

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,

v.

LEON BODLE,

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:  
: CR-1997-2008;  
: CR- 2072-2008  
: CRIMINAL DIVISION  
: PCRA HEARING

**ORDER**

Before the Court is a Petition for Post-Conviction Relief filed by Defendant, Leon Bodle, pursuant to the Post Conviction Relief Act (PCRA), 42 Pa. C.S. §§ 9541-9546.

Following an evidentiary hearing and upon consideration of the testimony, arguments and case-law, and for the reasons provided below, the Court DENIES the petition for relief.

**I. Factual and Procedural Background**

On January 2, 2009 the Commonwealth charged Bodle at docket no. 1997-2008 with five counts of sexual offenses against a seven year old boy as follows: count 1, criminal solicitation, a felony of the first degree; count 2, unlawful contact, a felony of the first degree; count 3, obscene and other sexual material, a felony of the third degree; count 4, indecent assault, a misdemeanor of the first degree; and count 5, corruption of the morals of a minor, a misdemeanor of the first degree.<sup>1</sup> On December 10, 2008, the Commonwealth charged Bodle at docket no. 2072-2008 with sexual offenses against a nine year old boy, a nine year old girl and a six year old boy as follows: count 1, criminal solicitation, a felony of the second degree, count 2, criminal solicitation, a felony of the third degree, count 3, obscene and other sexual materials, count 4, obscene and other sexual materials, a felony of the third degree, count 5, unlawful communication with a minor, a felony of the third

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<sup>1</sup> 18 Pa. C.S. § 902(a); 18 Pa. C.S.A. § 6318(A); 18 Pa. C.S. § 5903(c)(1); 18 Pa. C.S.A. § 3126(A)(7); 18 Pa.C.S.A. § 6301 (a)(1).

degree, and count 6, unlawful communication with a minor, a felony of the third degree, count 7 indecent exposure, a misdemeanor of the first degree, count 8 indecent exposure, a misdemeanor of the first degree, count 9 corruption of minors, a misdemeanor of the first degree, and count 10 corruption of minors, a misdemeanor of the first degree.<sup>2</sup>

The Court consolidated these cases for the purpose of trial. A two-day jury trial was held on December 6-7, 2011, at which the Undersigned presided. On December 7, 2011, the jury rendered a verdict of guilty on all counts at both docket numbers for a total of 15 counts.

The Court sentenced Bodle on April 6, 2011. The Court sentenced Bodle to serve an aggregate sentence at a State Correctional Institution, the minimum of which was 242 months and the maximum of which was 484 months.

Bodle did not file post-sentence motions. Bodle filed a notice of appeal on May 5, 2011. On July 6, 2012, the Superior Court granted the Commonwealth's motion to dismiss the appeal for failure to include the relevant transcripts. On August 20, 2012, Bodle filed his first PCRA petition and petition for leave to proceed in forma pauperis. On August 24, 2012, the court appointed the public defender to represent Bodle in that PCRA matter. On November 27, 2012, this Court reinstated Bodle's direct appeal rights. On December 24, 2012, Bodle filed a direct appeal to the Superior Court. On January 8, 2014, the Superior Court affirmed the judgment of sentence.

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<sup>2</sup> 18 Pa. C.S. § 902(a); 18 Pa. C.S. § 5903(c)(1); 18 Pa. C.S.A. §6318(A); 18 Pa. C.S. §3127 (A); 18 Pa. C.S.A. §6301(a)(1).

On February 3, 2014, Bodle filed the instant PCRA petition pro se. On April 24, 2014, the Court appointed Jerry Lynch, Esq. to represent Bodle in the instant PCRA and directed PCRA counsel to file an amended petition or *Turnery/Finley*<sup>3</sup> letter on or before June 20, 2014. Following an initial conference on July 1, 2014, the court granted an extension of time to file an amended PCRA petition to August 11, 2014 and directed the preparation of transcripts of jury selection pursuant to the request of Bodle. PCRA counsel was also directed to attach certifications concerning any witnesses that were not called at trial. A conference was scheduled for August 28, 2014. Upon Bodle's application, the matter was continued from August 25, 2014 to October 23, 2014. Upon Bodle's application, the matter was then continued from October 23, 2014 to November 25, 2014.

