

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

<b>COMMONWEALTH OF PENNSYLVANIA,</b>	:	
	:	
<b>v.</b>	:	<b>No. 516-2009</b>
	:	<b>CRIMINAL DIVISION</b>
<b>RENARD SCOTT,</b>	:	
<b>Defendant</b>	:	<b>PCRA</b>

**ORDER**

**AND NOW**, this \_\_\_\_ day of October, 2011, although the Defendant recently filed a notice of appeal with the Superior Court from this Court’s Order of September 7, 2011, as said Order was not a final dismissal of the Defendant’s Post Conviction Relief Act (PCRA) Petition, the Court retains the authority to address the Defendant’s Objection to the proposed dismissal of the PCRA Petition pursuant to Pa.R.A.P. 1701(b)(6).

The Court reviewed the Defendant’s response to the proposed dismissal of his (PCRA) Petition and finds that it does not set forth any grounds to delay the disposal of this matter. The Court notes that his objection to the dismissal of his Petition, the Defendant again asserts that he was not notified of the Commonwealth’s intent to seek the mandatory 5 year sentence against him before he entered his plea of guilty. The Court finds that the following exchange at his guilty plea/sentencing hearing proves otherwise:

THE COURT: And do you understand that the mandatory is five years, I can’t give you a sentence below that, you understand that?

DEFENDANT: Yeah.

N.T., 4/27/09, p. 15.

As the Defendant does not set forth any grounds to delay the disposal of this matter, the Defendant’s PCRA petition is hereby DISMISSED.

As current counsel has already filed an appeal with the Superior Court, counsel is directed to file his Motion to Withdraw from Representation/Application for In Forma Pauperis Status with the Superior Court: as this Court is without jurisdiction to consider these claims pursuant to Pa.R.A.P. 1701, said Motions are DISMISSED.

**A copy of this order shall be mailed to the Defendant by certified mail, return receipt requested.**

By the Court,

Nancy L. Butts, President Judge

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