



2019, and on January 14, 2019 Defendant waived arraignment and was placed on the April 23, 2019 guilty plea list. The Commonwealth and Defendant requested and were granted numerous continuances of Defendant's guilty plea. On March 4, 2020, this case was moved to the trial list; the case was initially placed on the Court's June 2020 trial term but was again continued multiple times. The Court ultimately scheduled Defendant's trial for February 9, 10, and 11, 2022.

**B. Guilty Plea and Sentencing Hearings**

On February 8, 2022, Defendant appeared before the Court with counsel, who along with the Commonwealth anticipated that Defendant would plead guilty to the eighteen counts on the Amended Information. The Court first noted that Defendant's guilty plea colloquy contained no plea agreement or recommended sentence, instead reflecting that Defendant was pleading open to all remaining counts. The Court listed each count and its maximum penalty, and asked Defendant to confirm that he understood these maximums. Although Defendant answered "yes," he noted that he was having difficulty hearing, at which time the Court and all parties speaking ensured that they spoke loudly enough for Defendant to hear. The Court asked Defendant if he wanted the Court to repeat the maximum penalties, to which Defendant replied "I heard them, sir."

The Court next explained the elements of each offense, informing Defendant what the Commonwealth would need to prove at trial in order to convict. When the

Court asked Defendant if he understood the elements of each offense, Defendant answered "yes."

The Court next informed Defendant that he had an absolute right to a jury trial, noting that a jury had been selected for a trial scheduled to commence the following day. Defendant confirmed that he understood these things.

The Court explained to Defendant that he is innocent until proven guilty, that the Commonwealth would have the burden of proving his guilt beyond a reasonable doubt. The Court explained that Defendant would have the opportunity to cross-examine any Commonwealth witnesses, and that jury would be required to find him not guilty unless the twelve jurors unanimously agreed that the Commonwealth had proven his guilt beyond a reasonable doubt. Defendant confirmed that he understood these rights.

The Court informed Defendant that by pleading guilty he would give up his right to trial (and the concomitant rights to cross-examine witnesses and present defenses), meaning that the Commonwealth would no longer be required to prove him guilty. Defendant confirmed that he understood.

After confirming that Defendant understood the nature of the charges and the permissible range of sentences, his right to a jury trial, and that he is innocent until proven guilty, the Court reviewed Defendant's guilty plea colloquy in detail. Defendant confirmed that he signed the last page of the colloquy and initialed every other page. Defendant stated that he completed the colloquy with his attorney who

reviewed each item with Defendant and was available to answer any of Defendant's questions. Defendant affirmed that each answer he gave on the colloquy was truthful.

The Court noted that Defendant indicated in his colloquy that it was his decision to plead guilty. The Court informed Defendant that he "need[s] to understand that the decision to plead guilty is yours and yours alone, and nobody, not your attorney, the District Attorney, or this Court can make you plead guilty"; Defendant indicated that he understood this. Defendant then stated that it was, in fact, his decision to plead guilty. On Question 22 of the colloquy, "why do you wish to plead guilty," Defendant answered "[because] I am"; the Court asked Defendant if he was in fact guilty of each offense, and Defendant answered "yes." Although not reviewed on the record, the Court noted Defendant's answers to additional relevant questions on the colloquy. In particular, Defendant answered "No" to Question 6, which asks "has anybody told you, promised you, or suggested to you in any manner what the actual sentence of the judge will be? This does not include conversations with your attorney about plea agreements and sentencing guidelines." Additionally, Defendant answered "No" to Question 34, which reads "has anybody made any promises to you (other than those in the plea agreement), threatened you in any manner, or done or said anything that would force you or put pressure on you to plead guilty?"

Next, Defendant stated that he had sufficient time to discuss the case and his decision to plead guilty with his attorney, and that he was satisfied with his attorney's representation. Defendant noted that in the past 24 hours he had consumed prescription medication and two beers (the previous day), but asserted that these substances were not affecting his ability to understand what he was doing. He stated that he was 61 years old; completed high school; could read, write, and understand English; and was not suffering from or receiving treatment for any mental or emotional disability.

The Court next asked the following questions:

"COURT: Has anybody said or done anything to pressure you into pleading guilty today?

DEFENDANT: No.

COURT: Is your plea of guilty being given freely and voluntarily without any force, threats, pressure, or intimidation?

DEFENDANT: Yes."