On November 24, 2014, Bodle filed an amended PCRA. Upon Bodle's motion, the matter was continued on November 26, 2014 to allow PCRA counsel to meet with trial counsel. PCRA counsel was ordered to file a supplemental amended petition on or before January 10, 2015, identifying what the subject witnesses could add to the case that could be relevant evidence and trial counsel's strategy with respect to what witnesses were called. On January 14, 2015, Bodle filed a supplemental PCRA. In his amended PCRA, Bodle seeks relief on the grounds that trial counsel was ineffective for failure to call certain witnesses. Specifically, Bodle contends that his mother, Karen Bodle and his uncle, Ronald Weigle, should have been called as witnesses to provide positive character evidence and negative evidence about the child victims. In addition, Bodle contends trial counsel should have called his nephew, DB, and his nephew's girlfriend, HG, to testify that the children had

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<sup>3</sup> *Commonwealth v. Turner*, 544 A.2d 927 (Pa. 1988), and *Commonwealth v. Finley*, 550 A.2d 213 (Pa. Super. 1988)

made false allegations to police in the past.<sup>4</sup> Following a conference on February 4, 2015, an evidentiary hearing was held and testimony was received on March 17, 2014.

At the PCRA evidentiary hearing, Bodle presented six witnesses, four of whom Bodle contends should have been called at his trial. Bodle contends that two of those four witnesses, Bodle's nephew, DB, and his nephew's girlfriend, HG, should have been called to testify as to false allegations made by the children. However, at the PCRA evidentiary hearing, those two witnesses did not provide **any** testimony in support of Bodle's claims. Both denied any knowledge of supposed false allegations allegedly made to the Old Lycoming Police by the children. Neither witness testified to any knowledge of fabrications made by the children.

The remaining two witnesses that Bodle contends should have been called to provide positive character evidence and negative evidence about the child victims testified at the PCRA hearing but did not provide any testimony as to reputation. Bodle's mother, Karen Bodle, testified that had she been called and if admissible, she would have testified that Bodle had good character because he cared for his grandfather. There was no foundation to establish that Karen Bodle had personal knowledge of any reputation that Bodle had in the community as to his character. Karen Bodle's only proffered testimony about specific incidents of good acts by Bodle. Similarly, there was no foundation to establish that Karen

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<sup>4</sup> In his amended PCRA, Bodle contends that an inmate, William Heiser, should have been called to testify that one of the Commonwealth's witnesses told Heiser that he intended to fabricate testimony against Bodle. The witness certification established that the information Heiser only notified trial counsel on May 6, 2011, well over a year after trial. As such, this contention lacks merit. Failure to call a witness requires that "counsel knew or should have known of the existence of the witness." Commonwealth v. Walls, 993 A.2d 289, 302 (Pa. Super. 2010) *quoting*, Commonwealth v. Wright, 599 Pa. 270, 331, 961 A.2d 119, 155 (2008) (citations omitted). Moreover, since Heiser did not testify at the PCRA hearing and no further argument was raised as to Heiser, it appears the issue has been abandoned and waived.

Bodle had personal knowledge of any reputation in the community as to any of the victims' reputation for truthfulness or dishonesty. Instead Karen Bodle proffered testimony only as to specific instances of dishonesty or bad acts by the child victims. Karen Bodle was confused while providing testimony at the PCRA hearing and some of her testimony was non-responsive. Bodle's Uncle, Ronald Weigle testified at the PCRA hearing that his knowledge of the case was through what others might have said, but that he had no proof. Weigle further testified that he did not know more about the case until after the trial. Weigle did not provide testimony as to any reputation in the community that Bodle may have had.

Trial counsel testified at the PCRA hearing about his trial strategy. Trial counsel testified that he represented Bodle in two separate trials involving sexual abuse to minors at around the same time period. Both trials included similar witnesses and investigations. Trial counsel testified that, after reviewing the pros and cons of any witnesses with Bodle, trial counsel left the decision of whether to call witnesses up to Bodle. Trial counsel testified that in his experience juries do not put a lot of weight into character evidence provided by the mother, close relatives, or friends of a defendant.

