

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH

: CR-998-2020  
: CR-1409-2020

vs.

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COLLIN S. REID,  
Defendant

**OPINION AND ORDER**

AND NOW, this 1<sup>st</sup> day of September 2022, the Court hereby issues the following OPINION and ORDER addressing Defendant Collin S. Reid's Post-Sentence Motions,<sup>1</sup> filed June 6, 2022.

Defendant was charged in information CR-998-2020 with numerous sexual offenses stemming from his abuse of a minor victim, [redacted], on Christmas Eve and Christmas Day of 2019. Defendant was subsequently charged in information CR-1409-2020 with numerous sexual offenses related to abuse of the same victim from March to December of 2019. The two informations were consolidated for a jury trial, which was held on November 16 and 17, 2021. On November 17, 2021 the jury found Defendant guilty of 18 counts and not guilty of 6 counts.

The Court initially scheduled sentencing for the afternoon of March 1, 2022 to allow the Sexual Offender Assessment Board the 90 days necessary to complete a Sexually Violent Predator ("SVP") assessment. On the morning of March 1, 2022, counsel for Defendant moved to withdraw due to a deterioration in the attorney-client relationship which prevented him from adequately representing Defendant; the Court granted the motion, appointed present counsel, and continued Defendant's

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<sup>1</sup> Defendant filed a single document stylized "Post-Sentence Motions," containing a Motion in Arrest of Judgment, a Motion for a New Trial, and a Motion for Reconsideration of Sentence.

sentencing to March 21, 2022 to allow new counsel adequate time to meet with Defendant and prepare for sentencing.

On March 18, 2022, the Commonwealth filed a Notice of Applicability of Mandatory Sentences pursuant to 42 Pa. C.S. § 9718.2(a)(1), and on March 21, 2022 the Commonwealth requested a continuance of sentencing so the Court could hold a hearing pursuant to 42 Pa. C.S. § 9718.2(c) to determine the applicability of mandatory minimum sentences. The Court granted this continuance request without objection of the Defendant, and scheduled the hearing for April 29, 2022. On May 11, 2022, the Court issued an Opinion holding that, based on the evidence presented by the Commonwealth, mandatory minimum sentences of 25 years applied to fifteen of the eighteen counts on which the jury found Defendant guilty.

The Court scheduled Defendant's sentencing for May 27, 2022. After reviewing the Commonwealth's evidence establishing the applicability of mandatory minimums, hearing argument from the Commonwealth and Defendant, and considering all relevant factors including protection of the public, the gravity of the offenses as it relates to the impact on the community, and the rehabilitative needs of the offender, the Court sentenced Defendant to a minimum of 25 years and maximum of 50 years of incarceration on each of the fifteen counts that it found carried a mandatory minimum. Of these counts, the Court ran Count 1 (Aggravated Indecent Assault without Consent) and Count 6 (Criminal Attempt – Rape by Forcible Compulsion) in CR-998-2020, and Count 1 (Involuntary Deviate Sexual Intercourse, Victim Less than 16 Years of Age) in CR-1409-2020 consecutively, for

an aggregate sentence of 75 to 150 years. The Court ran each of the other counts concurrently.

On June 6, 2022, Defendant filed Post-Sentence Motions in Arrest of Judgment, for a New Trial, and for Reconsideration of Sentence. The Court held argument on Defendant's Post-Sentence Motions on July 21, 2022. The remainder of this Opinion addresses each of Defendant's Post-Sentence Motions.

**1. Motion in Arrest of Judgment**

Defendant's first motion avers that "the evidence presented at trial was insufficient to establish guilt beyond a reasonable doubt for the... offenses which he was found guilty of." Defendant did not elaborate on this contention at argument.

The standard of review of a sufficiency of evidence challenge is well established:

"A claim challenging the sufficiency of the evidence is a question of law. Evidence will be deemed sufficient to support the verdict when it establishes each material element of the crime charged and the commission thereof by the accused, beyond a reasonable doubt. Where the evidence offered to support the verdict is in contradiction to the physical facts, in contravention to human experience and the laws of nature, then the evidence is insufficient as a matter of law. When reviewing a sufficiency claim, the court is required to view the evidence in the light most favorable to the verdict winner giving the prosecution the benefit of all reasonable inferences to be drawn from the evidence."<sup>2</sup>