At that time, counsel for Defendant confirmed that he was satisfied Defendant fully understood his rights, including those he was giving up. The attorney for the Commonwealth then provided a very detailed factual basis for the facts underlying each of the eighteen charges, asserting that the Commonwealth would prove those facts at trial. The Court asked Defendant whether he admitted those facts and asked "is that, in fact, what you did," to which Defendant responded "yes." Counsel for Defendant indicated he had no additional facts to add.

At that point, the Court recessed for eight minutes to allow the Commonwealth to prepare and formally file the Amended Complaint for Defendant to sign. When the Court returned from recess, the following discussion occurred:

“DEF. COUNSEL: I spoke to the Assistant District Attorney; we were going to switch it to no contest for everything. I wrote that in the signature part [of the Amended Information] there.

COURT: Oh, because I thought he just admitted to everything.

DEF. COUNSEL: I understand, but for—

COURT: You want me to take this as a no contest plea?

DEF. COUNSEL: Please.

COURT: [First Assistant District] Attorney Wade, you don't have any objection to taking this as a no contest plea?

COM. COUNSEL: No objection.

COURT: Mr. Strouse, I want you to understand the distinction, the legal distinction, between pleading guilty and pleading no contest. When you plead guilty, you admit to each of the offenses that you're charged with.

When you plead no contest, you are not admitting your guilt, but you are indicating to the Court that you are not contesting the charges, that you understand that the evidence is sufficient to convince a jury beyond a reasonable doubt and you are not contesting the allegations.

The Court, however, will accept that plea the same as a guilty plea for purposes of sentencing; that is, the maximum penalties and guideline ranges still apply. Do you understand that?

DEFENDANT: Yes.”

Following that discussion, after confirming Defendant's bail situation, the Court accepted Defendant's plea of no contest to each of the eighteen charges on the Amended Complaint, and scheduled Defendant's sentencing for May 25, 2022.

On May 25, 2022, the Court reviewed the relevant sentencing factors, the presentencing investigation report prepared by the Pennsylvania Parole Board. The Court first heard sentencing argument from defense counsel, who requested a lengthy period of probation.

Next Defendant gave a statement indicating his position that his wife Linda was the primary driver of the conspiracy and the far more culpable party. Following Defendant's statement, the Commonwealth called Terry Clarkson, Defendant's sister and daughter of the victim, Defendant's and Clarkson's mother. Although called by the Commonwealth, Ms. Clarkson stated that there had been no issues in their family until Defendant began seeing Linda in 2015, at which time Linda began manipulating Defendant and inserting herself into family affairs. Clarkson indicated that Defendant did not have a sophisticated understanding of money, and that she was able to communicate freely with Defendant only after Linda was incarcerated. Clarkson generally agreed with Defendant's contention that Linda was far more culpable in the conspiracy. Ultimately, Clarkson asked the Court for restitution only.

Next, counsel for the Commonwealth made sentencing argument, agreeing that Linda's manipulation of Defendant was "staggering" and that she was the more

culpable party. Counsel for the Commonwealth ultimately requested a sentence at the bottom end of the standard range and restitution.<sup>2</sup>

After considering all of the relevant factors, evidence, statements and arguments, for the reasons stated on the record the Court sentenced Defendant to an aggregate sentence of twelve months less one day to twenty-four months less one day of county incarceration to be followed by five years of probation.<sup>3</sup> The Court directed counsel for Defendant to review his appellate rights with him.

**C. Post-Sentence Motion and PCRA Petition**

On June 3, 2022, Defendant filed a counseled Post-Sentence Motion to Reconsider and Modify Sentence. This motion raised a sole issue – Defendant’s request that the Court modify his sentence to permit him to travel outside of Lycoming County while on work release. The Court ultimately denied this motion on August 3, 2022.

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<sup>2</sup> The bottom end of the standard range on each of the eighteen offenses was “restorative sanctions” including restitution and probation.

<sup>3</sup> The Court sentenced Defendant to three to six months on Counts 1, 4 and 5, one to two months on Counts 9 and 10, one month less one day to two months less one day on Count 11, and five years of probation on Count 12, all to run consecutively. The Court ran Defendant’s sentence on the remaining eleven counts concurrently.



