

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH : No. CR-2093-2013
vs. : CRIMINAL DIVISION
ERIC JAMES ECK, :
Appellant : 1925(a) Opinion

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

This Opinion is written in support of this court’s judgment of sentence dated July 19, 2018 and docketed July 30, 2018. Appellant Eric James Eck (“Eck”) previously appealed this sentence but his appeal was dismissed for failure to file a brief. Through PCRA proceedings, the court reinstated Eck’s rights to file post sentence motions and an appeal nunc pro tunc.

In his concise statement of matters complained of on appeal, Eck asserts four issues: (1) the sentence was excessive and unreasonable under the circumstances and the court abused its discretion by failing to adequately consider Eck’s mental health issues, family history, education, and waiver of jury trial; (2) the court erred in finding Eck was not eligible for RRRI; (3) the court erred in finding that the prosecuting attorney did not approve of the RRRI minimum; and (4) the court erred in denying Eck credit for time served.

The court addressed Eck’s first issue in its Opinion and Order entered on December 7, 2018, in response to his prior appeal. To the extent the court did not specifically address Eck’s mental health issues, family history, education and waiver of jury

trial, it is only because Eck never made those assertions in his motion to modify sentence. Rather, the only time Eck asserted these specific areas of concern was in his concise statement. “Issues not raised in the lower court are waived and cannot be asserted for the first time on appeal.” Pa.R.A.P. 302(a).

The court addressed Eck’s claims regarding RRRI at pages 1-2 of its Opinion and Order entered on October 18, 2019.

The court’s reasons for denying Eck credit for time served can be found at pages 2-3 of its Opinion and Order entered on October 18, 2019.

DATE: _____

By The Court,

Marc F. Lovecchio, Judge

cc: Joseph Ruby, Esquire (ADA)
Helen Stolin, Esquire
The Mazza Law Group, 2790 West College Ave, Suite 800, State College PA 16801
Work file
Gary Weber, Esquire (Lycoming Reporter)
Superior Court (original & 1)