

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	: No. 99-11,144
	:
vs.	:
	:
	:
ANTOINE TIBBS,	:
Defendant	: 1925(a) Opinion

**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 Judgment of Sentence dated February 11, 2000. In his Statement of Matters Complained of on Appeal the defendant raises two (2) issues: (1) the Court erred by imposing two (2) sentences within the aggravated range of the sentencing guidelines; and (2) the defendant was not afforded a jury trial by his peers.

With respect to sentencing, the Court found an aggravated sentence was justified in this case despite the defendant's prior record score of zero, because the defendant solicited a juvenile in sell drugs to raise bail money for him with respect to the first drug transaction and he was on bail, as well as involving the juvenile, in the second drug transaction. See N.T., February 11, 2000, at pp. 2-4, 13-14.

With respect to the jury issue, the Court believes this is a challenge to the racial composition of the jury. However, the Court does not believe the defendant raised this issue at the time the jury was selected; therefore, it is waived.

Commonwealth v. Jackson, 486 A.2d 431, 436 (Pa.Super. 1984). Even assuming a timely objection was made, the defendant failed to show any systematic exclusion of a class of persons. Id. at 437.

DATE: _____

By The Court,

Kenneth D. Brown, J.

cc: Kenneth Osokow, Esq. (ADA)
Work file
Superior Court (original & 1)
William Miele, Esq. (PD)
Gary Weber, Esquire (Lycoming Reporter)