

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :
 :
 v. : **No. 1266-2009**
 :
 RICHARD L. BOWMAN, : **CRIMINAL DIVISION**
 Defendant : **APPEAL**

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

On December 16, 2009, Richard Bowman (Defendant) pled guilty to Criminal Trespass, a felony of the second degree.¹ The Defendant was sentenced on the same day to twenty-four (24) months to ten (10) years in a State Correctional Institution. No appeals were filed following sentencing.

On December 22, 2010, the Defendant filed a *pro se* PCRA Petition. Joel McDermott, Esquire was appointed to represent the Defendant in his Petition. Attorney McDermott filed a First amended PCRA Petition on February 4, 2011. On June 2, 2011, Attorney McDermott filed a Petition for Permission to Withdraw as Counsel. On September 9, 2011, this Court denied Attorney McDermott's Petition because he did not address all the allegations raised in the Petition.

The Court re-assigned the Defendant's PCRA to Lori Rexroth, Esquire. On November 8, 2011, Attorney Rexroth filed the Defendant's Second Amended Motion for Post Conviction Collateral Relief. After a Court conference on March 5, 2012, the Court ordered the Defendant to file a certified statement in compliance with Pa.R.Crim.P. 902(14) in support of the allegations raised in the Petition. On April 5, 2012, the Defendant filed a verified statement and a Third Amended Motion for Post Conviction Collateral Relief. Subsequently, Attorney

¹ 18 Pa.C.S. § 3503(a)(1)(ii).

Rexroth discontinued being conflicts counsel for this County and the Petition was re-assigned to Amy Boring, Esq.

On July 16, 2012, this Court proposed the dismissal of the Petition in an order and opinion. Attorney Boring sent this Court objections to the proposed dismissal. On October 29, 2012, this Court reviewed the objections raised and dismissed the PCRA Petition. On November 27, 2012, the Defendant filed a Notice of Appeal to the Superior Court of Pennsylvania. The Defendant alleges that his post-sentence rights should be reinstated and that his trial counsel was ineffective for not fully explore defenses against trespass. Therefore, for purposes of this Opinion, the Court will rely on this Court's Opinion dated July 16, 2012 and Order dated October 29, 2012, which determined that the Defendant's PCRA Petition was without merit.

DATE: _____

By the Court,

Nancy L. Butts, President Judge

xc: DA
Amy Boring, Esq.