As to the specific witnesses at issue, trial counsel testified as follows. Trial counsel was concerned about calling DB to testify because DB vigorously testified for the Commonwealth in the other trial with testimony that would be harmful to Bodle. If DB testified, damaging information might come in to play by opening the door, particularly to evidence relating to evidence in the other trial that had been ruled inadmissible in this trial. Nonetheless, trial counsel left the decision about whether to call DB to Bodle. Trial counsel also had concerns that HG testimony. Trial counsel believed HG's testimony to be based

upon hearsay and would not establish reputation. Even if admissible, trial counsel was not convinced that Bodle could prove that the supposed allegations made by the children were indeed false. Trial counsel testified that he left the decision as to which witnesses to call to the defendant Bodle.

As to Defendant's mother, Karen Bodle, trial counsel had extensive contact with her and had concerns that she could be easily confused. She was very shaky physically. Trial counsel discussed with the Bodle how well his mother may or may not do on the stand, what harm she could do to Bodle's case if she appeared confused, against the benefit and weight of any favorable testimony coming from a victim's mother. As to whether his mother should testify as to a specific incident of good character, if admissible, trial counsel had concerns about introducing evidence of good character which opens the door to significantly harmful evidence. The ultimate decision of whether to call his mother as a witness was left to Bodle.

As to Ronald Weigle, trial counsel testified that Weigle could not give specifics and relied on hearsay. Even if admissible, such evidence may open the door to evidence that had already been determined inadmissible.

Overall, trial counsel had significant concerns that if the defense called character witnesses, the Commonwealth would call witnesses in rebuttal. The investigation revealed that there were neighbors who were hostile to Bodle and could be called to rebut any positive character evidence with bad character evidence. Similarly, some individuals at the school where Bodle worked had a bad opinion of Bodle and there was concern they could be called as adverse witnesses. Trial counsel nonetheless allowed the client to make the

determination of each witness; even if it is against his advice, he abides by the client's decision.

Although not raised in his amended PCRA, Bodle testified at his PCRA hearing that his decision not to testify on his own behalf at trial was made in reliance of his understanding that others would be testifying on his behalf. As the Commonwealth pointed out, however, Bodle was colloquied as to his decision not to testify after trial counsel had informed the Court that the defense had no additional testimony. Notes of Testimony (N.T.), 12/7/2010, 22-23.

## **II. Issues Raised**

In essence, Bodle's amended petition asserts eligibility for relief pursuant to 42 Pa. C.S. § 954(a)(2)(i) and (ii) on the grounds that trial counsel failed to call witnesses as to defendant's alleged good character and witnesses as to the child victim's alleged bad character and dishonesty. Bodle appears to contend that failure to call character witnesses is *per se* ineffective under Commonwealth v Hull, 2009 PA Super 201; 982 A.2d 1020 ( Pa. Super. 2009) requiring a new trial no matter the circumstances.<sup>5</sup>

## **III. Eligibility for Post-Conviction Relief**

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<sup>5</sup> In his amended PCRA, Bodle identified other issues but appeared to abandon those claims as being without merit. Bodle asserted an issue related to exculpatory evidence and the change in time-line that had been adjudicated during the appeal process. This Court has independently reviewed such claims and agrees that they have been adjudicated through the appeal process. Bodle also contended that trial counsel failed to ask potential jurors whether they could render a fair verdict if Defendant elected not to testify, but his petition appears to have abandoned this claim because trial counsel asked whether anyone feels that could not be fair and impartial and because the trial court provided sufficient instruction to the jury as to that matter. Lastly, PCRA counsel appears to have abandoned the claim of ineffective assistance of counsel for failing to formally seek recusal of the Court because one of the victims' mother worked at the courthouse. The matter had been visited prior to trial and there was no evidence of prejudice. After conducting an independent review of those issues, the Court finds that those issues lack merit and were waived.

The PCRA provides specific requirements for eligibility for post-conviction relief. 42 Pa. C.S. § 9543. Section 9543(a) provides that in order to be eligible for relief, a Defendant must be convicted and serving a sentence of incarceration. *Id.* In this matter, it is uncontested that Defendant is currently serving a state sentence of incarceration. However, section 9543(a) also lists three (3) other eligibility requirements; these requirements include:

- (2) That the conviction or sentence resulted from one or more of the following:
  - (i) A violation of the Constitution of this Commonwealth or the Constitution or laws of the United States which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place.
  - (ii) Ineffective assistance of counsel which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place.
  - (iii) A plea of guilty unlawfully induced where the circumstances make it likely that the inducement caused the petitioner to plead guilty and the petitioner is innocent.

