

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : **No. 99-10,650**
:
:
vs. : **CRIMINAL DIVISION**
:
:
MICHAEL McLAURIN, :
:
Defendant : **1925(a) Opinion**

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

This opinion is written in support of this Court's Order dated January 4, 2002, wherein the Court denied Defendant's Post Conviction Relief Act (PCRA) petition. The sole issue raised on appeal is whether the Court erred by denying the PCRA petition without a hearing when Defendant raised issues regarding his mental status, resulting from a traumatic brain injury, at the time of his guilty plea. Expert testimony would be needed to show establish that Defendant's injuries in 1997 made him incapable of entering a knowing, voluntary and intelligent guilty plea on November 9, 1999. See Barbour v. Com, Dept. of Transp. Bureau of Driver Licensing, 557 Pa. 189, 732 A.2d 1157 (1999)(expert testimony needed to show individual's head injuries rendered him incapable of making knowing and conscious refusal of blood test). Although Defendant attached copies of some medical records from June 1997 to his original PCRA petition, he did not indicate any expert medical witnesses who would testify at any hearing on his petition. The Post Conviction Relief Act states:

Where a petitioner requests an evidentiary hearing, the petition shall include a signed certification as to each intended witness stating the witness's name, address, date of birth and substance of testimony and shall include any documents material to that witness's testimony. Failure to substantially comply with the requirements of this paragraph shall render the proposed witness's testimony inadmissible.

42 Pa.C.S.A. §9545(d)(1). Since Defendant failed to substantially comply with Section 9545, there were no witnesses whose testimony would be admissible. Therefore, there was no need for the Court to hold an evidentiary hearing on this issue.¹

DATE: _____

By The Court,

Kenneth D. Brown, J.

cc: Kenneth Osokow, Esquire
Kyle Rude, Esquire
Law Clerk
Superior Court (original & 1)
Gary Weber, Esquire (Lycoming Reporter)

¹ Furthermore, it appears from the transcript of the guilty plea hearing that Defendant recalled the drug transactions, he appropriately participated in the hearing and he understood the guilty plea and its ramifications.