

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,	:	CR-1997-2008, OTN: K7359063
	:	CR-2072-2008, OTN: K7359144
vs.	:	CRIMINAL DIVISION
	:	
LEON D. BODLE.	:	2251 MDA 2012

ORDER

Issued Pursuant to Pennsylvania Rule of Appellate Procedure 1925(a)

On January 2, 2009, the Commonwealth filed charges at Docket No. 1997-2008 pertaining to sexual acts allegedly committed by Defendant against a seven-year-old boy. Defendant was also charged at Docket No. 2072-2008, for sexual acts he allegedly committed against a nine-year-old boy, a nine-year-old girl, and a six-year-old boy. The Court consolidated these cases for the purpose of trial.

On December 6-7, 2011, the Court held a jury trial. Following the trial, the jury entered a verdict finding Defendant guilty of one (1) count each of criminal solicitation (F1), unlawful contact with a minor (F1), obscene and other sexual materials (F3), indecent assault (M1), and corruption of the morals of a minor (M1), as to Docket No. 1997-2008, and two counts each of obscene and other sexual materials (F3), unlawful communication with a minor (F3), indecent exposure (M1), corruption of the morals of a minor (M1), and one (1) count each of criminal solicitation (F2) and criminal solicitation (F3), as to Docket No. 2072-2008. On April 6, 2011, the Court sentenced Defendant to an aggregate period of incarceration in a state correctional institution, the minimum of which should be twenty (20) years and two (2) months and the maximum of which should be forty (40) years and four (4) months.

On May 5, 2011, Defendant filed his Notice of Appeal of the Court's April 6, 2011 sentencing order with the Lycoming County Prothonotary's Office. On May 9, 2011, this Court ordered Defendant to file a Concise Statement within twenty-one (21) days. On May 31, 2011,

Defendant filed his statement. By Opinion and Order dated July 6, 2011, the Court respectfully requested that its sentencing order be affirmed. By memorandum opinion filed July 6, 2012, our Superior Court dismissed Defendant's appeal. *See Commonwealth v. Bodel*, 819 MDA 2011, Mem. Op. (July 6, 2012) (Fitzgerald, J.). This dismissal was based upon defense counsel's failure to produce the relevant transcripts for appellate review. *See id.*

On August 20, 2012, the Court received a Petition for Post-Conviction Relief filed by Defendant *pro se* pursuant to the Post Conviction Relief Act (PCRA), 42 Pa. C.S. §§ 9541-9546. On August 24, 2012, the Court appointed the Lycoming County Public Defender's Office to represent Defendant. Also on that date, the Court scheduled an initial PCRA conference with the Commonwealth and Defendant's newly-appointed counsel for November 27, 2012.

On November 27, 2012, the Court reinstated Defendant's appeal rights based upon defense counsel's failure to procure transcripts during his previous appeal. *See Commonwealth v. Bodel*, 819 MDA 2011, Mem. Op. (July 6, 2012) (Fitzgerald, J.). On December 24, 2012, Defendant filed his Notice of Appeal with in the Lycoming County Prothonotary's Office. On January 4, 2013, the Court ordered Defendant to file his Concise Statement within twenty-one (21) days. To date, Defendant has failed to file his Concise Statement. Due to this failure, the Court is unaware of the matters upon which Defendant is complaining of in his appeal. All of the issues that Defendant raised in his May 31, 2011 Concise Statement are addressed in the Court's Opinion and Order of July 6, 2011. Based upon the procedural background of this matter as articulated above, the Court respectfully requests that Defendant's appeal be DISMISSED and that its April 6, 2011 sentencing order be AFFIRMED.

BY THE COURT,

Date

Richard A. Gray, J.