On September 22, 2022, Defendant filed the instant PCRA Petition *pro se*.<sup>4,5</sup> Defendant checked the box to indicate he was eligible for relief due to “[i]neffective 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.” Underneath that line, Defendant handwrote “Misrepresented. I’m NOT guilty but lawyer said to say guilty to keep me out of jail but now in jail anyways???” Defendant made the following further assertions in support of his request for relief:

“I am not guilty. Lawyer changed my plea because he said doing so would keep me out of jail. All these charges are all my wife’s doings. She was in charge of all bills, all checks, all house hold stuff. She always told me she had extra money put back from deceased prior husband. I’m guilty of being a gullible husband is all.

...

Plea changed. Informed by lawyer [at] the time. Chris Lovecchio.

...

I was misrepresented by my lawyer he lied to me and the courts when he changed the plea bargain to guilty because he said this would keep me out of jail. And now he won’t file my papers like I ask for a reconsideration hearing.”

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<sup>4</sup> Defendant’s PCRA Petition appears to have been handwritten and signed by “Kimberly M. Weaver, POA,” though the answers themselves were written in the first person and appear to have been dictated by Defendant. PCRA Counsel later spoke to Defendant and confirmed that he was the author of the PCRA and wished to pursue the issues stated therein.

<sup>5</sup> Although Attorney Lovecchio never filed a formal withdrawal from representing Defendant, Defendant indicated in the PCRA Petition that he “fired” Attorney Lovecchio and requested the Court appoint counsel.

On October 10, 2022, the Court appointed Trisha Hoover Jasper, Esq. to represent Defendant in connection with his PCRA Petition. The Court directed Attorney Jasper to file either an Amended PCRA Petition or Turner/Finley Letter<sup>6</sup> and scheduled an initial PCRA Conference for December 19, 2022. On December 12, 2022, Attorney Jasper filed a Turner/Finley “No Merit Letter” (the “Turner/Finley Letter”). Attached to the Turner/Finley letter was a letter of explanation to Defendant and a Petition to Withdraw from Representation of Post-Conviction Collateral Relief.

On December 19, 2022, the Court held a conference with Attorney Jasper to discuss her reasons for finding no merit and seeking to withdraw from representation. Attorney Jasper initially noted that Defendant’s PCRA Petition was timely. Regarding the merits of Petitioner’s claim of ineffective assistance, Attorney Jasper indicated that her review of the record, including the transcripts of Defendant’s no contest plea and sentencing, revealed that he had not been coerced into pleading but instead did so knowingly, voluntarily and intelligently, of his own volition. Attorney Jasper further noted that Defendant had not raised this issue on direct appeal, concluding that this resulted in waiver under *Com. v. Johnson*.<sup>7</sup>

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<sup>6</sup> See *Commonwealth v. Turner*, 544 A.2d 927 (Pa. 1988); *Commonwealth v. Finley*, 550 A.2d 213 (Pa. Super. 1988).

<sup>7</sup> *Commonwealth v. Johnson*, 179 A.3d 1153 (Pa. Super. 2018).

## **LEGAL STANDARD**

The Post Conviction Relief Act<sup>8</sup> “provides for an action by which person convicted of crimes they did not commit and person serving illegal sentences may obtain collateral relief.”<sup>9</sup> A petitioner is eligible for relief if he can prove by a preponderance of the evidence that, *inter alia*, his “conviction or sentence resulted from... [i]neffective 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.”<sup>10</sup> A petitioner must also show that his “allegation of error not been previously litigated or waived,”<sup>11</sup> and that “the failure to litigate the issue prior to or during trial... or on direct appeal could not have been the result of any rational, strategic or tactical decision by counsel.”<sup>12</sup>

In order to succeed on an ineffective assistance of counsel claim, a petitioner must establish: “(1) the underlying claim is of arguable merit; (2) that counsel had no reasonable strategic basis for his or her action or inaction; and (3) but for the errors and omissions of counsel, there is a reasonable probability that the outcome of the

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<sup>8</sup> 42 Pa. C.S. § 9541 to § 9546.

<sup>9</sup> 42 Pa. C.S. § 9542.

<sup>10</sup> 42 Pa. C.S. § 9543(a)(2)(ii). Although a separate section of the Post Conviction Relief Act deals specifically with guilty pleas, “[a]llegations that counsel misadvised a criminal defendant in the plea process are properly determined under the ineffectiveness of counsel subsection of the PCRA not the section specifically governing guilty pleas.” *Com. v. Lynch*, 820 A.2d 728, 730 n.2 (Pa. Super. 2003).

<sup>11</sup> 42 Pa. C.S. § 9543(a)(3).

