

NON-PRECEDENTIAL DECISION – SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellee	:	
	:	
v.	:	
	:	
STEPHEN PAUL COULSON	:	
	:	
Appellant	:	No. 699 WDA 2014

Appeal from the Judgment of Sentence March 10, 2014
In the Court of Common Pleas of Allegheny County
Criminal Division at No(s): CP-02-CR-0008360-2013

BEFORE: OLSON, STABILE and STRASSBURGER,* JJ.

DISSENTING MEMORANDUM BY STRASSBURGER, J.: **FILED JANUARY 05, 2016**

I respectfully dissent.

Appellant contends that the lower court abused its discretion in sentencing him because, *inter alia*, the court stated it was sentencing Appellant in the aggravated range of the guidelines, when it in fact sentenced him in excess of that range. Because I agree with Appellant on this point, I would vacate Appellant’s judgment of sentence and remand for resentencing. ***See Commonwealth v. Byrd***, 657 A.2d 961 (Pa. Super. 1995) (vacating Byrd’s judgment of sentence and remanding for resentencing where the court stated on the record that it was sentencing Byrd within the aggravated range and provided its reasons for doing so, but the record reflected that the trial court actually sentenced Byrd beyond that range).

* Retired Senior Judge assigned to the Superior Court.