

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

| | |
|-------------------------------------|--------------------------|
| COMMONWEALTH OF PENNSYLVANIA | : No. 98-10,618 |
| | : |
| | : |
| vs. | : CRIMINAL |
| | : |
| LORI STOVER, | : Motion to Sever |
| Defendant | : |

ORDER

AND NOW, this ___ day of April, 1999, the Court GRANTS the defendant's Motion to Sever Counts 1 &2 from Counts 3 through 5. In determining whether to order separate trials, the court must consider the following factors: (1) whether evidence of each offense would be admissible in a trial for the other; (2) whether the evidence is capable of separation by the jury to avoid the danger of confusion; and (3) whether the defendant would be unduly prejudiced by a joint trial on the charges. Commonwealth v. Collins, 550 Pa. 46, 703 A.2d 418 (1997); Commonwealth v. Lark, 518 Pa. 290, 302, 543 A.2d 491. 496-97 (1988). Evidence of other crimes is admissible to demonstrate motive; intent; absence of mistake or accident; common plan, scheme or design; and the identity of the person charged with the crime on trial. Additionally, such evidence may be admitted where it is part of the history of the case and forms a part of the natural development of the facts. [CITE] While the Court believes that evidence of the delivery and corruption charges may be admissible in the trial for possession with intent to deliver and possession of drug paraphernalia charges as part of the history of the case and the natural development of the facts and/or to show the defendant intended to deliver the drugs found in her vehicle, the

court does not believe the evidence of the drugs found in her vehicle would be admissible in the trial for the delivery and corruption charges. Also, the Court finds that admitting such evidence would be prejudicial to the defense. See Commonwealth v. Boyd, 315 Pa.Super. 308, 461 A.2d 1294 (1983).

By The Court,

Kenneth D. Brown, J.

cc: Peter T. Campana, Esquire
District Attorney
Work file