<sup>12</sup> 42 Pa. C.S. § 9543(a)(4).

proceeding would have been different.”<sup>13</sup> It is well established that although “a criminal defendant’s right to effective counsel extends to the plea process,” he will be entitled to relief from a plea “only if the ineffectiveness caused the defendant to enter an involuntary or unknowing plea.”<sup>14</sup> When a defendant “enters his plea on the advice of counsel, the voluntariness of the plea depends on whether counsel’s advice was within the range of competence demanded of attorneys in criminal cases.”<sup>15</sup>

To ascertain whether a plea is knowing and voluntary, a trial court must conduct a colloquy on the record addressing at least the following six issues:

“(1) whether the defendant understands the nature of the charges to which he is pleading;

(2) whether there is a factual basis for the plea;

(3) whether the defendant understands that he has a right to a jury trial;

(4) whether the defendant understands that he is... innocent until [proven] guilty;

(5) whether the defendant is aware of the permissible range of sentences for the offenses charged; and

(6) whether the defendant [understands] that the judge is not bound by the terms of the plea agreement unless he or she accepts the agreement.”<sup>16</sup>

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<sup>13</sup> *Com. v. Johnson*, 868 A.2d 1278, 1281 (Pa. Super. 2005) (citing *Com. v. Kimball*, 724 A.2d 326, 333 (Pa. 1999)).

<sup>14</sup> *Com. v. Willis*, 68 A.3d 997, 1001 (Pa. Super. 2013) (quoting *Com. v. Wah*, 42 A.2d 335, 338 (Pa. Super. 2012)).

<sup>15</sup> *Id.*

<sup>16</sup> *Com. v. Jefferson*, 777 A.2d 1104, 1107 (Pa. Super. 2001).

When a defendant pleads guilty because of his attorney's incorrect assertions concerning the conditions of his sentence, that defendant is generally entitled to relief.<sup>17</sup> In the absence of such affirmative misinformation, however, a defendant who confirms on the record that he understands the enumerated factors generally cannot claim that his plea was involuntary contrary to his statements on the record.<sup>18</sup>

A PCRA petitioner "has a rule-based right to the appointment of counsel for a first PCRA Petition."<sup>19</sup> Appointed PCRA counsel must conduct an independent review of the record to determine if the petitioner could raise any meritorious issues.<sup>20</sup> Appointed counsel who concludes that there are no meritorious issues may withdraw, but only after the following five requirements are satisfied:

- 1) A 'no-merit' letter by PCRA counsel detailing the nature and extent of their review;
- 2) The 'no-merit' letter by PCRA counsel listing each issue the petitioner wished to have reviewed;
- 3) The PCRA counsel's 'explanation,' in the 'no-merit' letter, of why the petitioner's issues were meritless;

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<sup>17</sup> For instance, defendants who were falsely assured that they were eligible for the state boot camp program, or that they would be able to serve their sentence in county jail rather than state prison, may withdraw their pleas on collateral challenge as long as they can show "that it was reasonably probable that [they] would not have pled guilty" had they been given accurate information. *Com. v. Rathfon*, 899 A.2d 365, 370-71 (Pa. Super. 2006).

<sup>18</sup> See *Jefferson*, 777 A.2d at 1108. In answering a Court's questions during a plea colloquy, a defendant has a duty to tell the truth, and cannot later seek relief by claiming that he lied to the Court under oath. See *Com. v. Cortino*, 563 A.2d 1259, 1262 (Pa. Super. 1989).

<sup>19</sup> *Com. v. Bradley*, 261 A.3d 381, 391 (Pa. 2021).

<sup>20</sup> See *Com. v. Widgins*, 29 A.3d 816, 817-18 (Pa. Super. 2011).

4) The PCRA court conducting its own independent review of the record; and

5) The PCRA court agreeing with counsel that the petition was meritless.”<sup>21</sup>

Counsel seeking to withdraw must serve the petitioner with the Turner/Finley Letter as well as a statement advising the petitioner of their right to proceed pro se or with privately retained counsel.<sup>22</sup> Rule of Criminal Procedure 907 allows the Court to grant an evidentiary hearing as to all, some, or none of the issues raised in the Petition.

### **ANALYSIS**

PCRA counsel filed a Petition to Withdraw from Representation of Post-Conviction Collateral Relief on December 12, 2022. The Court will review the five prongs that must be satisfied before counsel is permitted to withdraw, addressing first the three requirements relating to PCRA counsel’s no merit letter followed by the two requirements concerning the Court’s independent review.

