

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	
	:	
v.	:	No. 03-10,196; 03-11,662;
	:	03-11,579
TIMOTHY W. PHILLIPS, JR.,	:	CRIMINAL DIVISION
Defendant	:	

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

The Defendant appeals this Court's March 3, 2006 Order summarily denying his Motion for Reconsideration of Dismissal of PCRA. The Defendant's Statement of Matters Complained of on Appeal contends that, this Court erred when it failed to hold a hearing on the Defendant's Motion to Reconsider.

The Defendant filed a timely Notice of Appeal on March 20, 2006 and, pursuant to this Court's March 27, 2006 Order, filed a timely Statement of Matters Complained of on Appeal on April 13, 2006.

The facts relevant to the Defendant's instant appeal are as follows: the Defendant filed a Petition under the Post Conviction Relief Act, pro se, on February 28, 2005, alleging ineffective assistance of counsel and various errors with regard to the length and concurrent versus consecutive nature of his sentence. The Court appointed counsel for the Defendant filed an Amended PCRA Petition on November 4, 2005, which the Court informed the parties, by way of an Opinion and Order dated February 2, 2006, of its intent to dismiss said Petition absent a response from the Defendant within twenty days of that Opinion and Order. Having not received a response from the Defendant regarding the Court's intention to Dismiss the Petition, the Court dismissed the Petition by way of an Order dated February 22, 2006. On February 27, 2006, the

Defendant filed a Motion for Reconsideration of Dismissal of PCRA and requested a hearing on said Motion; the Court summarily denied the Defendant's Motion on March 3, 2006. The instant appeal stems from this denial.

The Defendant's Motion to Reconsider claims he failed to receive Notice of the Court's intent to dismiss his PCRA petition; however, his Motion fails to raise any issues opposing said dismissal. Absent a colorable claim for the Court to not dismiss the Defendant's Petition, a hearing on said dismissal would be pointless, therefore, the Court summarily denied the Defendant's Motion to Reconsider.

Date: _____

By the Court,

Nancy L. Butts, Judge

cc: DA
PD
Katherine R. Shimer, Esq.
Hon. Nancy L. Butts
Laura R. Burd, Law Clerk
Gary L. Weber, Esq.