

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	
	:	
v.	:	No. 256-2008
	:	CRIMINAL DIVISION
ARNELL MONROE,	:	APPEAL
Defendant	:	

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

On January 20, 2012, the Defendant filed an appeal from the Court's Order of December 22, 2011, and on January 24, 2012, the 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 received the Defendant's Concise Statement of Matters Complained of on Appeal on February 7, 2012. On appeal the Defendant contends that the Post Conviction Relief Act (PCRA) Court erred when it: 1) determined that trial counsel was not ineffective for failing to object to Officer Reeder's testimony regarding the Defendant's booking sheet; 2) determined that trial counsel was not ineffective when she raised an oral motion in limine the morning of trial regarding the preclusion of Officer Miller's testifying as a PWID expert, where such motion forewarned the Commonwealth to locate a substitute PWID expert; 3) determined that trial counsel was not ineffective for failing to object to the prejudicial closing argument by the prosecution which included among other things an appeal to community sentiment and vouched for police credibility; 4) determined that trial counsel was not ineffective for failing to object to the PWID expert testimony of Sergeant McKenna where such testimony violated the notice and expert report rules set forth in Rule 573 of the Rules of Criminal Procedure; 5) determined that

appellate counsel was not ineffective for failing to raise/litigate the foregoing issues on direct appeal; and 6) summarily dismissed the Defendant's PCRA Petition without conducting an evidentiary hearing.

For purposes of this Opinion, the Court will rely on its Opinion and Order of November 23, 2011 and Order of December 22, 2011, which analyzed these issues as they were raised in the Defendant's PCRA Petition.

DATE: _____

By the Court,

Nancy L. Butts, President Judge

xc: DA
Edward J. Rymysza, Esq.
Amanda Browning, Esq. (Law Clerk)
Gary L. Weber, Esq. (LLA)