

On June 1, 2011, the Defendant filed a PCRA Petition alleging that his original plea agreement was improperly rescinded the day of his guilty plea and that he requested his counsel to file post-sentence motions, which were never filed. On June 9, 2011, the Court assigned Lori Rexroth, Esquire to represent the Defendant on his PCRA Petition. Attorney Rexroth filed an Amended PCRA Petition on August 25, 2011 and a Second Amended PCRA Petition on April 11, 2012. On June 12, 2012, after a Court conference, the Court reinstated the Defendant's appeal rights, *nunc pro tunc*. On June 25, 2012, Attorney Rexroth filed a Notice of Appeal on behalf of the Defendant. The Defendant's case was reassigned to Kyle Rude, Esquire and Amy Boring, Esquire, on July 6, 2012. On July 24, 2012, this Court requested a concise statement of the matters complained of on appeal in accordance with Pa.R.A.P. 1925(b). In his concise statement, the Defendant alleges that his guilty plea was not made knowingly, intelligently, and voluntarily.

Manifest injustice is required to withdraw guilty pleas which are requested after sentence has been imposed. Commonwealth v. Flick, 802 A.2d 620, 623 (Pa. Super. 2002). Such a manifest injustice occurs when a plea is not tendered knowingly, intelligently, voluntarily, and understandingly. Commonwealth v. Persinger, 615 A.2d 1305 (Pa. 1992). It does not matter if the Defendant is pleased with the outcome of his decision to plead guilty as long as he did so knowingly, voluntarily, and intelligently. Commonwealth v. Yager, 685 A.2d 1000, 1004 (Pa. Super. 1996).

The minimum inquiry required of a trial court must include the following six areas: (1) Does the defendant understand the nature of the charges to which he is pleading guilty? (2) Is there a factual basis for the plea? (3) Does the defendant understand that he has a right to trial by jury? (4) Does the defendant understand that he is presumed innocent

until he is found guilty? (5) Is the defendant aware of the permissible ranges of sentences and/or fines for the offenses charged? (6) Is the defendant aware that the judge is not bound by the terms of any plea agreement tendered unless the judge accepts such agreement?

Commonwealth v. Young, 695 A.2d 414, 417 (Pa. Super. 1997). In Yeomans, the Superior Court further summarized:

In order for a guilty plea to be constitutionally valid, the guilty plea colloquy must affirmatively show that the defendant understood what the plea connoted and its consequences. This determination is to be made by examining the totality of the circumstances surrounding the entry of the plea. Thus, even though there is an omission or defect in the guilty plea colloquy, a plea of guilty will not be deemed invalid if the circumstances surrounding the entry of the plea disclose that the defendant had a full understanding of the nature and consequences of his plea and that he knowingly and voluntarily decided to enter the plea.

Commonwealth v. Yoemans, 24 A.3d 1044 (Pa. Super. 2011) (citing Commonwealth v. Fluharty, 632 A.2d 312, 314 (Pa. Super. 1993); see also Commonwealth v. Scott, No. 1732 MDA 2011 (Pa. Super. Filed July 24, 2012).

A review of the transcripts of the guilty plea hearing in this case confirms that the Defendant did in fact enter into his plea knowingly, voluntarily, and intelligently. This Court informed the Defendant of his possible maximum sentence, what his sentencing guideline ranges were, what the Commonwealth would have to prove in order for the Defendant to be found guilty, that the Commonwealth would have to prove each element of the crime beyond a reasonable doubt, that the Defendant will not receive a trial if he pleads guilty, and that the Judge did not have to accept any plea agreement. N.T., 7/19/10, p. 2-4. A factual basis for each of the charges was also established. N.T., 7/19/10, p. 8-9. In addition, the Defendant filled out a written guilty plea colloquy highlighting many of these factors in greater detail. According to

Pennsylvania law, the Defendant's guilty plea was entered knowingly, voluntarily, and intelligently.

The Defendant alleges that he was presented with a plea agreement that was different than what was already negotiated and that he was improperly coerced to accept the new agreement. The Court, however, went over the terms of the plea agreement and the Defendant stated that he still wished to plead guilty. N.T., 7/19/10, p. 7. Further, the Defendant clearly stated that he was not coerced to plead guilty:

COURT: Is anybody forcing you or threatening you in any way to get you to plead guilty here today?

DEFENDANT: No, ma'am.

COURT: Are you doing this of your own free will?

DEFENDANT: Yes, ma'am.

COURT: And it looks like you had Mr. Biichle here to talk to, Ms. Spring to talk to. Were you satisfied with the help and information provided to you by the Public Defender's office?

DEFENDANT: Yes.

COURT: And at this point, ultimately though, whose decision is it to plead guilty here today?

DEFENDANT: Mine.

COURT: Anything you want to tell me before I impose sentence?

DEFENDANT: I ain't got nothing to say. I'm guilty.

N.T., 7/19/10, p. 12. There is no indication that the Defendant was improperly coerced into pleading guilty, as he alleges. This Court explained the plea agreement and the Defendant

subsequently stated that he wanted to plead guilty to the charges. The record reflects that the Defendant's plea was intelligent, voluntary, and knowing.

DATE: _____

By the Court,

Nancy L. Butts, President Judge

xc: DA
Amy Boring, Esq.