\* \* \* \* \*

- (3) That the allegation of error has not been previously litigated or waived.
- (4) That the failure to litigate the issue prior to or during trial, during unitary review or on direct appeal could not have been the result of any rational, strategic or tactical decision by counsel. *Id.*

#### IV. Legal Standards

##### *Ineffective Assistance of Counsel*

Trial counsel is presumed to be effective. *Commonwealth v. Martin*, 5 A.3d 177, 183 (Pa. 2010). In order to succeed on a claim for ineffective assistance of counsel, Defendant must overcome the presumption of counsel effectiveness by proving the



following three factors, that: (1) Defendant's underlying claim has arguable merit, (2) trial counsel had no reasonable basis for her action or inaction, and (3) the performance of trial counsel prejudiced Defendant. *Commonwealth v. Chimel*, 1111, 1127 (Pa. 2011) (referencing *Commonwealth v. Pierce*, 527 A.2d 973, 975-76 (Pa. 1987)). *See also Commonwealth v. Sampson*, 900 A.2d 887, 890 (Pa. Super. Ct. 2006), *appeal denied*, 907 A.2d 1102 (Pa. 2006) (citing *Commonwealth v. Lynch*, 820 A.2d 728, 733 (Pa. Super. 2003)). Actual prejudice must occur; that is, trial counsel's ineffectiveness must have been so evasive that it is reasonable it had an adverse impact on the proceeding's outcome. *Sampson*, 900 A.2d at 890 (citing *Commonwealth v. Howard*, 645 A.2d 1300, 1307 (Pa. 1994)).

### ***Failure to Call a Witness***

The standard for ineffective assistance of counsel for failure to call a witness is well-settled.

In order to prevail on a claim of ineffectiveness for failing to call a witness, a defendant must prove, in addition to meeting the three *Pierce* 10 requirements, that: (1) the witness existed; (2) the witness was available to testify for the defense; (3) counsel knew or should have known of the existence of the witness; (4) the witness was willing to testify for the defense; and (5) the absence of the witness's testimony was so prejudicial as to have denied him a fair trial.

*Commonwealth v. Walls*, 993 A.2d 289, 302 (Pa. Super. 2010) *quoting*, *Commonwealth v. Wright*, 599 Pa. 270, 331, 961 A.2d 119, 155 (2008) (citations omitted)

### ***Character Evidence***

“Evidence of good character is to be regarded as evidence of substantive fact just as any other evidence tending to establish innocence and may be considered by the jury in connection with all the evidence presented in the case on the general issue of guilt or innocence.” Commonwealth v Hull, 2009 PA Super 201; 982 A.2d 1020 (Pa. Super. 2009), *citing*, Commonwealth v. Harris, 2001 PA Super 291, 785 A.2d 998, 1000 (Pa. Super. 2001) (citing Commonwealth v. Luther, 317 Pa. Super. 41, 463 A.2d 1073, 1077 (Pa. Super. 1983)). *See Also*, Commonwealth v. Johnson, 27 A.3d 244, 248 (Pa. Super. 2011). However, “[e]vidence of good character offered by a defendant in a criminal prosecution must be limited to his **general reputation** for the particular trait or traits of character involved in the commission of the crime charged.” Commonwealth v. Johnson, 27 A.3d 244, 248 (Pa. Super. 2011) (emphasis added). The evidence must be “as to the **community opinion** of the individual in question, not through specific acts or mere rumor.” Id., Commonwealth v. Luther, *supra*, 463 A.2d at 1077. (citations omitted)(emphasis added)

### ***Reasonable Basis for Trial Strategy***

To succeed in an ineffective assistance of counsel claim, trial counsel must not have had a reasonable basis for the act or omission at issue. *Chmiel, supra*, 30 A.3d at 1127. The Pennsylvania Supreme Court has concluded that “counsel's chosen strategy lacked a reasonable basis **only if** the petitioner proves that the alternative strategy not selected offered a potential for success **substantially greater than the course actually pursued**. *Commonwealth v. Koehler*, 614 Pa. 159, 36 A.3d 121, 132 (Pa. 2012)(emphasis added).