Here, Defendant does not suggest which elements of the eighteen counts he was convicted of, were not sufficiently proved by the Commonwealth. Even so, the Court's review of the testimony and evidence, viewed in the light most favorable to the Commonwealth, establishes that the evidence was more than sufficient to prove

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<sup>2</sup> *Com. v. Widmer*, 744 A.2d 745, 751 (Pa. 2000) (internal citations omitted).

each of the offenses of which Defendant was convicted beyond a reasonable doubt. The victim's lengthy testimony established that Defendant penetrated her genitals, had indecent contact with her, engaged in deviate sexual intercourse with her, attempted to engage in vaginal intercourse with her, photographed her in a state of undress, and contacted her for the purpose of engaging in these acts. Defendant did all of these things without the victim's consent while she was less than 16 years of age. Although the victim's testimony was sufficient by itself to establish the crimes of which Defendant was convicted, multiple lay and law enforcement witnesses corroborated the victim's testimony. In short, Defendant's contention regarding the sufficiency of the evidence is without merit.

## **2. Motion for a New Trial**

In Defendant's second post-sentence motion, he "submits that the trial Court erred by allowing the Commonwealth to admit and play two (2) prison phone call recordings from May 14, 2020." Defendant's June 6, 2022 filing did not elaborate on why he contends the admission of the prison phone calls constituted error.

At trial, the Commonwealth introduced two phone calls made by Defendant from the Lycoming County prison. The first, Commonwealth's Exhibit 1, was a phone call made from Defendant to the victim on May 14, 2020, which the Commonwealth sought to introduce during its direct examination of the victim. The Commonwealth characterized the phone call, and its reasons for attempting to introduce it, as follows:

"I want to play about a five-minute clip of the phone call on May 14, 2020, where [Defendant] talked to [the victim] on the jail phone.... It's incriminating. He talks about the plea offer, whether he's gonna

take it or not. He apologizes. The call is riddled with consciousness of guilt. So it's highly relevant as consciousness of guilt evidence.

...

The Defendant is speaking to the victim. At one point during the call the victim asks the Defendant if he's gonna take the plea. He says, I can't; they want me to do ten years. She says, no, four to ten. He says, yes, but I'll have to do the whole ten.

He says, do you want me to do four to ten years? She says, at least four, that way I'll be 18 by the time you get out. He says, I can't do ten years; I'm too old. She says, if you don't take it, I'll have to take the stand and testify. He says, I don't want you to have to do that. I don't know what to do.

She says, if you don't take the plea, you could end up getting more time... [S]he says, you could do 20 to 25. He says, I don't think that's true. And then that's pretty much the extent of it.

....

It's consciousness of guilt, but there's also some pretty serious admissions by silence during this call. In other words, they're talking about the allegations. They're talking about the jail time.

Not once during this call does he claim or profess his innocence. It's all about – it's literally just a discussion about how much jail time he should have to do, not whether he's guilty or anything like that. So I just think it's – there's just consciousness of guilt everywhere throughout this call.”

Counsel for Defendant objected to the admission of this call at trial, arguing:

“The objection is to, A, it's highly prejudicial, over-probative, Your Honor, because of talking about the plea offer. Your Honor... that's the main thing is the defense is worried that once the jury hears something like that then, you know, [the] defense is highly damaged from fair and impartial trial.

...

[N]ormally, plea negotiations are not something that should be put in front of the jury. Even here, [Defendant] was negotiating on his own behalf. Your Honor, I would not want to play that in front of the jury.

And, Your Honor, although [the Commonwealth] is putting forth why would he accept a plea if he wasn't guilty, Your Honor, due to [Defendant's] prior contacts with law enforcement, I believe – and [Defendant] knowing that there is potentially a much steeper sentence if he is convicted, Your Honor, I would say that's not an automatic

admission, complete admission, of guilt. That is also sometimes a client is wanting to manage their risk....”

The Court gave Defendant multiple opportunities to expand on this ground, or offer additional grounds, for his objection; each time, counsel rested upon the objection as stated above.

In response to questioning by the Court regarding the admissibility of plea negotiations, the Commonwealth pointed out that Pennsylvania Rule of Evidence 410(a)(4) only prohibits “statement[s] made during plea discussions *with an attorney for the prosecuting authority*,”<sup>3</sup> and argued that because this call was between Defendant and the victim Rule 410 did not operate to render the call or any of its contents inadmissible.

