

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

<b>COMMONWEALTH OF PENNSYLVANIA</b>	:	
	:	<b>No. 892-2004</b>
<b>v.</b>	:	
	:	<b>CRIMINAL DIVISION</b>
<b>ROBERT E. JOHNSON III,</b>	:	<b>APPEAL</b>
<b>Defendant</b>	:	

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

The Defendant appeals the Opinion and Order of Court dated January 12, 2012 and Order dated February 14, 2012, which dismissed the Defendant's Post Conviction Relief Act (PCRA) Petition. The Defendant filed several documents entitled Notice of Appeal; however, all of the documents relate to an appeal of the above Orders of the Court. On February 27, 2012, 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 March 12, 2012.

The Defendant raises several issues on appeal: 1) the PCRA Court abused its discretion by dismissing the PCRA Petition without holding an evidentiary hearing; 2) the PCRA Court caused frauds or breakdowns to occur by failing to require prior counsel, Jay Stillman, Esquire, to withdraw from the record; 3) the PCRA Court erred by finding that the PCRA Petition was untimely filed; 4) the Sentencing Court caused a fraud by allowing counsel William Miele (Miele), Esquire, to represent the Defendant while Miele was a co-worker of the victim; 5) the Sentencing Court violated Due Process and denied the Defendant his right to un-biased representation by allowing Miele to represent the Defendant; 6) Miele violated the

Attorney/Client rules by failing to withdraw himself from representation of the Defendant and Miele committed various acts of ineffective assistance of counsel; and 7) the Defendant's plea was not entered into knowingly, intelligently or willingly.

For purposes of this Opinion, the Court will rely on its Opinion and Order dated January 12, 2012.

DATE: \_\_\_\_\_

By the Court,

Nancy L. Butts, President Judge

xc: DA  
Robert E. Johnson III  
#GA2017  
1000 Follies Road  
Dallas, PA 18612  
Gary L. Weber (LLA)