

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, : CR-1259-2020
: :
vs. : :
RYAN KRANZ : :
Defendant. : Motion to Dismiss

OPINION AND ORDER

BACKGROUND:

This matter came before the Court on January 2, 2026, on Defendant's Motion to Dismiss Count 1 of the information, filed December 29, 2025. The procedural history of this matter is somewhat unique.

On July 14, 2021, Ryan Kranz (hereinafter "Defendant") entered a guilty plea to a number of offenses set forth in counts contained in criminal informations filed to docket numbers 131-2019 and 352-2021 and 1259-2020. Count 1 of the information filed to docket number 1259-2020 charged the Defendant with Aggravated Assault, a felony of the first degree. By Order dated July 14, 2021, the Defendant was sentenced on the misdemeanor offenses to incarceration for 30 to 60 days, with credit for time served (time served was greater than the entire sentence imposed). On Count 1, the felony aggravated assault, the Defendant waived the requirements of P.R.Cr.P. 704, and was placed in the Lycoming County Drug Court diversion program. The Order provides, *inter alia*, that Count 1 could be dismissed after his successful completion of that program.

Between July 14, 2021, and July 10, 2024, the Defendant repeatedly violated the conditions of the Drug Court program. By Order dated July 10, 2024, he was removed from that program. At a probation violation hearing conducted on January 2, 2026, the Defendant stipulated to several violations of the conditions of his probation, with the result that his probation was revoked. The Court deferred sentencing on Count 1, aggravated assault, pending decision on Defendant's Motion to Dismiss Count 1 of the information, filed December 29, 2025.

ISSUES PRESENTED:

1. WHETHER DEFENDANT HAS WAIVED HIS CLAIM UNDER P.R.CR.P. 704.
2. WHETHER DEFENDANT IS ENTITLED TO DISMISSAL OF COUNT 1 BASED UPON THE ALLEGED VIOLATION OF P.R.CR.P. 704.

RESPONSE TO ISSUES PRESENTED:

1. DEFENDANT HAS WAIVED HIS CLAIM UNDER P.R.CR.P. 704.
2. DEFENDANT IS NOT ENTITLED TO DISMISSAL OF COUNT 1 BASED UPON THE ALLEGED VIOLATION OF P.R.CR.P. 704.

DISCUSSION:

On July 21, 2021, at the time when Defendant was placed in the Lycoming County Drug Court diversionary program, he *expressly waived* his entitlement under Pa.R.Cr.P. 704 to be sentenced within ninety (90) days. He was placed into a diversionary program which permitted him to “earn” a dismissal of the charges against him. He repeatedly violated the conditions of that program, with the result that he was removed from the program on July 24, 2024. At no time did the Defendant do anything to seek sentencing on the pending Count 1. Based upon his waiver on July 21, 2021, the Defendant is not entitled to seek dismissal of Count 1.

In the alternative, even if Defendant’s express waiver of Pa.R.Cr.P. 704 is deemed ineffective, the Defendant did not establish any prejudice arising from the Court’s delayed sentencing on Count 1. In the matter of *Commonwealth v. Null*, 2018 PA Super. 85, 186 A.3d 424,433 (Pa.Super. 2018), our Superior Court considered a claim by that defendant that the Court’s delay in imposing a fine for a summary violation beyond the ninety (90) period imposed by Pa.R.Cr.P. 704, mandated dismissal. The Court observed that dismissal is only appropriate in cases of prejudice, and that the delay in sentencing did not prevent the defendant from presenting witnesses and evidence in mitigation of the sentence. Specifically, the *Null* Court held:

Rule 704 provides that “sentence in a court case shall ordinarily be imposed within 90 days of conviction.” Pa.R.Cr.P. 704(A). In a summary appeal, “sentence shall be imposed immediately following a determination of guilt at a trial de novo in the court of

common pleas.” Pa.R.Cr.P. 704(A)(3). “[A] defendant sentenced in violation of [Rule 704],” however, “is entitled to a discharge only where the defendant can demonstrate that the delay in sentencing prejudiced him or her.” *Commonwealth v. Anders*, 555 Pa. 467, 725 A.2d 170, 173 (1999).

Null argues that since this Court remanded Null's case on December 30, 2015 for further hearings on the proper amount of his fine, the trial court had the duty to resentence Null by March 30, 2016. Thus, Null contends, the April 21, 2016 order requiring Null to pay a \$40,000.00 fine was “void *ab initio*.” Appellants' Brief at 44. Null claims that he suffered prejudice in the form of “fear ... [of] the looming threat of a financial death sentence for violation of a summary offense.” *Id.* at 46. To begin with, the failure to hold a new sentencing hearing within ninety days after remand did not automatically require discharge of Null's case. Discharge is appropriate only when a delay of more than ninety days prejudices the defendant. *Anders, supra*. In this case, Null has not demonstrated that the delay in excess of ninety days prevented him from presenting witnesses or evidence relating to the proper amount of his fine. Accordingly, Null's argument fails.

Commonwealth v. Null, 2018 PA Super. 85, 186 A.3d 424,433 (Pa.Super. 2018).

While Defendant concedes that he has violated the terms of his probation, Defendant seeks dismissal of Count 1 of the information based upon his contention that he is prejudiced because he will be sentenced on a felony. Defendant's argument fails because prejudice suffered by Defendant, if any, arises from the grading of the underlying offense, and not from the delay in sentencing. *Defendant offered no evidence to suggest that an earlier sentencing date would have yielded a different outcome.* See, *Department of Transportation, Bureau of Driver Licensing v. Middaugh*, 664 Pa. 459, 478-79, 244 A.3d 426, 437-38 (Pa. 2021). Contrary to Defendant's argument of prejudice, Defendant's right to a full and fair opportunity to present evidence, witnesses and argument in mitigation of the sentence to be imposed, remains, unaffected by time.

ORDER

AND NOW, this 6th day of January, 2026, for the reasons more fully set forth above, Defendant's Motion to Dismiss Count 1 of the information, filed December 29, 2025. is DENIED.

BY THE COURT,

William P. Carlucci, Judge

cc: Court Administrator
Lycoming County District Attorney's Office (EB)
Robert A. Hoffa, Esquire