Additionally, the Commonwealth cited *Com. v. Shelton*<sup>4</sup> in support of its contention that the call was admissible. In *Shelton*, the trial court “admitted into evidence a portion of a recorded telephone call during which appellant discussed accepting a potential plea deal.”<sup>5</sup> The appellant first argued that the phone call was irrelevant because “he only speaks of the length of a prison sentence; he doesn’t admit to the crime nor does he commit to bringing about such a sentence in any particular fashion.”<sup>6</sup> In the alternative, the appellant argued that Rule of Evidence 410 precluded the introduction of the phone call.<sup>7</sup> The Superior Court of Pennsylvania affirmed the trial court’s ruling in an unpublished memorandum. On the topic of relevance, the Superior Court held that the trial court had not abused its

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<sup>3</sup> Emphasis added.

<sup>4</sup> *Com. v. Shelton*, 2020 WL 5424049 (Pa. Super. 2020) (unpublished opinion).

<sup>5</sup> *Id.* at \*8.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

discretion in deeming the phone call relevant “to show [appellant’s] feelings of guilt and culpability, and help[] the Commonwealth to refute [appellant’s] claims of being coerced into a confession....”<sup>8</sup> Regarding Rule 410, the Superior Court held that because “appellant did not make the statement at issue to a police officer or a attorney for the Commonwealth” but rather “to a friend during the telephone call,” the statement was not protected by Rule 410.<sup>9</sup>

Here, the May 14, 2020 phone call between Defendant and the victim was relevant as it related to consciousness of guilt, was not more prejudicial than probative, and was not protected by Rule 410. For those reasons, this Court allowed the Commonwealth to play the phone call to the jury.

The second phone call the Commonwealth sought to introduce was a call between Defendant and Defendant’s son, occurring on May 14, 2020 after the call between Defendant and the victim. In the second call, Defendant discusses the previous phone call, talks about what length sentences he is willing to serve, and asks his son to speak to the victim and see if she will agree to a lesser plea deal.

Once again, the Commonwealth provided multiple reasons for seeking to introduce the second call. First, the Commonwealth noted that, as in the first call, Defendant did not profess his innocence and instead indicated his willingness to accept a multi-year prison term; these statements and others in the call, the Commonwealth argued, “are completely inconsistent with an innocent person and are highly indicative of a guilty person.” Second, the Commonwealth noted that when speaking to his son, Defendant “attempt[s] to influence the victim,” which it

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<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at \*9.

argued is “clear consciousness of guilt to the extent that he’s trying to influence her testimony and her decision making.”

In response to this argument, counsel for Defendant renewed the same objections he made to the admission of the first phone call, and the Court ultimately admitted the second phone call for the same reasons supporting its admission of the first.

At argument on his Post-Sentence Motions, Defendant raised an additional argument that prior counsel had not raised at trial: the introduction of “prison phone calls” informed the jury that Defendant had been incarcerated on May 14, 2020, and was therefore prejudicial.

With respect to the objection made at the time of trial, the Court affirms its prior reasoning. Under Pennsylvania Rule of Evidence 401, “[e]vidence is relevant if: (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action.” Here, both phone calls demonstrated that Defendant did not profess his innocence when speaking to the victim and his son, was willing to accept a term of multiple years of incarceration, and wished his son to exert pressure on the victim in an effort to convince her to agree to a lesser plea deal. The jury could easily conclude that each of these facts demonstrated that Defendant had a guilty conscience, which made it more probable that he had committed the acts the victim said he committed. Thus, the evidence was relevant.

Under Rule 402, “[a]ll relevant evidence is admissible, except as otherwise provided by law.” Defendant made two arguments as to why the phone calls would



not be admissible despite their relevance: they were inadmissible under Rule 410, and they were more prejudicial than probative. As discussed above, Rule 410 only addresses those plea negotiations to which the Commonwealth is a party. Rule 403 provides that “[t]he court may exclude relevant evidence if its probative value is outweighed by a danger of... unfair prejudice, confusing the issues, [or] misleading the jury....” Generally, relevant evidence “will be inadmissible only if its probative value is substantially outweighed by the danger of unfair prejudice or confusion.”<sup>10</sup> Here, the contents of the phone calls were highly probative of Defendant’s consciousness of guilt. Conversely, although Defendant suggested that the jury being informed of the existence of a plea deal would unfairly prejudice him, he did not elaborate on why this would be so. The Court holds that any unfair prejudice that may arise from the jury learning this information did not outweigh the significant probative value of the calls.

