7-8).

During the oral argument in this matter, Defendant asserted that the court erred in having Mr. Ford testify before the jury. However, it was Defendant who insisted that Mr. Ford testify in the presence of the jury. (Transcript, January 18, 2016, at 28). As the Commonwealth noted in its brief in opposition to Defendant's post-sentence motion, "far from objecting to Judge Lovecchio's procedure to determine unavailability, Defendant insisted upon it." (Commonwealth brief in opposition to Defendant's post-sentence motion, p. 5).

Rule 804 (a) of the Pennsylvania Rules of Evidence specifically notes that a witness is to be considered unavailable if said witness testified to not remembering the subject matter. Pa. R. E. 804 (a) (3). In this case, Mr. Ford took the stand and under oath indicated that he did not remember anything because he had been on drugs the entire time. Clearly, this meets the unavailability standard. See *Commonwealth v. Graves*, 398 A.2d 644, 648 (Pa. 1979), *Commonwealth v. Nelson*, 652 A.2d 396, 398 (Pa. Super. 1995), *Commonwealth v. Melson*, 637 A.2d 633, 636 (Pa. Super. 1994). Without citing any cases

whatsoever, Defendant argues that “the [c]ourt should have required the Commonwealth to establish through additional evidence whether it be by Trooper Havens or other witnesses that the loss of memory at the time of trial was based on a wrongful act of the Defendant. (Defendant’s brief in support of pos-sentence motion, p. 8). Defendant seems to suggest that during the course of a criminal case each and every time before a witness is declared to be unavailable, a hearing must be held to determine whether the witness at that particular proceeding was unavailable because of the wrongful conduct of Defendant. Defendant asserts that a forfeiture by wrongdoing finding must be made each and every time a new hearing or proceeding is convened.

This court fully agrees with the Commonwealth’s position on this matter as set forth in its brief. Once a forfeiture by wrongdoing decision is made, it “extinguishes confrontation claims.” *Commonwealth v. King*, 959 A.2d 405, 416 (Pa. Super. 2008) (quoting *Crawford v. Washington*, 541 U. S. 36, 62 (2004)). This language clearly supports the conclusion that Defendant’s confrontation rights and hearsay objections are terminated, ended, eliminated and/or erased. Moreover and in connection with the substantive conclusion of forfeiture by wrongdoing, the court considered all of the evidence and rightfully reaffirmed its decision.

The forfeiture by wrongdoing rule withdraws Defendant’s rights to confront and to assert a hearsay objection. It is based on Defendant’s behavior. Defendant’s wrongdoing or behavior in this case was not only proven by the requisite preponderance of evidence but was manifest. While direct evidence of intent is virtually impossible in these types of cases, the circumstantial evidence was overwhelming.

Defendant's argument that a hearing needed to be held on each occasion prior to the victim being called to testify is not only without merit, but contrary to the principles underlying the doctrine, contrary to the specific language of the doctrine, contrary to established case law, and contrary to logic. See for example, *Giles v. California*, 544 U.S. 353 (2008); *Davis v. Washington*, 547 U.S. 813, 833 (2006) (one who obtains the absence of a witness by wrongdoing forfeits the right to confrontation); *U.S. v. Emery*, 186 F. 3d 921 (8th Cir. 1999).

Finally, in reviewing all of the evidence, it is important for this court to note that it evaluated such evidence through a spectrum that fully safeguarded Defendant from the risk of error.

Indeed, given the brevity of Defendant's brief on this issue and its lack of supporting case law, it appears that Defendant essentially concedes the issue.

Defendant's next assertion of error is that the court erred in denying Defendant's motion to dismiss based on prosecutorial misconduct. Defendant asserts that the Commonwealth engaged in ex parte conversations with President Judge Butts to "steer" the case away from another judge who had questioned the propriety of a determinative pretrial ruling. Defendant contends that the Commonwealth "judge shopped" the case and was prejudiced because the trial judge ruled consistently with his prior ruling.

This case was assigned to the undersigned for trial set to being on January 28, 2016. Prior to the trial commencing, before the jury was brought in and sworn, Defendant objected to the trial not being held before visiting Senior Judge Michael Williamson to whom the trial had previously been assigned. Defense counsel asserted wrongdoing in the transfer

alleging that the District Attorney spoke directly and ex parte with President Judge Butts for the purpose of getting the case reassigned from Judge Williamson.

Curiously, defense argues that he was prejudiced because Judge Williamson had previously questioned the propriety of this court's forfeiture by wrongdoing decision. Defendant essentially argues that Judge Williamson's tipping of his hand, so to speak, motivated the Commonwealth to contact President Judge Butts.

Contrary, however, to what Defendant argues, Judge Williamson did not at all question the propriety of this court's forfeiture by wrongdoing decision. Judge Williamson specifically said "I don't see that I can change Judge Lovecchio's decision." (Transcript, January 21, 2016, at 5). Judge Williamson went on to say "I think Defendant loses on the coordinate jurisdiction rule, I mean, I think I'm bound by Judge Lovecchio's Opinions." (*Id.* at 9).

