

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : 97-10,393

VS :

LAWRENCE KNIGHT :

OPINION IN SUPPORT OF ORDER  
IN COMPLIANCE WITH RULE 1925(A)  
OF THE RULES OF APPELLATE PROCEDURE

This Opinion is written in support of this Court's Order dated July 6, 1999, in which the Court denied the Defendant's Motion for bail pending appeal. On February 13, 1998, the above captioned Defendant was found guilty by a jury of statutory rape, involuntary deviate sexual intercourse, indecent assault, and two counts of corruption of minors. On May 28, 1998, the Defendant was sentenced by The Honorable Kenneth D. Brown. Pursuant to the sentencing order, the Defendant received a mandatory minimum of five years imprisonment and a maximum of life imprisonment on the charge of involuntary deviate sexual intercourse; one to two years imprisonment on the charge of corruption of minors; one to three years imprisonment on the second charge of corruption of minors; and five years consecutive probation on the charge of statutory rape. The Defendant filed an appeal to the Superior Court from the judgment of the sentence on June 19, 1998. The matter is currently before the Superior Court for review. On June 17, 1999, Defendant filed his motion for bail pending appeal.

Under Pa.R.Crim.P. Rule 4009, when a defendant is found guilty of an offense which is punishable by death or life imprisonment, the defendant shall not be released on bail. In the instant case, at the time that the Defendant was sentenced, the offense

of involuntary deviate sexual intercourse was punishable with life imprisonment, and the Defendant was not entitled to be released on bail. Although the offense no longer carries a life sentence maximum, the Court finds that the Defendant is not entitled to be released on bail at this time.

Under Subsection (B)(2) of Rule 4009, when the sentence imposed includes imprisonment of 2 years or more, the defendant shall not have the same right to bail as before verdict, but bail may be allowed in the discretion of the judge. In light of the nature of the offenses, (i.e. sex offenses against minors) and the mandatory five year minimum that the Defendant faces, the Court has determined that the Defendant should not be permitted to be released on bail at this time.

DATE: August 2, 1999

By The Court,

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Nancy L. Butts, Judge

Cc: DA (LR)  
E. Rymza, Esquire  
Law Clerk  
Judges  
Honorable Nancy L. Butts  
Gary Weber, Esquire