

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF  
PENNSYLVANIA

v.

MICHAEL G. HARRIS, JR.,

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No. CR-1125-2019

CRIMINAL DIVISION  
APPEAL

*Date: February 10, 2022*

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

Michael Harris, Jr. (hereinafter referred to as “Appellant”) files this appeal following a jury trial held June 3, 2021 where he was found guilty of fifteen out of sixteen counts related of the rape of his minor step-daughter and his subsequent sentencing held September 14, 2021. Appellant filed a Post-Sentence Motion on September 23, 2021, which the Court denied by Opinion and Order of January 11, 2022. Thereafter, Appellant’s Notice of Appeal was timely filed on January 14, 2022 and Appellant timely filed his Concise Statement of Matters Complained of on Appeal on February 3, 2022, wherein he cites the following:

1. The Defendant avers that he should be granted a new trial because the trial court erred in permitting the admission of overly prejudicial social media conversations that had no probative value other than to improperly demonstrate criminal propensity.
2. The Defendant avers that the trial court erred in failing to suppress statements that were obtained by law enforcement even though he did not voluntarily waive his Miranda rights.

3. The Defendant avers that the sentencing court abused its discretion by imposing a manifestly excessive and unduly harsh sentence without sufficiently considering the fundamental norms underlying the sentencing process.
4. The Defendant avers that the sentencing court imposed an illegal sentence by imposing unconstitutional mandatory minimums pursuant to Section 9718 of the Sentencing Code.

The first issue was thoroughly addressed in the Court's June 2, 2021 Opinion and Order, as amended, which addresses the social media conversations and for purposes of this Opinion, the Court will rely on it. The second issue was addressed by the Honorable Nancy L. Butts in an Opinion and Order dated March 4, 2021 and therefore, the Court adopt that Opinion as its own and will rely on it for the purposes of this Opinion. As to the third and fourth issues, these were thoroughly addressed both in the Sentencing transcript of September 14, 2021 as well as the Court's January 11, 2022 Opinion and Order denying Defendant's Post-Sentence Motion. The Court will rely on these for the purpose of this Opinion.

BY THE COURT,

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Ryan M. Tira, Judge

RMT/ads

cc: Superior Court (Original +1)  
Court Reporter  
DA (M.Wade)  
Jeana Longo, Esq. – Public Defender's Office  
Gary Weber, Esquire  
Alexandra Sholley – Judge Tira's Office  
Hon. Nancy L. Butts, President Judge