

and 2) the trial court erred by denying Appellant's claim that trial counsel was ineffective for failing to call character witnesses by failing to discuss with Appellant the importance of calling character witnesses.

The trial court erred by denying Appellant's Amended PCRA Petition without conducting an evidentiary hearing or reviewing the Appellant's witness certifications

The Defendant argues that the Court erred when it denied his PCRA Petition without an evidentiary hearing. "[A] PCRA petitioner is not entitled to an evidentiary hearing as a matter of right, but only where the petition presents genuine issues of material fact. . . . A PCRA court's decision denying a claim without a hearing may only be reversed upon a finding of an abuse of discretion." Commonwealth v. McLaurin, 45 A.3d 1131, 1135-1136 (Pa. Super. 2012) (citations omitted). Based upon the Opinion and Order filed on August 13, 2012, this Court finds that the Defendant has not established any genuine issues of material fact or that he is entitled to PCRA relief.

The trial court erred by denying Appellant's claim that trial counsel was ineffective for failing to call character witnesses by failing to discuss with Appellant the importance of calling character witnesses

For purposes of this Opinion, the Court will rely on Judge Butts' Opinion and Order dated August 13, 2012, which determined that the Defendant was not denied a fair trial because character evidence of truthfulness and non-violence were not admissible at trial.

DATE: _____

By the Court,

Nancy L. Butts, President Judge

xc: DA
Donald Martino, Esq.