

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH, : NO. 01-11,379
Plaintiff :
 :
vs. :
 :
NATHAN GEYER, :
Defendant :

OPINION IN SUPPORT OF ORDER DATED
MARCH 13, 2002 IN
COMPLIANCE WITH RULE 1925(A) OF
THE RULES OF APPELLATE PROCEDURE

Defendant appeals this Court’s Sentencing Order of March 13, 2002. Following a non-jury, case-stated trial held that date, Defendant was found guilty of theft, receiving stolen property and unauthorized use of an automobile, and was found not guilty of criminal mischief. Defendant has filed the instant appeal, raising two (2) issues. Defendant contends the Court erred by denying his motion to dismiss for a violation of Section 110 of the Crimes Code, and also contends the evidence was insufficient to support the convictions of theft and receiving stolen property.

With respect to the Section 110 Motion, the Court chooses to rely on its Opinion and Order issued in this matter on January 3, 2002, as supplemented by the Order dated January 7, 2002.

With respect to the sufficiency of the evidence, Defendant specifically contends there was insufficient evidence to show an intent to permanently deprive the owner of the vehicle, a necessary element of both theft and receiving stolen property. Defendant points to the evidence that he was traveling in the direction of the victim’s home when he was involved in an accident. The Court also notes, however, the evidence that Defendant left the scene of the accident. Considering all of the evidence, as reviewed at the time of the verdict, in the light most favorable to the Commonwealth, including the fact that the victim’s residence was only one (1) block away from the Defendant’s residence, the Court finds the evidence sufficient to support the conviction.

Dated: April 23, 2002

By The Court,

Dudley N. Anderson, Judge

cc: District Attorney
Public Defender
Gary L. Weber, Esq.
Hon. Dudley N. Anderson