With regard to the contention that the introduction of the phone calls was unfairly prejudicial because it informed the jury that Defendant was incarcerated on May 14, 2020, this issue is waived. Generally, “[a] defendant must make a timely *and specific* objection at trial or face waiver of [the] issue on appeal.”<sup>11</sup> The failure to raise an issue at trial and in written post-trial motions results in waiver of that issue on appeal.<sup>12</sup> Here, during the trial the Defendant did not cite the jury learning of his past incarceration as a reason for not playing the prison calls, despite the Court asking counsel numerous times for any and all bases for the objection, and he did

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<sup>10</sup> *Com. v. Lillock*, 740 A.2d 237, 244 (Pa. Super. 1999).

<sup>11</sup> *Com. v. Olsen*, 82 A.3d 1041, 1050 (Pa. Super. 2013) (emphasis added).

<sup>12</sup> *Com. v. Shain*, 471 A.2d 1246, 1251 (a. Super. 1984).

not do so in his written post-trial motions. Rather, Defendant raised this issue for the first time at argument on his post-trial motions.

Even if Defendant had properly preserved the issue, it would not have rendered the prison phone calls more prejudicial than probative or otherwise necessitated their exclusion. The mere reference to a defendant's incarceration is not prejudicial. The Supreme Court of Pennsylvania has clearly stated that "although generally no reference may be made at trial in a criminal case to a defendant's arrest or incarceration for a previous crime, there is no rule in Pennsylvania which prohibits reference to a defendant's incarceration awaiting trial or arrest for the crimes charged."<sup>13</sup> Here, the prison calls did not suggest in any manner that Defendant was incarcerated for some other offense than the one he was on trial for; to the contrary, the contents of the calls strongly suggested to the jury that his incarceration was for the offenses charged in these cases.<sup>14</sup> The jury learned only that Defendant was incarcerated around the time of May 14, 2020, and the Commonwealth focused not on the fact of Defendant's pre-trial incarceration but on the contents of his communications with the victim and his son.

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<sup>13</sup> *Com. v. Johnson*, 838 A.2d 663, 680 (Pa. 2003). In *Johnson*, the Supreme Court of Pennsylvania explained that the prohibition on forcing a defendant to attend trial in prison garb is based not on a desire to shield the jury from the fact of the defendant's pre-trial incarceration but rather on "the impact that the 'constant reminder of the accused's condition implicit in such distinctive, identifiable attire' might have upon the jury." *Id.* at 680-81. Thus, passing references to pre-trial incarceration are not particularly prejudicial as long as they are not the focus of the evidence and are not utilized to repeatedly remind the jury of the defendant's condition as an arrestee and inmate.

<sup>14</sup> Had Defendant raised this issue at trial, the Court could have considered issuing a cautionary instruction to let the jury know that Defendant's incarceration on May 14, 2020 related solely to this case. The rule requiring a timely objection in order to preserve an issue for appeal is premised largely on the fact that a defendant's failure to raise an issue at trial deprives the Court of any opportunity to remedy that issue before it causes prejudice.

For these reasons, the introduction of the two prison calls was not error, and Defendant's motion for a new trial is without merit.

### 3. Motion for Reconsideration of Sentence

Defendant's third post-trial motion is a motion for reconsideration of his sentence. Defendant primarily argues that the Court "failed to properly consider numerous factors at the time of sentencing," specifically Defendant's age, "growth, increased insight, and the fact that he had previously undiagnosed mental health issues for which he had become treated and medication compliant since his incarceration." Defendant noted that, in light of his age (43) at the time of sentencing, the Court's 75 to 150 year sentence is a *de facto* life sentence.<sup>15</sup> Defendant argues that such a sentence "is manifestly excessive based on the circumstances of the offenses, the history and characteristics of [Defendant], as well as the lack of public interest and need for protection."

The Court discussed at length, on the record, its reasons for the sentence it imposed at Defendant's May 27, 2022 sentencing hearing. To summarize, Defendant sexually abused the victim, who was at the time 13 years old, repeatedly over the course of nine months in multiple locations. The offenses included attempted rape, incest, and involuntary deviate sexual intercourse, all felonies of the first degree. The impact on the victim cannot be overstated, especially in light of the fact that she is [redacted] : Defendant was previously convicted of a sexual offense involving a different victim that would have required SORNA

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<sup>15</sup> The Court's sentence is clearly a *de facto* life sentence, as Defendant will not be eligible for parole until the age of 118. The Court's sentence was not designed with the Defendant's incarceration for life as a primary objective; however, as discussed *infra*, any lesser sentence would not have appropriately balanced the relevant sentencing factors.

registration had it been committed in Pennsylvania. When fashioning its sentence, the Court considered Defendant's statement at the time of sentencing, and took into account the efforts he has made to gain insight and grow following his arrest on these charges. It is in part for these reasons that the Court imposed a lower sentence than requested by the Commonwealth.

