

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	: No. 98-12,214
	: 98-12,225
vs.	: CRIMINAL DIVISION
	:
EDWIN LUZ MIRANDA,	: Motion for Nominal Bail
Defendant	: Pursuant to Rule 1100

ORDER

AND NOW, this day of October, 1999, the Court DENIES the defendant's Motion for Nominal Bail pursuant to Rule 1100. Although the Court rejects the Commonwealth's argument that its continuance request in June was a result of the defendant's unavailability, the Court accepts the Commonwealth's argument that, in order to be eligible for nominal bail, the defendant must be incarcerated for a consecutive period of 180 days. The Court acknowledges that Rule 1100 does not expressly state that the 180 days must be consecutive; however, to hold otherwise would allow the defendant to benefit from violating the conditions of his original bail. Furthermore, if the 180 days were not consecutive, absurdities would result. For example, a defendant who was released on nominal bail could never have that bail revoked, because as soon as he would be incarcerated he would already have 180 days of pre-trial incarceration and be entitled to nominal bail again.

By The Court,

Kenneth D. Brown, J.