

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	CR-1-2016
	:	
v.	:	
	:	
DENEYSHA POOLE,	:	APPEAL 1718 MDA 2016
Defendant	:	

OPINION AND ORDER

AND NOW, this 23rd day of November, 2016, upon consideration of Mark Marvin's Appeal to the Superior Court on behalf of the above named Defendant, the Court takes NO ACTION.

Defendant is reminded that this Court set a Grazier Hearing, in response to her pro se Motion for Withdrawal of Counsel, for Friday, October 21, 2016. Defendant did not attend the hearing and therefore, Robert Cronin, Esq. remains attorney of record. Defendant is also reminded that her attorney filed Post Sentence Motions on her behalf on 10/28/2016. The Post Sentence Motion is scheduled to be heard on January 5, 2017, at 10:30 a.m.

Pa.R.Crim.P. 576 (4) requires that any case where a Defendant is represented by an attorney and a motion is filed, that the Clerk of Courts make a docket entry and places it in the Court file. The requirement that the Clerk time stamp and make docket entries of the filings in these cases only serves to provide a record of the filing, and does not trigger any deadline nor requires any response. PA.R.CRIM.P. 576, comment (emphasis added).

A represented appellant may petition to terminate his representation; he may, acting pursuant to the rules of criminal procedure, proceed on his own behalf. Conversely, he may elect to allow counsel to take his appeal, but, should counsel not

prevail, assert counsel's ineffectiveness at a later time and, thus indirectly, assert the claims he would have made on direct appeal. The only thing he may not do is confuse and overburden the court by his own pro se filings of briefs at the same time his counsel is filing briefs on his behalf.

Commonwealth v. Ellis, 534 Pa. 176, 183-184 (Pa. 1993).

As the Appeal of Mark Marvin 1718 MDA 2016, Trial Court Docket No: CP-41-CR-1-2016 is filed by someone with no standing or legal capacity¹ to file such a motion on behalf Defendant, in accordance, with Pa.R.A.P. 1701 (b) (6), the Court will take no action.

BY THE COURT,

Nancy L. Butts, President Judge

cc: Mark Marvin
135 Mills Rd.
Walden, NY 12587
Clerk of Courts, Lycoming County
Jennifer Traxler, Deputy Prothonotary
Superior Court of Pennsylvania
PO Box 62453
Harrisburg, PA 17106-2435
Robert Cronin, Esq. Court Appointed Counsel

¹ Mark Marvin is not the Defendant in the above captioned matter nor is he licensed to practice law in the Commonwealth of Pennsylvania.