

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

<b>COMMONWEALTH OF PENNSYLVANIA</b>	<b>:</b>	<b>NO. CR 74-2025</b>
	<b>:</b>	
<b>vs.</b>	<b>:</b>	<b>CRIMINAL DIVISION</b>
	<b>:</b>	
<b>JEFFRY A. ENTZ,</b>	<b>:</b>	
<b>Defendant</b>	<b>:</b>	

**OPINION and ORDER**

Jeffry Entz (Defendant) was sentenced to Count 1 Driving, Under the Influence, a second offense, tier, 2<sup>1</sup> and Court 4 driving without a license, a summary offense.<sup>2</sup> The sentence of the court included prosecution costs and fines, loss of driver's license privileges for a period of one year, incarceration of thirty days to six months, and, specifically at issue here, restitution in the amount of \$3,803.89 to be paid to David Neidig and \$85.00 to be paid to the Pennsylvania State Police.

**Background**

On July 19<sup>th</sup>, 2024, the Defendant was involved in a motor vehicle accident. Defendant was traveling north on Route 405 in Wolf Township, Lycoming County. While the Defendant was driving he planned to make a left hand turn onto Elm Drive. While in the act of making the turn the victim, who was traveling north on the southbound side of the road on a Pedal-Cycle, ran into the side of the Defendant's vehicle. The victim was ejected from the Pedal-Cycle and sustained multiple injuries.

During an interview conducted by the Pennsylvania State Police the Defendant admitted to consuming alcohol and submitted to a field sobriety test. Defendant exhibited signs of impairment and provided a preliminary breath test. The results of that test was a reading of

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<sup>1</sup> 75 Pa. C.S.A § 3802 (B)

<sup>2</sup> 75 Pa. C.S.A. § 1501 (A)

.116%. The Defendant later submitted to a chemical blood test where his blood alcohol content was .135%.

Additionally, as part of the investigation the Pennsylvania State police interviewed Sarah Leslie. Leslie stated that she had not seen the victim until after he struck the Defendant's vehicle and she did not believe the Defendant would have seen him either.

Ultimately, the Defendant plead guilty to Count 1 and to Count 4 of the information. As stated above the Defendant was sentenced on those counts and specifically at issue here restitution in the amount of \$3,803.89 payable to David Neidig. Counsel for the Defendant filed this Post Sentence Motion to arguing that the Commonwealth failed to prove a causal relationship between the crimes of the Defendant and the injuries to the victim, and therefore, the restitution condition should be removed from his condition of parole. The Commonwealth and Defense were ordered to provide briefs to support their argument and both did as such.

## **Discussion**

The Court may order restitution as a direct sentence in accordance with 18 Pa.C.S. § 1106 and also as a condition of supervision. If the Court is ordering restitution as a direct sentence the Court must show that the loss or injury must have been directly caused by the crime that the Defendant has been convicted. When ordering restitution as a condition of supervision the standard of the Court is relaxed. When ordering restitution pursuant to 42 Pa.C.S.A § 9763 the Court need only find an indirect connections between the crime and the loss.<sup>3</sup> In Commonwealth v Harriott, the Superior Court explains, "This more liberal standard for ordering restitution is consistent with the rehabilitative purposes of probation."<sup>4</sup> The Court goes on to write that, " even without direct causation, a court may properly impose restitution as a

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<sup>3</sup> Commonwealth v. Harner, 617 A.2d 702 (Pa. 1992)

<sup>4</sup> Commonwealth v. Harriott, 919 A.2d 234 (2007)

probationary condition if the court is satisfied that the restitution is designed to rehabilitate the defendant and to make some measure of reimbursement to the victim.”<sup>5</sup>

Although 42 Pa.C.S.A § 9763 specifically references restitution as a condition of probation, the Supreme Court has acknowledged that the laxer standard for ordering restitution as a condition of probation also applies to parole. Specifically, they wrote in Harner, “We do note that consistent with the broader discretion granted to a sentencing court that chooses to impose restitution as a condition of parole, 42 Pa.C.S. § 9754(c)(8) vests the court with an equally broad power to determine what the fruits of the crime are.”<sup>6</sup>

Here, the Defendant argues that, because the sentence wasn’t an intermediate punishment sentence and because the Court did not specifically state the restitution was a condition of parole the correct standard for determining restitution is the conduct of the Defendant was the direct cause of the loss.

A review of the sentencing order shows that the court did expressly state that the payment of costs and restitution was a condition of parole. Specifically, the court ordered that, “The Defendant’s payment of costs, fines and restitution in compliance with this Order is hereby made a condition of intermediate punishment, probation, or parole supervision.”<sup>7</sup>

As restitution was expressly made a condition of parole and not a direct sentence the analysis required by the Court is whether or not there is at least an indirect connection between the loss and the crime committed. Here, the Defendant was driving while intoxicated and while committing that crime he made a turn in front of the victim causing his injuries. Although a witness reported that she had not seen the victim prior to the crash it is clear to the court that the

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<sup>5</sup> Id.

<sup>6</sup> Harner at n. 3

<sup>7</sup> Sentencing Order Dated March 31<sup>st</sup>, 2025

Defendant's impaired state played a part in the incident that resulted in the victim's injuries. Further, as the Superior Court explained in Harriott, this Court was satisfied that the restitution ordered was designed to rehabilitate the Defendant and reimburse the victim for their loss. Accordingly, the Court finds that there is a sufficient nexus between the crime committed by the Defendant and injuries suffered by the victim.

**ORDER**

AND NOW, this \_\_\_\_ day of **August, 2025**, for the reasons stated above the Court DENIES Defendant's Motion to remove the restitution condition, however, as the Court indicated in its order dated May 6<sup>th</sup>, 2025 a hearing is scheduled for **September 9<sup>th</sup>, 2025 at 4:30 in courtroom 5 of the Lycoming County Courthouse** to allow the Defendant to explore the restitution amounts requested by the Commonwealth.

BY THE COURT

Ryan C. Gardner, Judge

RCG/kbc

cc: DA (Jessica Feese, Esq)  
Peter Lovecchio, Esq.  
Gary Weber, Esq.