In connection with this claim, the court permitted Defendant to establish a record. Defendant called District Attorney Eric Linhardt to the stand. Mr. Linhardt admitted that he contacted President Judge Butts directly and expressed "concerns about his [Judge Williamson's] conduct" in prior trials. (*Id.* at 15).

He indicated that he was aware that Judge Williamson was scheduled to preside over Defendant's trial and he requested Judge Butts thank Judge Williamson for his service and inform him that he would no longer be needed and that he not preside over anymore trials. (*Id.* at 16). Mr. Linhardt specifically explained that he did not ask that judges or cases be shuffled. He did not ask that Judge Williamson be reassigned to other cases. Specifically, he "was asking that [Judge Williamson] not preside over any more cases in this

county for the balance of the week.” (*Id.* at 19).

Defense counsel did not call any other witnesses. Defense counsel argued that the ex parte communication smacked of judge shopping and the charges should be dismissed. (*Id.* at 22). Defense counsel further argued that under the circumstances he did not need to show prejudice but if so prejudice “can be presumed.” (*Id.* at 25).

This court denied Defendant’s motion to dismiss indicating that there was no sufficient reason to do so. The court reasoned that it was speculative at best that President Judge Butts changed the assignment for trial because of Mr. Linhardt’s telephone call. President Judge Butts was never called as a witness. Further, the court did not find any prejudice. (*Id.* at 27).

Again, the court agrees with the reasoning of the Commonwealth as set forth in its brief. Quite simply, Defendant has failed to establish the required prejudice. *Commonwealth v. Bradley*, 459 A.2d 733, 734 (Pa. 1983); *Commonwealth v. Barnyak*, 639 A.2d 40, 44 (Pa. Super. 1994).

Defendant also filed a supplement post-sentence motion. In his supplemental motion, Defendant asserts that the court erred in previously finding that the Commonwealth had presented a prima facie case with respect to the charges upon which Defendant was found guilty, that the court erred in denying Defendant’s motions to dismiss and that the Court erred in denying Defendant’s motion for judgment of acquittal. All of Defendant’s arguments are based on the forfeiture by wrongdoing conclusion. Defendant also asserted that the court erred in utilizing the tape recorded statements made by Mr. Ford. The court previously addressed all of these issues and incorporates the previous opinions as fully as if

said opinions were restated at length herein.

There are other errors that Defendant has raised which the court must address.

Defendant claims that the court erred in the following respects: permitting the Commonwealth to utilize the term “pistol whipped” to describe the alleged assault; permitting witness Helena Yancy to testify as to the social media network Instagram; permitting testimony concerning Defendant’s firearm ownership; permitting Trooper Havens to testify as to an alleged conversation between Jerry Lynch, an attorney, and Defendant as to his identity as “Snoop”; permitting the Commonwealth to utilize photographs allegedly posted on the Instagram account of Defendant; failing to sustain the objection relating to the authenticity of the photographs from Instagram as well as permitting the certification for Instagram to be utilized; admitting Commonwealth exhibits 26 through 37 as well as 43 and 44 on a lack of foundation as well as authenticity of the evidence; permitting the Commonwealth to play a recorded conversation during a visitation with Defendant; permitting the Commonwealth to use transcripts of the recorded telephone conversations; and giving the accomplice liability charge to the jury.

During the trial, Trooper Tyson Havens of the Pennsylvania State Police testified that he previously spoke with Mr. Ford and that Mr. Ford gave an audio recorded interview. (N.T., January 28, 2016, at 123). Defense counsel raised an objection to the jury hearing a portion of the recording in which Mr. Ford claims he was “pistol whipped.” (*Id.* at 168). The argument that Defendant raised was that it was Trooper Havens’ interpretation as to what happened. (*Id.* at 168).

Defendant’s characterization was wrong. Trooper Havens asked Mr. Ford if

he was pistol whipped and Mr. Ford said that he was. Accordingly, the court overruled the objection. Defendant's claim that it was an error is without merit and any claim of error not raised on the record was waived.

Defendant next argues that the court erred in permitting Helena Yancy to testify "as to the social media network Instagram." During trial, she explained, over the objection of defense counsel, how in her experience Instagram was used. The objection related to her not being qualified as an expert to talk about how the particular social media site works. (*Id.* at 174). Upon questioning by the court, Ms. Yancy indicated that Instagram is a social media thing for people to communicate by "putting stuff on or other people putting stuff on" and then somebody else accessing it." (*Id.* at 183).

The admissibility of evidence is within the discretion of the trial court. *Commonwealth v. Johnson*, 42 A.3d 1017, 1027 (Pa. 2012). The determinative standard is relevancy. See Pa. R. E. 402 ("All relevant evidence is admissible, except as otherwise provided by law"). Evidence is relevant if it tends to prove or disprove a fact at issue. See Pa. R. E. 401 ("Evidence is relevant if: (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action.").

