

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH :
 :
 vs. : No's. CR-1025-2017; CR-1436-2017
 : Commonwealth's Motion for Reconsideration
 RONALD WEBB, JR., : of Denial of SVP Hearing
 Defendant :

OPINION AND ORDER

On October 1, 2018, following a hearing, the court sentenced Defendant to undergo incarceration in a State Correctional Institution, the minimum of which is three and a half (3 ½) years and the maximum of which is ten (10) years with respect to Count 1, sexual abuse of children, a felony of the second degree, under Information CR-1025-2017. The sentence of the court on Counts 2 through 11, sexual abuse of children, all felonies of the second degree was "the same sentence" to run concurrent.

Under Information CR-1436-2017, the court sentenced Defendant to a period of state incarceration of one and half (1 ½) years to seven (7) years on Count 2, indecent assault, a felony of the third degree. This sentence was to run consecutive to the sentence imposed under Information CR-1025-2017. Under Count 3, corruption of minors, the court sentenced Defendant to a period of state incarceration, the minimum of which was one (1) year and the maximum of which was seven (7) years. This sentence was to run consecutive to the sentence imposed with respect to Count 2.

The aggregate sentence on both Informations was a minimum of six (6) years and a maximum of twenty-four (24) years.

Before the court is the Commonwealth's oral motion for reconsideration with

respect to the court's October 1, 2018 Order denying the Commonwealth's Praecipe to schedule a hearing to determine Defendant's sexually violent predator (SVP) status.

As the parties are aware, Act 29 of 2018 applies in Defendant's case. Because Defendant's offense conduct occurred after the December 20, 2012 effective date of SORNA, Defendant is subject to the provisions of SORNA (Subchapter H), as amended by Act 29. Prior to sentencing and as directed by the court, Defendant was evaluated by the Sexual Offender's Assessment Board (SOAB) to determine whether he met the criteria to be classified as an SVP. The evaluation determined that he did. The Commonwealth filed a Praecipe to schedule a hearing, but the court denied the Commonwealth's request. The Commonwealth was given an opportunity to request reconsideration of such and the court granted the Commonwealth's request.

Based on this court's reasoning in its prior Opinions in *Commonwealth v. Carpenter*, CR-192-2017 (Lycoming County) and *Commonwealth v. Vassallo*, CR-115-2017 (Lycoming County), the court denies the Commonwealth's motion for reconsideration and denies the Commonwealth's motion to vacate the sentencing order and to proceed with an SVP hearing.

ORDER

AND NOW, this ____ day of November 2018 following a hearing and argument, the court **DENIES** the Commonwealth's oral motion to vacate the sentencing order and to proceed with a sexually violent predator (SVP) hearing.

By The Court,

Marc F. Lovecchio, Judge

cc: Christopher Jones, Esquire (AG)
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DA
William Miele, Esquire (PD)
Gary Weber, Esquire (Lycoming Reporter)
Work file
CR-1436-2017