

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : No. 99-11144
:
:
:
vs. : CRIMINAL DIVISION
:
ANTOINE D. TIBBS, : Petition for Transcripts
Defendant :

O R D E R

THE PETITIONER, Antoine Tibbs, filed a Petition for Court Order Mandating Clerk of Courts, and/or Court Stenographer to Provide the Defendant with Certified Copies of the Trial Transcripts and Other Records on September 10, 2004. The policy in Lycoming County is to send copies of documents to a pro se prisoner that he (1) has not yet received, and (2) has demonstrated are needed for the pursuit of an appeal or of a PCRA petition or other post-conviction motions. General requests that do not satisfy both of these criteria are denied. Petitioner has made such a general request. He has not specified how or why the requested transcripts are needed for the pursuit of an appeal or a PCRA petition. The Court also notes no appeals or PCRA petitions are pending in this case. Therefore, the petitioner is not entitled to free transcripts at this time. See Commonwealth v. Martin, 705 A.2d 1337 (Pa.Super. 1998) (There is no need to furnish free

transcripts merely for perusal or curiosity in the absence of a pending appeal or post-conviction proceeding); Commonwealth v. Ballem, 334 Pa.Super. 255, 482 A.2d 1322 (Pa.Super. 1984). This ruling is without prejudice to the defendant renewing his request after he files a PCRA petition.¹

AND NOW, this ____ day of October 2004, it appearing to the Court that the petitioner has not demonstrated a need for the requested transcripts, the Petitioner's Petition for Court Order Mandating Clerk of Courts, and/or Court Stenographer to Provide the Defendant with Certified Copies of Trial Transcripts and Other Records filed on September 10, 2004 is DENIED.

By The Court,

Kenneth D. Brown, P.J.

cc: District Attorney
Prothonotary
Antoine Tibbs, #ED9031
Box 246 Graterford PA 19426-0246
Gary Weber, Esquire (Lycoming Reporter)

¹ If the defendant desires to file a PCRA petition, he should file it as soon as possible because a PCRA petition must be filed with one year of the date the defendant's conviction became final. See 42 Pa.C.S.A. §9545. The Court believes the state correctional institution has a form PCRA petition that he could fill out and file.