

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : NO. 96-11,862

VS. :

BOYD HEIM :

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

Defendant, Boyd Heim, appeals the sentence of the Court imposed November 1, 1999. Defendant avers this Court's sentence was unduly excessive.

On April 30, 1998, this Court after hearing originally found the Defendant to be a sexually violent predator pursuant to Megan's Law 42 Pa. C.S.A. §9794. This Court, en banc, ruled on Defendant's challenge to the Constitutionality of the Defendant's burden of proof to prove he was not a sexually violent predator. However, the Superior Court ultimately ruled that portion of Megan's Law to be unconstitutional¹ and the Defendant's case was returned for resentencing, April 7, 1999.

As this Court indicated at the subsequent resentencing, the Defendant would be sentenced to the same minimum period of incarceration. However, based upon the information presented at the original sentencing hearing, the Court set Defendant's maximum sentence as the statutory maximum. As defense counsel has not alleged any specific reasons why he believed it was excessive, the Court is at a loss to specifically respond to the allegation. Therefore, the Court

¹ Commonwealth v. Hayle, ___ Pa. Super. ___, 719 A.2d 763 (1998).

would rely upon statements made at both the original sentencing and the resentencing to justify the imposition of sentence.

Date: January 14, 2000

BY THE COURT,

Nancy L. Butts, Judge

xc: Jay Stillman, Esquire
District Attorney
Law Clerk
Judges
Honorable Nancy L. Butts
Gary Weber, Esquire