

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : NO. 03-10,373
 : 04-10,016
vs. :
 :
BENTON COLVIN, :
Defendant :

OPINION IN SUPPORT OF ORDER OF JUNE 29, 2005,
IN COMPLIANCE WITH RULE 1925(A) OF
THE RULES OF APPELLATE PROCEDURE

Defendant appeals this Court’s Order dated June 29, 2005, in which his Request for Guilty Plea Transcripts, filed June 20, 2005, was dismissed. It appears that in No. 03-10,373, Defendant plead guilty on February 25, 2004, to one count of indecent assault, and in No. 04-10,016, he pled guilty on January 6, 2004, to one count of bad checks. Defendant was sentenced on both counts¹ on July 21, 2004. A Motion to Modify Sentence filed to No. 03-10,373 on August 3, 2004, was denied on August 6, 2004, and a pro-se “Request a Three-Judge Panel to Hear Defendant’s Motion to Correct Illegal Sentences” filed to both Numbers on August 23, 2004, was denied on August 26, 2004. No direct appeals were taken from either the Sentencing Order or the post-sentence motions.

On June 20, 2005, Defendant filed the instant Request for Guilty Plea Transcripts. Section 9545 of the Post-Conviction Relief Act provides for original jurisdiction over proceedings under that Act in the court of common pleas but also indicates that “[n]o court shall have authority to entertain a request for any form of relief in anticipation of the filing of a [Post-Conviction Relief Act] petition....” 42 Pa.C.S. Section 9545(a). Inasmuch as Defendant has yet to file such a petition, his request for transcripts was dismissed.

Dated: July 25, 2005

Respectfully Submitted,

Dudley N. Anderson, Judge

cc: DA
Benton Colvin, FZ4011, P.O. Box 631, Somerset, PA 18501-0631
Gary Weber, Esquire
Hon. Dudley N. Anderson

1 The sentencing hearing that date also included counts of terroristic threats and stalking filed to No. 03-11,060.