**A. “No Merit” Letter – Nature of Review, List of Issues, and Explanation regarding Lack of Merit**

PCRA counsel attached to her Petition to Withdraw an eight-page Turner/Finley Letter. In the letter, she first noted the charges and underlying facts, including the circumstances of Defendant’s no contest plea and sentencing. She

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<sup>21</sup> *Id.* (quoting *Com. v. Finley*, 550 A.2d 213, 215 (Pa. Super. 1988)).

<sup>22</sup> *Id.* at 818 (quoting *Com. v. Friend*, 896 A.2d 607, 614 (Pa. Super. 2006)).

next reviewed Defendant's post-trial motion and pro se PCRA Petition, noting that he contends prior counsel told him his plea would keep him out of jail, that he was not factually guilty, and that trial counsel refused to file a Motion for Reconsideration of his sentence. PCRA counsel stated that she reviewed the record, written communications with Defendant, the case file of prior counsel, and case law, ultimately finding Defendants PCRA Petition timely but without merit.

PCRA counsel began her analysis with a discussion of the requirements to obtain post-conviction collateral relief generally, and specifically on the grounds of ineffective assistance of counsel in connection with a plea. PCRA counsel first noted her assessment that Defendant waived any claim that plea counsel had coerced him into pleading because Defendant did not raise that issue on direct appeal.

Alternatively, PCRA counsel found that the record clearly established that Defendant's no contest plea was knowing, intelligent, and voluntary; that he received effective assistance in connection with his plea; and that plea counsel had not coerced Defendant or otherwise done anything to render Defendant's plea anything other than knowing, intelligent, and voluntary. PCRA counsel reviewed a number of questions and answers both in Defendant's plea colloquy and on the record at his plea hearing, concluding that these averments of record established the knowing, intelligent, and voluntary nature of Defendant's plea.

PCRA counsel concluded by noting that even after the charges against Defendant were reduced from seventy-nine to the eighteen on the Amended Information, those eighteen charges still carried an aggregate maximum penalty of fifty-three years of incarceration and \$197,500 in fines. The fact that Defendant risked significantly greater incarceration had he been found guilty at trial, PCRA counsel concluded, was a factor suggesting that the plea was rational rather than coerced or unknowing.

Finally, PCRA counsel served Defendant with her Petition to Withdraw along with a letter summarizing its contents and informing him that he may proceed pro se or through private counsel.

As described above, PCRA Counsel's Turner/Finley Letter detailed the nature and extent of her review, listed each issue Defendant raised, and explained why she determined his issues were meritless. Thus, the Court concludes that PCRA counsel has satisfied the first three requirements to withdraw.

**B. Court's Independent Review of the Record and Analysis of the Merits**

The Court has conducted its own review of the entire case file, including transcripts of the guilty plea and sentencing hearings. As noted above, Defendant raises three separate issues, which the Court will address in turn.

First, Defendant contends that his no contest plea was involuntary because trial counsel told him that if he pled, he would avoid jail. This contention is without



merit. At Defendant's plea hearing, the Court advised Defendant of his rights and the nature of his charges. Defendant acknowledged in his colloquy that he was pleading open, without a plea agreement. Defendant affirmed, both in his colloquy and under oath at his hearing, that no one had promised him what this Court's sentence would be, and that the choice to plead was his alone. Although Defendant stated under oath that he in fact did the things that the Commonwealth alleged, the Court accepted Defendant's request to allow him to plead no contest rather than guilty, and Defendant affirmed that he did not contest the Commonwealth's factual predicate.

Defendant's argument is, essentially, that he lied under oath at the time of his plea, and should be rewarded now for doing so. If the Court credited such an assertion, any defendant could plead open and then wait to see what sentence the Court imposes, accepting the sentence if it is lenient and asserting ineffective assistance if the sentence is harsh. Due process guarantees Defendant a hearing at which the Court informs him of his rights and ascertains whether his plea is knowing, intelligent and voluntary. A review of the record here demonstrates that Defendant's no contest plea was each of these things.

For similar reasons, Defendant's second contention – that he was coerced into pleading despite his factual innocence – is equally without merit. As noted above, Defendant first stated that he committed the offenses, but then decided simply not to contest the Commonwealth's recital of the facts underlying the

charges. The Court explained to Defendant that a guilty plea and a no contest plea would be identical for sentencing purposes, and that either would result in a waiver of Defendant's absolute right to challenge the Commonwealth's evidence and present defenses of his own. Defendant knowingly, voluntarily and intelligently proceeded to plead no contest, thereby relinquishing his right to assert his factual innocence.