The court disagrees with Defendant's contention. The witness's opinion lay testimony was clearly within the scope of Rule 701 of the Pennsylvania Rules of Evidence. It was rationally related to the witness's perception and helpful to communicating a narrative or description. The opinion helped to decide a fact in issue. Finally, it was not based on scientific, technical or other specialized knowledge within the scope of the rule regarding

expert testimony.

Defendant next argues that the court erred in giving the accomplice liability charge to the jury. “The purpose of jury instructions ‘is to furnish guidance to the jurors, by stating and explaining the law of the case, clarifying the issues of fact and pointing out the essential facts which must be established.’” *Butler v. DeLuca*, 478 A.2d 840, 843 (Pa. Super. 1984). “The trial judge has the sole responsibility for instructing the jury on the law as it pertains to the case before them. The function of elucidating the relevant legal principles belongs to the judge....” *Commonwealth v. Bricker*, 525 Pa. 362, 581 A.2d 147, 153 (1990).

The court finds that the Commonwealth presented sufficient facts such that the jury could find Defendant liable under the theory of accomplice liability. In other words, the Commonwealth presented sufficient facts to prove that with the intent of promoting or facilitating the commission of the crimes, Defendant aided or agreed or attempted to aid another in planning or committing these offenses. 18 Pa. C.S.A. § 306. Accordingly, the accomplice liability charge was proper.

Defendant next argues that the court erred in permitting testimony concerning the Defendant’s firearm ownership.

Trooper Havens testified that he heard Defendant make a statement that he owned a firearm in an earlier hearing. (N.T., January 28, 2016, at 189). Defendant objected on the grounds of relevancy. Specifically, defense counsel argued that most people in this country own a gun and he did not think it was relevant whether or not his client owned a gun. (*Id.* at 190).

The court properly overruled the objection. Defendant was charged with using

a gun to assault someone. Clearly whether or not the person owned a gun was relevant in this case.

Defendant raises several issues with respect to the admission of photographs that were posted on Instagram. Defendant alleges that the court erred in permitting the Commonwealth to utilize photographs allegedly posted on the Instagram account of Defendant. Defendant makes a similar allegation arguing that the court erred in failing to sustain the objection relating to the authenticity of the photographs from Instagram as well as permitting the certification from Instagram to be utilized. Finally, Defendant contends that the court erred in admitting Commonwealth's Exhibits 26 through 37, as well as 43 and 44 on a lack of foundation as well as the authenticity of the evidence.

During trial, Defendant objected to the Instagram certification and Instagram photos on authenticity grounds. (N.T., January 28, 2016, at 206-215). The court was satisfied that the authenticity of the documents was properly established by circumstantial evidence. The Commonwealth set forth in great detail the supporting circumstantial evidence. (*Id.* at 219-228). In overruling Defendant's objection, the court also set forth in great detail its reasoning and supporting case law. (N.T., January 29, 2016, at 3-7).

Defendant also claims that the court erred in permitting Trooper Havens to testify that Defendant answered to the name "Snoop." This issue, however, was not preserved. While defense counsel initially objected, said objection was withdrawn. (N.T., January 28, 2016, at 190-191).

Even if not waived, the objection was properly overruled. Trooper Havens testified that a third party individual addressed Defendant by the nickname "Snoop" and

Defendant responded. This clearly is not hearsay.

Defendant argues that the court erred in permitting the Commonwealth to play a recorded conversation during a visitation with Defendant and erred in permitting the Commonwealth to utilize transcripts of the recorded telephone conversations. Defendant, however, withdrew his objection with respect to playing the recorded conversations. (N.T., January 29, 2016, at 57). With respect to the transcripts, they were utilized as guides only and the court gave a cautionary instruction with respect to such. (*Id.* at 60-61). The court finds no error in doing so.

Defendant's final argument concerns his sentence. Defendant argues that the disparity in sentences between Defendant and his co-defendants "justifies the [c]ourt in reexamining the sentence imposed on" Defendant. This motion will be summarily denied. Defendant has not alleged a sufficient basis upon which the court needs to reconsider the sentence. The sentence was within the discretion of the court and Defendant has not alleged that the court abused said discretion. Furthermore, Defendant and his co-defendants were not similarly situated. Defendant was convicted following a jury trial of numerous *felonies* as well as misdemeanors. His co-defendants pled guilty to one or two misdemeanor offenses. The disparity in their convictions alone was sufficient to justify Defendant's greater sentence.

ORDER

AND NOW, this ___ day of November 2016, following a hearing, argument and the submission of briefs, the court **DENIES** Defendant's post-sentence motion, supplemental post-sentence motion and motion for reconsideration of sentencing.

By The Court,

Marc F. Lovecchio, Judge

cc: Martin Wade, Esquire (ADA)
Robert A. Hoffa, Esquire
Gary Weber, Esquire (Lycoming Reporter)
Work file