

**IN THE COURT OF COMMON PLEAS
LYCOMING COUNTY, PENNSYLVANIA
CRIMINAL DIVISION**

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|------------------------|---|-----------------------|
| COMMONWEALTH | : | |
| | : | |
| v. | : | No.: 89-10,703 |
| | : | |
| MICHAEL MEEHAN, | : | |
| Defendant | : | |

OPINION AND ORDER

Before the Court is Defendant's objections to the proposed dismissal of his PCRA petition. Defendant's petition was limited to the claim of after-discovered exculpatory evidence. Defendant's prior counsel filed a "no merit letter" on April 25, 2005 and this Court subsequently filed an Opinion and Order on April 27, 2005 determining the claim to be without merit. Presently, Defendant's objections are not sufficient to suspend the dismissal of his petition. Defendant alleges new information has been discovered concerning the extent to which the victim's injury was preexistent. However, Defendant has not sufficiently brought to the Court's attention any evidence that was unknown to him or that could not have been ascertained by the exercise of due diligence pursuant to 42 Pa.C.S. § 9545(b)(1)(ii).

The Court notes Defendant's objection to prior counsel providing few case documents following his withdrawal from the case. However, given the limited grounds on which the petition was based, the Court does not find that it prejudiced

Defendant's ability to file the present objection. Defendant alleged after-discovered exculpatory evidence and counsel provided the portion of the transcript that demonstrated the evidence had in fact been available and considered at trial.

ORDER

AND NOW, this 30th day of June, 2005, the Court having received a response from the Defendant to this Court's proposed dismissal of his Post Conviction Relief Act (PCRA) petition and finding that the Defendant's objection does not set forth adequate reason to delay the disposal of his case, Defendant's PCRA petition is hereby DISMISSED.

Defendant is hereby notified that he has the right to appeal from this order to the Pennsylvania Superior Court. The appeal is initiated by the filing of a Notice of Appeal with the Clerk of Courts at the county courthouse, with notice to the trial judge, the court reporter and the prosecutor. The Notice of Appeal shall be in the form and contents as set forth in Rule 904 of the Rules of Appellate Procedure. The Notice of Appeal shall be filed within thirty (30) days after the entry of the order from which the appeal is taken. Pa.R.App.P. 903. If the Notice of Appeal is not filed in the Clerk of Courts' office within the thirty (30) day time period, the defendant may lose forever his right to raise these issues.

It is further ORDERED and DIRECTED that Jay Stillman, Esq., cooperate with Defendant to ensure the transfer of all requested case documents regardless of

relevance to the issues disposed of in this Order, as Defendant is now proceeding pro se in this matter.

A copy of this order shall be mailed to the Defendant by certified mail, return receipt requested.

By The Court,

Nancy L. Butts, Judge

xc: DA (KO)
J. Stillman, Esq.
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