

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :
 :
 v. : **No. 1357-2009**
 : **CRIMINAL DIVISION**
TIMOTHY COPENHAVER, : **APPEAL**
 Defendant :

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

On March 24, 2010, Timothy Copenhaver (Defendant) pled guilty before this Court to five counts of Sexual Abuse of Children, each of felony of the third degree. The Defendant was sentenced in accordance with his plea agreement, which was incarceration in a state correctional institution for two (2) to five (5) years followed by a ten (10) year period of supervision with the Pennsylvania Board of Probation and Parole. No post-sentence motion or direct appeal was filed.

On April 28, 2011 the Defendant filed a pro-se PCRA Petition. The Court appointed Edward J. Rymysz, Esquire to represent the Defendant in the matter. In accordance with Turner-Finley, Attorney Rymysz filed a Motion to Withdraw on November 14, 2011. In an Opinion and Order dated February 1, 2012, this Court granted Attorney Rymysz's Motion to Withdraw and found that there was no basis upon which to grant the Defendant's PCRA petition. The Court discussed four (4) issues that include: 1) ineffective assistance of counsel in that his plea was involuntary; 2) the Court did not comply with the terms of the plea agreement when it imposed a state sentence; 3) sufficiency of the evidence; and 4) allegation that a computer expert should have been hired. The Defendant was given twenty (20) days to respond to the Court's proposed dismissal of Defendant's PCRA Petition. The Defendant never responded to the Court's

proposed dismissal of his PCRA Petition. As a result, the Court dismissed the Defendant's PCRA Petition in an Order dated February 28, 2012.

On March 29, 2012, the Defendant filed a "Petition" with the Court. The "Petition" stated, "Addressing the Court Order dated the 28th, day of February 2012 dismissing Petitioner's PCRA, Petitioner would like to respectfully appeal Court's decision" The Court, in an Order dated April 4, 2012, ordered the Prothonotary to recognize the "Petition" as a Notice of Appeal. The Notice of Appeal was filed within thirty (30) days of this Court's dismissal. On April 17, 2012, the Court ordered the Defendant to file a concise statements of the matters complained of on appeal in accordance with Pa.R.A.P. 1925(b). The Defendant has not filed with this Court a concise statements of matters complained of on appeal within thirty (30) days of the Order. Subsequently, this Court is anticipating the issues the Defendant will raise on appeal.

Therefore, for the purposes of this Opinion, this Court will rely on the Opinion and Order of the Honorable Nancy L. Butts, dated February 1, 2012, which addressed all the issues the Defendant raised on his PCRA Petition and determined that there was no merit.

DATE: _____

By the Court,

Nancy L. Butts, President Judge

xc: DA
Gary L. Weber (LLA)
Timothy Copenhaver #JR-1027
SCI Cresson
P.O. Box A
Cresson, PA 16699-0001