“Where matters of strategy and tactics are concerned, counsel's assistance is deemed constitutionally effective if he chose a particular course that had some reasonable basis

designed to effectuate his client's interests." *Commonwealth v. Colavita*, 606 Pa. 1, 993 A.2d 874, 887 (Pa. 2010) (quoting *Commonwealth v. Howard*, 553 Pa. 266, 719 A.2d 233, 237 (Pa. 1998)). "A finding that a chosen strategy lacked a reasonable basis is not warranted unless it can be concluded that an alternative not chosen offered a potential for success substantially greater than the course actually pursued." *Id.*

### ***Prejudice***

“Prejudice in the context of ineffective assistance of counsel means demonstrating there is a reasonable probability that, but for counsel's error, the outcome of the proceeding would have been different.” *Commonwealth v. Champney*, 65 A.3d 386, 396 (Pa. 2013), citing, *Commonwealth v. Kimball*, 555 Pa. 299, 724 A.2d 326, 332 (Pa. 1999).

With these standards in mind, the Court will address Mr. Bodle’s PCRA claims.

## **V. Discussion**

Bodle has not overcome the presumption of counsel effectiveness by proving all, or even one, of the three factors required. A claim of ineffectiveness will be denied when defendant fails to establish any one of the three factors. *Busanet, supra*, 54 A.3d at 45. Bodle has not proven any of the required factors.

The first factor requires that Bodle show that there is arguable merit to the claim that trial counsel should have called the witnesses. In this case, there is no arguable merit that trial counsel should have called the witnesses. Generally, the failure to call provide positive character evidence and negative character evidence about victims, particularly with respect to dishonesty, would have arguable merit. *See, e.g., Hull, supra, Harris, supra, and Luther,*

supra. In the present case, however, none of the witnesses testified as to the reputation in the community of a character trait for Bodle or any of the child victims.

Moreover, the Court had the opportunity to hear and observe the witnesses testify as they would have if called at trial. This Court presided over the two-day trial and was able to observe the atmosphere at trial. After hearing the testimony at the PCRA hearing, the Court concludes that there was no error in not calling these witnesses. DB and HG had no knowledge of the supposed false allegations to police that a child victim was alleged to have made. Bodle's mother and uncle appeared frail, easily confused and eager to help Bodle, such that their lack of helpful testimony was all the more harmful. These witnesses would have harmed Bodle's case, even in the absence of rebuttal evidence that trial counsel anticipated would be elicited from the Commonwealth in response.

Bodle also failed to prove the second factor which requires that trial counsel had no reasonable basis for not calling the witnesses. Trial counsel testified at the PCRA evidentiary hearing as to his trial strategy. The Court found trial counsel extremely credible and his strategy with respect to presentation of witnesses reasonable. Trial counsel weighed the possible benefits that might come from calling Bodle's mother and nephew against the possibility that they may become confused, garner little weight as family members, and the likelihood that such testimony would open the door to neighbors and co-workers providing adverse character evidence. Trial counsel advised Bodle of the pros and cons of each witness and allowed Bodle to make the final determination as to whether to call the witness. Trial counsel opined that more harm than good would come from calling these witnesses.

The Court agrees. The Court concludes that trial counsel had a reasonable trial strategy for not calling the witnesses.

Bodle relies on Hull for the proposition that there is no reasonable trial strategy to forgo character evidence in this case because there was no risk to presenting character evidence when there was no other testimony in the case-in-chief. In Hull, the Superior Court affirmed the PCRA Court's determination that granted a new trial on the basis of trial counsel's failure to investigate and present character evidence.<sup>6</sup> The Hull Court held the following.

[C]ounsel lacked a reasonable basis for failing to call good character witnesses based on his overall trial strategy to show that the children were lying. Specifically, we hold that trial counsel may not state a broad concern that opposing counsel might introduce bad character evidence on cross-examination without having conducted any kind of investigation to determine if, in fact, there exists bad-character evidence. Hull, *supra*, 982 A.2d at 1021.