Defendant's third issue is his assertion that plea counsel did not file a motion for reconsideration of his sentence. Plea counsel *did* file a motion for reconsideration of sentence seeking to allow Defendant to travel outside of Lycoming County for work release. It is clear from the context of Defendant's PCRA Petition, however, that he is asserting that he directed trial counsel to file a motion to reconsider the discretionary aspects of the sentence, but that plea counsel did not do so. Furthermore, Defendant at least suggests that he may have pursued a direct appeal had plea counsel filed a motion to reconsider the discretionary aspects of the sentence: in the portion of the PCRA Petition asking whether a direct appeal had been filed, Defendant wrote "This has not been done yet because I can not get any [cooperation] from lawyer anymore so I fired him...."<sup>23</sup>

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<sup>23</sup> A defendant who wishes to appeal the discretionary aspects of sentencing must preserve the issue either at sentencing or in a motion to reconsider and modify the sentence. *Com. v. McCain*, 176 A.3d 236, 240 (Pa. Super. 2017) (quoting *Com. v. Moury*, 992 A.2d 162, 170 (Pa. Super. 2010)).

In Pennsylvania, a criminal defendant has an absolute right to file a direct appeal, even if any appeal would be without merit.<sup>24</sup> When a defendant asserts in post-conviction collateral proceedings that counsel failed to pursue a direct appeal as requested, and the record is silent as to whether the defendant affirmatively waived that right, the reviewing court is required to hold an evidentiary hearing.<sup>25</sup>

Here, Defendant asserts that he asked plea counsel to file a (more expansive) motion for reconsideration of his sentence, and plea counsel failed to do so. Because such a motion is a prerequisite to the filing of a direct appeal, and Defendant suggests that he may have pursued a direct appeal had plea counsel filed the requested motion for reconsideration, the Court cannot conclude from the record that Defendant has waived his right to a direct appeal. Therefore, the Court is required to hold an evidentiary hearing on this issue alone.<sup>26</sup> PCRA counsel's request to withdraw is therefore denied.

### **ORDER**

For the foregoing reasons, the Court grants Defendant an evidentiary hearing limited to his assertion that plea counsel failed to file a requested motion for reconsideration of Defendant's sentence raising additional issues beyond travel for

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<sup>24</sup> *Com. v. Bronaugh*, 670 A.2d 147, 149 (Pa. Super. 1995).

<sup>25</sup> *Id.*

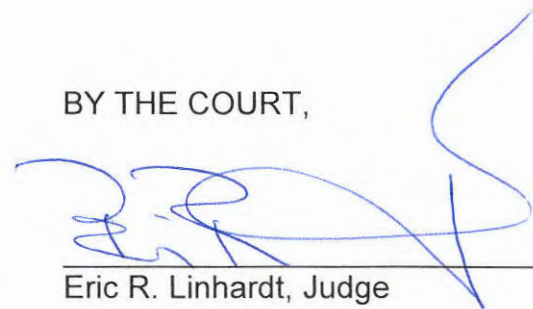
<sup>26</sup> This conclusion is entirely independent of the Court's assessment of the propriety of Defendant's sentence or the merits of any appeal. Defendant has the right to file a meritless appeal.

work release. **The evidentiary hearing will be held on February 27, 2023 at 9:00 a.m. in Courtroom 2 of the Lycoming County Courthouse.** Attorney Jasper shall continue to represent Defendant in connection with this issue, and shall reasonably investigate this issue prior to the hearing. Plea counsel, Attorney Christian Lovecchio, must testify at the evidentiary hearing.

The Court hereby provides notice to Defendant and the Commonwealth that it intends to dismiss all other issues raised in Defendant's PCRA Petition for the reasons stated above. Defendant may respond to the proposed dismissal of these issues within twenty (20) days of the date of this Opinion and Order. The Court will issue a final Opinion and Order formally addressing all issues raised in Defendant's PCRA Petition following the evidentiary hearing.

IT IS SO ORDERED.

BY THE COURT,



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Eric R. Linhardt, Judge

ERL/jcr

cc: DA's Office  
Trisha Jasper, Esq.  
Christian Lovecchio, Esq.  
Max Strouse  
*Lycoming County Prison, Pre-Release Center*  
*Booking No. 05-26725, ID #00-10277*  
Court Administration/Court Scheduling  
Gary Weber, Esq. (Lycoming Reporter)