

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : NO. CR – 266 - 2018  
:   
vs. :   
:   
SONYA LOUISE WINTERS, :   
Defendant : CRIMINAL DIVISION

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

On March 5, 2018 Defendant pled guilty to one count of Delivery of a Controlled Substance.<sup>1</sup> She was sentenced on May 15, 2018, to a minimum of nine (9) months and a maximum of forty-eight (48) months in a state correctional institution. In addition, Defendant was deemed eligible for RRRI, which was calculated at a minimum of six (6) months and twenty-two (22) days. Defendant filed a Motion for Reconsideration of Sentence on May 25, 2018, which was subsequently denied on June 8, 2018. It is from this sentence that Defendant now appeals.

In her Concise Statement of Matters Complained of on Appeal, Defendant contends this Court “abused its discretion when it sentenced [Defendant] to a state correctional institution where the impact on the community and rehabilitative needs of [Defendant] indicated a county sentence.”<sup>2</sup> In evaluation of Defendant’s sentence, the Court considered the entered guilty plea, the presentence investigation report provided by the Pennsylvania Board of Probation and Parole, and the arguments presented by both defense counsel and Commonwealth on May 15, 2018.

Defendant had contacts with Lewistown in Mifflin County, Mt. Union Police Department, and Pennsylvania State Police Huntington dating back to 2001.<sup>3</sup> In 2013 Defendant’s State IP was revoked and she was resentenced to fifteen (15) to thirty (30) months which she maxed out.<sup>4</sup> Defendant was then charged with Aggravated Assault while under the Influence, to which she plead guilty to a DUI and served a sentence of one (1) year and one (1)

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1 35 Pa.C.S. § 780-113 §§ A30.

2 See Defendant’s Concise Statement of Matters Complained of on Appeal Pursuant to Rule 1925(B) Order, filed July 16, 2018.

3 See N.T., May 15, 2018 at page 3.

day to two (2) years and two (2) days in state correctional institution.<sup>5</sup> Upon release, she accumulated a number of summary offenses in both Lewistown and Grandville Township.<sup>6</sup> Defendant was determined to have minimal contacts with county, expressed wishes to be closer to her son and mother in New Hamilton, Pennsylvania, and had previous contacts with the state prison system. This information in addition to her bail being revoked prior to sentencing due to reliable evidence that Defendant had produced three positive patches for cocaine, failed to follow up with the recommended treatment and services, failed to reside at her approved address, and failed to comply with the directives of the supervised bail office, showed this Court Defendant's unwillingness to engage in steps to seek the help she requires.<sup>7</sup>

Contrary to Defendant's assertion now, the Court did consider her need for rehabilitation. As the Court noted at sentencing, however, most of the opportunities for rehabilitation are "self-reporting" and Defendant's failure to "self-report" prevented her from taking advantage of those opportunities.<sup>8</sup> Given the numerous times this issue was addressed in dealing with the multiple violations committed by Defendant throughout her bail supervision, the Court did not believe that the sudden interest in rehabilitation expressed by Defendant at sentencing was sincere.

A review of the matter clearly showed that all county-level efforts at rehabilitation had been exhausted and her contacts with the county were transient. The instant sentence does provide Defendant with the opportunity to participate in drug, alcohol, and mental health treatment while incarcerated, and she will be able to pursue further treatment upon release to supervision.

Dated: \_\_\_\_\_

Respectfully submitted,

Nancy L. Butts, President Judge

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4 *Id.*

5 *Id.* at 4.

6 *Id.*

7 *Id.* at 10-17.

8 *Id.* at 16-17.

cc: DA  
William Miele, Esq.