The Superior Court specifically noted that trial counsel had a broad-based fear, and not fear "based on any particular concern he learned of in the course of investigating the character witnesses." *Id.* Trial counsel was afraid that when the Commonwealth cross-examined regarding the character evidence, the Commonwealth would elicit adverse testimony. However, trial counsel was **not** aware of **any** adverse evidence that could be elicited. Trial counsel had "no reasonable expectation that any of the witnesses would have negative evidence" in rebuttal. Hull, *supra*, 982 A.2d at 1025. Specifically, the Court concluded that "counsel may not justify his failure to present good-character evidence by

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<sup>6</sup> In affirmance, the Superior Court noted that since the PCRA court observed the atmosphere of the trial, it must "determine whether the PCRA court's observations are supported by the record, and whether those observations support the result reached by the court." Hull, *supra*, 982 A.2d at 1027. The same is true in the present case.

citing a broad concern that opposing counsel might introduce bad-character evidence on cross-examination without having investigated whether that concern is based in reality.” Hull, supra, 982 A.2d at 1027.

By contrast in the present case, trial counsel’s investigation revealed hostile neighbors and co-workers with a bad opinion about Bodle who may be called to rebut character evidence. Trial counsel was reasonably concerned that the door to inadmissible evidence from another trial would be opened by these witnesses. One of the witnesses had testified vigorously for the Commonwealth in the other trial against Bode. In the present case, trial counsel had *specific concerns* about presenting the evidence. Hull does not require trial counsel to present character evidence every time a defendant does not present much evidence in his case-in chief and there is also an issue as to credibility of witnesses. Hull specifically considered whether “counsel had reason to believe that any negative consequences would outweigh this positive aspect.” Hull, supra, 982 A.2d at 1024. In the present case, trial counsel credibly testified that he weighed the pros and cons of each witness and left the ultimate decision of whether to call the witness up to Bodle. Moreover, *none of the proffered testimony constituted character* evidence but instead referred to the witnesses’ personal opinion of character and/or specific acts rather than reputation in the community.

As to the third prong, the Court concludes that the failure to call the witnesses did not prejudice Bodle. To the contrary, the Court concludes that the witnesses would have harmed Bodle’s case. There was no prejudice from failing to call them. This is particularly true since none of the testimony went to reputation evidence, and thus would have been

inadmissible as specific acts of good and bad character. The Court finds that the evidence against Bodle was so overwhelming that the outcome would not have been different had any of the witnesses been called.

## **VI. Conclusion**

Based upon the foregoing, the Court finds no basis upon which to grant the Bodle's PCRA Petition. After an evidentiary hearing, the petition is dismissed.

Pursuant to Pennsylvania Rules of Criminal Procedure 908, Defendant is hereby notified that he has the right to appeal from this order to the Pennsylvania Superior Court. The appeal is initiated by the filing of a Notice of Appeal with the Clerk of Courts at the county courthouse, with notice to the trial judge, the court reporter and the prosecutor. The Notice of Appeal shall be in the form and contents as set forth in Rule 904 of the Rules of Appellate Procedure. The Notice of Appeal shall be filed within thirty (30) days after the entry of the order from which the appeal is taken. Pa.R.A.P. 903.

If the Notice of Appeal is not filed in the Clerk of Courts' office within the thirty (30) day time period, Defendant may lose forever his right to raise these issues. A copy of this order shall be mailed to Defendant by regular and certified mail, return receipt requested.

## **ORDER**

AND NOW, this 26<sup>th</sup> day of **June 2015**, Defendant is hereby notified that it is the Court's intention to dismiss his PCRA Petition, unless he files an objection to that dismissal *within twenty days (20) of today's date*. This Opinion and Order will be served on Defendant as set forth in Pa.R.Crim.P. 908(E).

*Pursuant to Pennsylvania Rules of Criminal Procedure 908(E), Defendant is hereby notified that he has the right to appeal from this order to the Pennsylvania Superior Court. The appeal is initiated by the filing of a Notice of Appeal with the Clerk of Courts at the county courthouse, with notice to the trial judge, the court reporter and the prosecutor. The Notice of Appeal shall be in the form and contents as set forth in Rule 904 of the Rules of Appellate Procedure. The Notice of Appeal shall be filed within thirty (30) days after the entry of the order from which the appeal is taken. Pa.R.A.P. 903.*

*If the Notice of Appeal is not filed in the Clerk of Courts' office within the thirty (30) day time period, Defendant may lose forever his right to raise these issues. A copy of this order shall be mailed to Defendant by regular and certified mail, return receipt requested.*

BY THE COURT,

June 26, 2015  
Date

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Richard A. Gray, J.

cc: DA (KO)  
Jerry Lynch, Esq. (PCRA Counsel for Defendant)  
Leon D. Bodle, JV-4596 (by certified and regular mail)  
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