In short, this Court's sentence was not based on partiality, prejudice, bias or ill will. In light of the seriousness of Defendant's crimes, their effect on the victim, and the need to protect both the victim and community, the aggregate sentence of 75 to 150 years was not manifestly unreasonable. Anything shorter would not have fully reflected the gravity of the offenses.

Defendant makes two additional arguments regarding his sentencing. First, he argues that "the sentencing Court unnecessarily utilized two (2) years of [Defendant's] time credit to satisfy [his] probation violation sanction." Defendant committed the instant offenses while serving a four-year period of probation for endangering welfare of children, a felony of the third degree,<sup>16</sup> at docket number CR-711-2018. At Defendant's sentencing hearing in the instant case, the Court also found that Defendant had violated the conditions of probation in CR-711-2018 by committing new criminal offenses while under supervision. The Court revoked Defendant's probation in CR-711-2018 and resentedenced him to a term of incarceration, the minimum of which was one (1) year and the maximum of which was two (2) years, to run consecutive to the sentence in these cases. As Defendant

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<sup>16</sup> This Court's Order of May 27, 2022, revoking and resentedencing Defendant, incorrectly states the grading of Defendant's endangering welfare of children charge as a felony of the first degree. A review of docket CR-711-2018 confirms that the offense was a felony of the third degree.

had over two years of credit for time served, the Court applied two years of this credit to the probation violation sentence in CR-711-2018.

Defendant does not argue that the Court was not permitted to resentence Defendant on CR-711-2018, apply his time served to that sentence, or run that sentence consecutively to the sentence received in the instant cases. Rather, Defendant appears to argue that because the Defendant's sentence on the underlying cases is very long, the Court's decision to apply two years of Defendant's time served to his probation violation was "unnecessary."

Like sentencing on new criminal convictions, "[r]evocation of a probation sentence is a matter committed to the sound discretion of the trial court..."<sup>17</sup> If the court "concludes a violation [of probation] occurred and probation was not effective, the court may resentence the defendant to a total term of incarceration if... the defendant was convicted of a new crime..."<sup>18</sup>

Here, probation for felony endangering welfare of children was not effective in rehabilitating Defendant or preventing him from committing new felonies. Therefore, a significant total term of incarceration, running consecutive to the sentence on Defendant's new convictions, was necessary; anything less would have the effect of excusing Defendant's disregard of the conditions of supervision and continued criminal conduct.

Defendant's final argument concerning his sentencing is that the Court erred when it applied mandatory minimums to certain counts and failed to merge other counts. Although Defendant's written motion did not specify which counts he

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<sup>17</sup> *Com. v. Smith*, 669 A.2d 1008, 1011 (Pa. Super. 1996).

<sup>18</sup> *Com. v. Gilliam*, 223 A.3d 863, 867 (Pa. Super. 2020).

believed were subject to these errors, at argument counsel specified Defendant's claim that Count 3 (Corruption of Minors, Sexual Offense and Course of Conduct) in CR-998-2020 and Count 11 (Corruption of Minors, Sexual Offense and Course of Conduct) in CR-1409-2020 were not subject to mandatory minimums, and that Counts 4 (Indecent Assault) and 5 (Indecent Assault) in CR-1409-2020 should have merged with Count 3 (Aggravated Indecent Assault) in CR-1409-2020.<sup>19</sup> The Commonwealth did not object to these arguments. The parties agreed that a grant of relief on these issues would not change Defendant's aggregate sentence, as the sentence on each of these counts ran concurrently.

