

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :
 :
 vs. : NO. 249-2006, 551-2006, 552-2006
 :
 DARNELL JOHNSON, : CRIMINAL ACTION - LAW
 :
 Defendant :
 :

DATE: October 17, 2008

**OPINION IN SUPPORT OF THE ORDER OF FEBRUARY 6, 2007 IN COMPLIANCE
WITH RULE 1925(a) OF THE RULES OF APPELLATE PROCEDURE**

This Order is entered in reference to Defendant Darnell Johnson’s appeal from his sentence of February 6, 2007. Johnson’s appeal should be denied and his sentence of February 6, 2007 affirmed. This is Defendant’s second such appeal. Currently, this matter is in front of the Superior Court of Pennsylvania pursuant to an appeal docketed at 1052 MDA 2008. In this Appeal Defendant filed a Notice of Appeal on June 16, 2008.

Defendant’s first Appeal, docketed at No. 430 MDA 2007, was dismissed by an Order dated May 9, 2008 of the Superior Court of Pennsylvania due to Defendant’s failure to file a brief. Defendant then filed a Petition with this Court to reinstate his appeal rights on May 7, 2008. Following a hearing, this Court granted Defendant’s Petition and reinstated his right to appeal by an Order issued on May 28, 2008, the same date as the hearing.

On June 30, 2008, Defendant filed a Concise Statement of Matters Complained of on Appeal (hereinafter “Statement”) pursuant to Rule 1925(b) of the Rules of Appellate Procedure in regards to his current Appeal at 1052 MDA 2008. Previously, on March 20, 2007, Defendant filed

a Statement in regards to his first appeal, 430 MDA 2007. There are no matters in the June 30, 2008 Statement that were not previously alleged in Defendant's March 20, 2007 Statement.

This Court previously filed an Opinion in support of the Order of February 6, 2007 in compliance with Rule 1925(a) of the Rules of Appellate Procedure regarding Defendant's first Appeal, 430 MDA 2007, on April 23, 2007. That Opinion addresses all the matters that Defendant currently argues are grounds for appeal. Therefore, in this current appeal docketed at 1052 MDA 2008, we rely upon our prior 1925(a) Opinion, attached, to explain the reasons that Johnson's appeal should be denied and his sentence of February 6, 2007 affirmed.

BY THE COURT,

William S. Kieser, Judge

cc: Andrea Pulizzi, Esquire
DA
Judges
Gary L. Weber, Esquire