

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA	: NO. 00-11,973
	:
	:
vs.	: CRIMINAL DIVISION
	: Motion to Dismiss
	:
JAY KENNETH HARTSOCK,	:
Defendant	:

OPINION AND ORDER

Before the Court is Defendant's Motion to Dismiss, filed March 9, 2001. Argument on the Motion was heard April 2, 2001.

Defendant has been charged with indecent exposure and corruption of a minor. In his Motion to Dismiss, Defendant contends the victim made statements at the preliminary hearing which were inconsistent with those previously given to police. Defendant contends that the "interests of justice" demand that the charges be dismissed because of these inconsistent statements. A review of the preliminary hearing transcript indicates sufficient evidence to support the charges, however. While there are differences in the incidents described in the criminal complaint and the incidents testified to by the victim at the preliminary hearing, the victim continued to allege that Defendant had exposed himself to her on at least two (2) occasions. There is thus no basis to grant the Motion to Dismiss.

ORDER

AND NOW, this 10<sup>th</sup> day of April, 2001, for the foregoing reasons, the Motion to Dismiss is hereby denied.

By the Court,

Dudley N. Anderson, Judge

cc: DA  
PD  
Gary Weber, Esq.  
Hon. Dudley N. Anderson