Defendant did not elaborate on why he believes the mandatory minimum sentence of 25 to 50 years does not apply to the two counts of corruption of minors. The mandatory minimums established by 42 Pa. C.S. § 9718.2(a)(1) apply to a conviction for "an offense set forth in [42 Pa. C.S. §] 9799.14 (relating to sexual offenses and tier system)...." Among the offenses listed in 42 Pa. C.S. § 9799.14 is 18 Pa. C.S. § 6301(a)(1)(ii),<sup>20</sup> which is defined as follows: "[w]hoever, being of the age of 18 years and upwards, by any course of conduct in violation of Chapter 31 [of Title 18] (relating to sexual offenses) corrupts or tends to corrupt the morals of any

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<sup>19</sup> For clarity, the Court adopts the numbering of counts used in the Court's May 27, 2022 Sentencing Order and by Defendant in his post-trial motion and at argument. The counts referred to in this section correspond to the counts on the verdict sheet as follows:

<u>Defendant's Numbering</u>	<u>Verdict Sheet</u>
CR-998-2020, Count 3	Count 3
CR-1409-2020, Count 3	Count 10
CR-1409-2020, Count 4	Count 11
CR-1409-2020, Count 5	Count 12
CR-1409-2020, Count 11	Count 16

<sup>20</sup> 18 Pa. C.S. § 6301(a)(1)(i) and (a)(2) also define acts which constitute corruption of minors, but are not of a sexual nature and are not listed in 42 Pa. C.S. § 9799.14.

minor less than 17 years of age... commits a felony of the third degree.” Both corruption of minor counts of which Defendant was convicted were specifically charged as violations of 18 Pa. C.S. § 6301(a)(1)(ii). Accordingly, the jury charge and the verdict sheet each specifically noted that both corruption of minors charges required a finding of a course of conduct consisting of sexual offenses. If there is some superseding reason why Defendant believes the mandatory minimums do not apply to these counts despite the plain language of the applicable statutes, he has not brought it to the Court’s attention.

With regard to Defendant’s argument on merger, the Court agrees that Counts 4 and 5 in CR-1409-2020, both indecent assault, are lesser included offenses of Count 3 in CR-1409-2020, aggravated indecent assault, and therefore should have merged for the purposes of sentencing. Because Counts 4 and 5 in CR-1409-2020 ran concurrently, the merger of these counts does not alter Defendant’s aggregate sentence of 75 to 150 years.

For the foregoing reasons, the Court will grant in part Defendant’s motion for reconsideration of sentence, and amend the sentencing order to reflect that the two indecent assault charges under CR-1409-2020 merge with the aggravated indecent assault charge under CR-1409-2020 for the purposes of sentencing. This grant of relief does not change the aggregate sentence. In all other respects, Defendant’s motion for reconsideration of sentence is without merit.

**ORDER**

AND NOW, for the reasons detailed above, the Court ORDERS as follows:

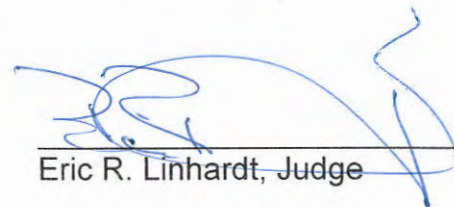
- Defendant's Motion in Arrest of Judgment is DENIED.
- Defendant's Motion for a New Trial is DENIED.
- Defendant's Motion for Reconsideration of Sentence is GRANTED IN PART and DENIED IN PART. This Court's May 27, 2022 Sentencing Order is hereby AMENDED to reflect that Count 4 and Count 5 under information CR-1409-2020 merge with Count 3 under information CR-1409-2020 for the purposes of sentencing. The portions of the May 27, 2022 Sentencing Order sentencing Defendant to a mandatory sentence of state incarceration of 25 to 50 years on Counts 4 and 5 under information CR-1409-2020 are STRICKEN. In all other respects, Defendant's Motion for Reconsideration of Sentence is DENIED. Defendant's aggregate sentence of 75 to 150 years of incarceration remains unchanged.

Pursuant to Pennsylvania Rule of Criminal Procedure 720(B)(4), Defendant is hereby notified of the following:

1. Defendant has the right to appeal this Order within thirty (30) days of the entry of this Order;
2. Defendant has the right to assistance of counsel in preparation of the appeal;
3. Defendant, if indigent, has the right to appeal this decision *in forma pauperis* and to proceed with assigned counsel as provided in Pennsylvania Rule of Criminal Procedure 122; and
4. Defendant has the qualified right to bail pursuant to Pennsylvania Rule of Criminal Procedure 521(B).

IT IS SO ORDERED this 1<sup>st</sup> day of September 2022.

BY THE COURT,



Eric R. Linhardt, Judge



ERL/jcr

cc: DA (M. Wade)  
PD (T. Calkins)  
Prothonotary  
Gary Weber, Esq. (Lycoming Reporter)