

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	
	:	No. 1373-2008
v.	:	
	:	CRIMINAL DIVISION
RAYMOND Q. HOWARD,	:	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 Court dated October 13, 2011, which dismissed the Defendant's Post Conviction Relief Act (PCRA) Petition. The Defendant filed a Notice of Appeal on November 9, 2011 and on November 10, 2011, 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 thereafter received the Defendant's concise statement on November 22, 2011.

The Defendant raises five (5) issues in his concise statement: (1) the trial court erred in denying the Defendant's Post Conviction Relief Act (PCRA) Petition following an evidentiary hearing; (2) the Court's legal analysis regarding the Defendant's allegation that trial counsel was ineffective for failing to file a motion to suppress the physical evidence seized from the Defendant's residence was in error for all the reasons previously stated by Defense Counsel during oral argument and in the brief in support of the PCRA Petition; (3) trial counsel was ineffective in failing to file a motion to suppress evidence because the search warrant utilized to secure the evidence was issued without probable cause; (4) trial counsel was ineffective in failing to file a motion to suppress evidence because the police violated the "knock and announce" rule;

and (5) trial counsel's actions prejudiced him as the admission of the physical evidence at trial contributed to the jury's verdict of guilty on the various delivery charges as well as the charge of possession with intent to deliver.

For purposes of this Opinion, the Court will rely on its Opinion and Order dated September 1, 2011, which analyzed these issues as they were raised in the Defendant's PCRA Petition.

DATE: _____

By the Court,

Nancy L. Butts, President Judge

xc: DA
Peter T. Campana, Esq.
Gary L. Weber (LLA)