

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :
 :
 v. : **No. 310-2002**
 : **CRIMINAL DIVISION**
MARK FISHER, : **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 December 10, 2010, which decisively dismissed the Defendant's Post Conviction Relief Act (PCRA) Petition. The Defendant filed a Notice of Appeal on January 6, 2011, and on January 26, 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 February 25, 2011.

The Defendant raises one issue on appeal; 1) The Court erred in refusing the Defendant's request for a PCRA hearing and dismissing the PCRA Petition on the basis that the Defendant did have knowledge that if he violated the terms of his probation, he could be resentenced to a period of incarceration.

For the purposes of this Opinion, this Court will rely on the Order of the Court dated November 15, 2010.

DATE: _____

By the Court,

Nancy L. Butts, President Judge

xc: DA
Joel McDermott, Esq.
Amanda Browning, Esq. (Law Clerk)
Gary L. Weber (LLA)

