

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :  
 :  
 vs. : NO. 01-10,311  
 :  
 ANGEL SALGADO, :  
 :  
 Respondent : 1925(a) OPINION

*Date: December 28, 2001*

**OPINION IN SUPPORT OF THE ORDER OF SEPTEMBER 13, 2001 IN COMPLIANCE  
WITH RULE 1925(a) OF THE RULES OF APPELLATE PROCEDURE**

The Defendant is appealing this Court's imposition of sentence for the offense of stalking with the intent to place in fear of bodily injury sentenced on September 13, 2001. The sentence was in the aggravated range, the minimum of which shall be twelve months and the maximum of which shall be five years.

The Court believes that the transcript of the sentencing proceedings adequately state the basis that this Court imposed a sentence in the aggravated range. The Court also believes that the Court did consider but rejected Defendant's contention that there were mitigating factors. To the extent Defendant asserts, in the Concise Statement of Matters Complained of on Appeal, that the Court considered the events taken place after sentencing in imposing sentencing the Court again stated its reasons for doing so at the time of sentencing but confined those matters to being considered only for determining the extent of deterrence that would be necessary in the length of time of incarcerating Defendant as a demonstrated continued bitterness and hatred of the victim in the case. As to Defendant's contention that the sentence of contempt of Court of six months was unduly harsh, it must be remembered that Defendant made a blatant threatening gesture to the victim during the time of sentencing in the Courtroom. This is intolerable. The six-months' sentence was necessary in order to insure the safety of the victim as well as to preserve the integrity of the Court.

Accordingly, this Court suggests that Defendant's Appeal be denied.

BY THE COURT,

William S. Kieser, Judge

cc: Robert W. Ferrell, Esquire  
James Cleland, Esquire  
Judges  
Suzanne R. Lovecchio, Law Clerk  
Gary L. Weber, Esquire (Lycoming Reporter)