

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : 04-10,076

VS :

EDWARD QUARTMAN :

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

Defendant appeals this Court's Order dated September 29, 2004. The Order entered Defendant's plea of guilty to Attempted Murder, Count 1 of the information in the above-captioned case. Defendant now argues that his counsel was ineffective for inducing his plea, and therefore the Court erred in accepting a plea that was not knowing, intelligent, and voluntary.

This Court rejects Defendant's contention that his plea was not knowing, intelligent and voluntary. Initially, the Defendant completed an extensive written colloquy. In the written colloquy the Defendant acknowledges his understanding of the trial process and acknowledges that by pleading guilty he was giving up his right to a trial by jury. (G.P. Colloquy at p. 4). The Defendant acknowledges that it was his own decision to plead guilty. (*Id.*, p. 5)

In addition to the written colloquy, the Court conducted an oral colloquy with the Defendant at the time he rendered his plea. The Court went over the charges, the elements of the charges, and the maximum punishment associated with each charge. (N.T. 9/29/04, pp. 20-22). After discussing the sentence ranges, the Court asked the Defendant to explain what occurred on the date of the incident. The Defendant stated that he stabbed the victim with a knife.

The Court notes that Defendant referred to a lack of confidence in his attorney at the time of the plea. Defendant's concise statement cites several statements made by Defendant at the time of the plea concerning proper representation. The concise statement also reflects

Defendant's concerns as expressed on the written colloquy. The Court relies on the transcript of the guilty plea to reflect that the Court adequately addressed and responded to Defendant's statements and concerns and that Defendant ultimately chose to freely, voluntarily and knowingly plead guilty. The Court specifically addressed Defendant's written assertion on the colloquy that he did not have "good representation":

THE COURT: Now, it does say that you're not satisfied with the representation or advice of your attorney.

DEFENDANT: Never was from the beginning, Your Honor.

THE COURT: Okay. But who's making the decision as to whether or not to plead here today?

DEFENDANT: I am.

THE COURT: Okay. I'm not here to represent you as an attorney, but are there any questions that you have of me about any part of this process to help you make the final decision as to whether or not you want to enter a plea here today or proceed to trial?

DEFENDANT: No, Your Honor.

(N.T. 9/29/04, pp. 31).

This Court finds that the written and oral colloquies refute Defendant's allegation that his plea was not entered in a knowing, intelligent and voluntary manner.

By The Court,

Nancy L. Butts, Judge

Date

xc: Eric Linhardt, Esquire

DA (KO)
Law Clerk
Gary Weber, Esquire
William Burd, Prothonotary