

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,
PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA	:	
	:	CR-1890-2018
	:	
vs.	:	
	:	CRIMINAL DIVISION
LINDA STROUSE,	:	
Defendant	:	Appeal

Date: August 22, 2022

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

On January 4, 2019, Defendant was charged with 124 counts of theft and forgery related charges for the money that she stole and spent from the victim, Rose Strouse, now deceased. The Information was amended once on April 12, 2021 to correct the date range of the offenses and again on June 7, 2021, which reduced the charges to the 25 counts. Defendant pled open to all of the above counts on June 7, 2021 and on September 2, 2021, this Court sentenced Defendant to an aggregate sentence of 50 to 100 months incarceration in state correctional institution, in addition to restitution in the amount of \$72,471.70.

On September 13, 2021, Defendant filed a Motion for Post Sentence Relief and argument was held on December 23, 2021, after which this Court entered an Opinion and Order on January 12, 2022, denying the Motion for Post Sentence Relief. No direct appeal was filed. On March 10, 2022, Linda Strouse (“Appellant”) filed a Petition for Post Conviction Relief, seeking reinstatement of her direct

appeal rights and an amendment to her sentencing order finding that she is RRRI eligible. The Lycoming County Public Defender's Office was appointed as counsel for Appellant. At a conference on July 19, 2022, Martin Wade, Esquire, on behalf of the Commonwealth, indicated that it was his belief that the Appellant is RRRI eligible and that he was unopposed to the reinstatement of her direct appeal rights. Accordingly, this Court granted Appellant's PCRA Petition and directed that a Notice of Appeal be filed within thirty (30) days of July 19, 2022.

Appellant's Notice of Appeal was timely filed on July 27, 2022. On August 17, 2022, Appellant timely filed a Concise Statement of Matters Complained of on Appeal averring that the trial court abused its discretion when imposing sentence, including:

1. The sentence is manifestly excessive based on the Defendant's history and characteristics, her age, lack of prior record, rehabilitative needs, and mental and physical health issues;
2. The amount of confinement is not consistent with need for protection of the public nor the gravity of the offense and its impact on the victims;
3. The consecutive sentences, adding to 50 to 100 months aggregate is excessive in light of all sentencing factors and the recommendation of the Adult Probation Office which completed the Pre-sentence Investigation.

Each of the three issues raised on appeal formed the basis for Appellant's Motion for Post Sentence Relief. These issues were thoroughly addressed in the Court's January 12, 2022, Opinion and Order denying Appellant's Post-Sentence

Motion. The Court will rely on its Order and Opinion of January 12, 2022, for the purpose of this appeal, and respectfully requests that the Appellant's appeal be denied and the judgment of sentence be affirmed.

BY THE COURT,

Ryan M. Tira, Judge

RMT/jel

cc: Superior Court (Original +1)
Court Reporter
DA (Martin Wade, Esquire)
PD (Nicole Spring, Esquire)
Gary Weber, Esquire
Jennifer E Linn, Esquire – Judge Tira's Office