

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

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| COMMONWEALTH OF PENNSYLVANIA | : | No. 630-2008; 742-2008; |
| | : | 1863-2008; 1882-2008; |
| | : | 2096-2008; 430-2009; |
| v. | : | 829-2009 |
| | : | |
| | : | CRIMINAL DIVISION |
| COLIN BEST, | : | APPEAL |
| Defendant | : | |

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

The Defendant appeals the Order of the Court dated March 29, 2011, which dismissed the Defendant's Post Conviction Relief Act (PCRA) Petition. The Defendant filed a Notice of Appeal on April 26, 2011, and on May 3, 2011, the 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 on June 1, 2011.

In his concise statement of matters complained of on appeal, the Defendant contends that this Court abused its discretion when it dismissed the Defendant's PCRA Petition without a hearing, as the issues raised through his PCRA Petition were of arguable merit. The Defendant then addresses each of the issues raised through his PCRA Petition and again attempts to demonstrate the merit of each claim. This Court thoroughly reviewed the issues raised in the Defendant's PCRA Petition and dismissed said Petition as the issues raised are in fact without merit. After reviewing the arguments raised by the Defendant in his concise statement, the Court reaffirms its decision to dismiss the Petition.¹

¹ The Court notes that case number 742-2008 was absent from the Defendant's initial PCRA Petition, PCRA Counsel's Motion to Withdraw, and consequently from the Court's Opinion and Order of March 4, 2011 and Order of March 29, 2011. The Court made reference to this fact in a footnote on page 7. of its Opinion and Order of March 4, 2011, in which the Court noted that the Defendant's aggregate sentence is inclusive of the sentence under case number 742-2008. The Court notes that the reasoning and analysis used by the Court to address the issues

For the purposes of this Opinion, this Court will rely on the Opinion and Order of the Court dated March 4, 2011, and the Order of the Court dated March 29, 2011.

DATE: _____

By the Court,

Nancy L. Butts, President Judge

xc: DA
Colin Best #JC3464
SCI Forest
P.O. Box 945
Marienville, PA 16239
Gary L. Weber (LLA)

raised in the PCRA Petition, contained in the Court's Opinion and Order of March 4, 2011 and Order of March 29, 2011, apply to the facts of case number 742-2008 as well. More specifically, the Court observes that the guilty plea and sentence under case number 742-2008 were completed by the Honorable Kenneth D. Brown along with the guilty plea and sentence of the Defendant's other 2008 cases listed above. Therefore, the reasoning and analysis used by the Court in its Opinion and Order of March 4, 2011 to address whether the Defendant entered a knowing, voluntary, and intelligent guilty plea also apply to case number 742-2008.