

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

<b>COMMONWEALTH</b>	:	<b>CP-41-CR-0000736-2016</b>
<b>Appellant: The Lycoming County</b>	:	
<b>Controller's Office</b>	:	
	:	<b>274 CD 2017</b>
<b>v.</b>	:	
	:	
<b>AMANDA CONFER</b>	:	<b>Supplemental 1925a Opinion</b>
<b>Appellee</b>	:	

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

This Opinion is written in response to the Commonwealth's Order of May 18, 2017, ordering this Court to file a supplemental Pa.R.A.P. 1925(a) opinion setting forth the rationale and basis for incorporating an ancillary matter into the criminal proceedings. The Court notes that it never received the Order of the Commonwealth Court to chambers but rather was provided with a copy of the Order by the chambers of another Courtroom in the Lycoming County Courthouse who had received the Order.

The Court incorporated an ancillary matter into the criminal proceedings because the Filing Party's Attorney filed the appeal to the underlying criminal docket number. It is also the Court's belief that the Defendant [Appellee] would reimburse the County for the cost of the pants as Restitution. Paying for the pants was in lieu of being charged with Fleeing and Attempting to Elude a Law Enforcement Officer.

The Commonwealth Court in its Order of May 18, 2017, also requested

1. "The manner in which the Adult Probation Office made the request for reimbursement."
  - a. See attached receipt from Rogers Uniforms that was submitted to HR requesting reimbursement.

- b. See Appellant's email to head of Human Resources Ann Gehret and Adult Probation Office (APO) Chief explaining that she could not approve payment for expense reimbursement. 1/6/2017, at 2:03 pm.
  - c. See Chief of APO's email to Appellant of 1/6/2017, at 2:14 pm explaining that expense will be reimbursed by Defendant as restitution.
- 2. "A transcript of the proceedings where such a request may have been orally made."
  - a. No transcript of the request was made as it was not made orally on the record in a courtroom.
  - b. See Appellant's Email of 1/10/2017, at 3:02 pm stating that no payment shall be made without an order of court.
  - c. See Chief of APO's email to the Court on 1/10/2017, at 4:18 pm suggesting that "we pay for his pants out of the restitution fund or order them being paid out of Act #35."
- 3. "The records further fails to explain how Appellant became a party to a criminal proceeding and the basis upon which the trial court treated Appellant's motion for reconsideration by a nonparty as a motion for post-trial relief in a criminal matter."
  - a. The Court treated Appellant's motion for reconsideration by a nonparty as a motion for post-trial relief in a criminal matter because that was how the Filing Party's Attorney captioned it.
  - b. Additionally, the Court believes that the Act 35 monies will be reimbursed by the Defendant.

The Court respectfully requests that the Commonwealth Court affirm its Order of January 17, 2017, as the President Judge was acting within her authority to order disbursement from the Fund for the purpose for which the disbursement was made.

DATE: \_\_\_\_\_

BY THE COURT,

\_\_\_\_\_  
Nancy L. Butts, P.J.

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