

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

<b>COMMONWEALTH OF PENNSYLVANIA</b>	:	
	:	
<b>v.</b>	:	<b>No. 1322-2002</b>
	:	<b>CRIMINAL DIVISION</b>
<b>MARK TANNER,</b>	:	<b>APPEAL</b>
<b>Defendant</b>	:	

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

The Defendant appeals the Opinion and Order of the Honorable Dudley N. Anderson, dated September 22, 2008, which found that the Defendant was competent to stand trial in August of 2003. On February 8, 2010, this Court granted the Appellant's PCRA Petition and reinstated his appellate rights *nunc pro tunc*. The Defendant filed a Notice of Appeal on March 5, 2010, and on March 8, 2010, this Court directed the Defendant, in accordance with Pa.R.A.P. No. 1925(b), to file within thirty days a concise statement of matters complained of on appeal. The Court received the Defendant's concise statement of matters complained of on appeal on April 20, 2010.

The Defendant raises one issue on appeal; 1) The Defendant's judgment of sentence should be vacated and a new trial ordered because the Trial Court, per its Opinion and Order dated September 22, 2008, erroneously found the Defendant competent to stand trial in August of 2003. Specifically, the Defendant argues that he is entitled to a new trial because he was not competent to stand trial in August of 2003.

For the purposes of this Opinion, this Court will rely on the Opinion and Order of the Honorable Dudley N. Anderson, dated September 22, 2008.

DATE: \_\_\_\_\_

By the Court,

Nancy L. Butts, President Judge

xc: DA  
Ryan C. Gardner, Esq.  
Amanda Browning, Esq. (Law Clerk)  
Gary L. Weber (LLA)