

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Petitioner :  
 :  
vs. : NO. 01-10, 040  
 :  
DAVID CARTER, :  
Respondent : 1925(a) OPINION

**Date: July 5, 2001**

**OPINION IN SUPPORT OF THE ORDER OF JUNE 8, 2001 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 issued June 8, 2001. The Defendant was found guilty of Driving Under Suspension, §1543(a) of the Vehicle Code. The basis of the Court's sentence is set forth in the transcript of the Summary Appeal Hearing and is within the sentencing guidelines of 42 Pa. C.S.A., §9721.

The Court specifically calls attention to the transcript where this Court found that from the testimony presented, "the officers were in a position to see the vehicle turn into a parking space, and that in their observations that there were only four individuals in the vehicle." (N.T. 6/08/01 at p. 24). Furthermore, "the Court finds that the gentleman, Kevin, was not present, and from those circumstances this leaves the Defendant as being the operator of the vehicle upon circumstantial evidence." *Id.*

BY THE COURT,

William S. Kieser, Judge

cc: District Attorney  
Donald F. Martino, Esquire  
Judges  
Suzanne R. Lovecchio, Law Clerk  
Gary L. Weber, Esquire (Lycoming Reporter)