

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,	:	
	:	
v.	:	No. 2000-2008
	:	
LAWRENCE LEWIS,	:	CRIMINAL DIVISION
Defendant	:	APPEAL

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

On November 3, 2009, Lawrence Lewis (Defendant) was found guilty during a jury trial of Delivery of a Controlled Substance¹ and Criminal Conspiracy.² On January 8, 2010, the Defendant received an aggregate sentence of five (5) years to ten (10) years in a State Correctional Institution followed by a five (5) years of supervision by the Pennsylvania Board of Probation and Parole. The Defendant appealed to the Superior Court of Pennsylvania, which affirmed the Defendant's sentence on December 30, 2010. No subsequent appeal was filed.

On July 15, 2011, Defendant filed a timely PCRA Petition. The Defendant alleged three (3) issues: 1) that trial counsel failed to challenge the sufficiency of evidence; 2) that trial counsel failed to argue his actual innocence of Criminal Conspiracy; and 3) that trial counsel failed to file pre-trial motions. Lori Rexroth, Esq. was appointed to represent the Defendant for his PCRA Petition. Attorney Rexroth filed a Motion to Withdraw as Counsel, which she amended on July 9, 2012 and July 13, 2012. On July 5, 2012, the case was reassigned to Amy Boring, Esquire. On August 31, 2012, this Court denied the Motion to Withdraw as Counsel, as Attorney Rexroth's Motion did not cover all the issues raised in the Defendant's PCRA Petition. The Court, however, found that the remaining issues raised in the Petition were

¹ 35 P.S. § 780-113(a)(30).

² 18 Pa.C.S. § 903.

without merit and proposed dismissal. Attorney Boring sent this Court objections on September 13, 2012. Following the preparation of transcripts for the closing arguments of the Defendant's trial, this Court dismissed the PCRA Petition on November 15, 2012.

On December 4, 2012, the Defendant filed a Notice of Appeal to the Superior Court of Pennsylvania. In the Concise Statement of Matters Complained of on Appeal, the Defendant alleges that this Court erred in denying the PCRA Petition. Therefore, for purposes of this Opinion, the Court will rely on this Court's Opinion dated August 31, 2012 and Order dated November 15, 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.