

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,	:	
	:	
v.	:	No. 1480-2007; 2125-2007;
	:	1558-2007
	:	
JAMIE JOHNSON,	:	CRIMINAL DIVISION
Defendant	:	APPEAL

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

On February 14, 2008, Jamie Johnson (Defendant) pled guilty to Simple Assault at Docket Number 2125-2007. On February 27, 2008, Defendant pled guilty, pursuant to Docket Number 1480-2007, to charges that include Theft by Unlawful Taking, Theft from a Motor Vehicle, Receiving Stolen Property, Theft by Unlawful Taking, and Loitering and Prowling. On the same day, the Defendant also pled guilty, pursuant to Docket Number 1558-2007, to False Reports. On April 18, 2008, Defendant received an aggregate sentence of thirty-nine (39) months to seventy-eight (78) months incarceration.

Defendant filed a Post Conviction Relief Act (PCRA) Petition on February 22, 2012. Donald F. Martino, Esquire, was appointed to represent Defendant on his PCRA Petition. On April 30, 2012, Attorney Martino filed a Motion to Withdraw as Counsel as he determined that the PCRA Petition was untimely and also lacked merit. The Court notified the Defendant of its intentions to dismiss his PCRA Petition in an Order and Opinion dated May 25, 2012. After receiving no response, the Court dismissed the Defendant's PCRA Petition on July 2, 2012. On July 23, 2012, the Defendant filed an untimely response to the Court's proposed dismissal of his

PCRA Petition and also filed a Notice of Appeal. On July 24, 2012, the Court ordered the Defendant to file a concise statement of matters complained of on appeal, which the Court received on August 6, 2012.

Defendant alleges five issues in his concise statement: 1) Ineffective assistance of counsel so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place; 2) the plea of guilty was unlawfully induced; 3) Defendant was illegally and improperly obstructed by judicial officials; 4) sentence imposed by Court was greater than the lawful maximum allowed; and 5) Defendant received correspondence from this Court's law clerks from 2008 and 2011 that conflicted in regards to the sentence he received.

Appellant "does not . . . have the right to amend his PCRA petition after the lower court has already denied it." Commonwealth v. Jones, 815 A.2d 598, 604 (Pa. 2002). The only issue raised in Defendant's PCRA Petition was that all three sentences he was given should have run concurrent. Defendant has now raised various new issues for the first time in his concise statement. Further, the Court dismissed the Defendant's PCRA Petition for being untimely. The only issue raised that deals with a timeliness exception is whether the Defendant was illegally and improperly obstructed by judicial officers. The Defendant does not disclose specific details of this allegation, however, in his untimely response to the Court's proposed dismissal he states that he was late due to being held in a restricted-housing unit while in a State Correctional Facility. This is not an illegal and/or improper obstruction by judicial officials.

Therefore, for purposes of this Opinion, the Court will rely on Judge Butts' Opinion dated May 25, 2012, which determined that the Defendant's PCRA Petition was untimely, that

his sentences were within the appropriate guideline ranges, and that not all of his sentences were concurrent.

DATE: _____

By the Court,

Nancy L. Butts, President Judge

xc: DA
Jamie Johnson #HN4233
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P.O. Box 945
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