

Lyle Kip.

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,
PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

v.

TROY LAWSON,
Defendant

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:
:
:

CRIMINAL DIVISION
NO. CR-899-2022

PCRA

CLERK OF COURTS
JESSICA L. THOMAS
PETITIONARY &
DEFENDANT

2025 SEP 17 PM 3:36

FILED
LYCOMING COUNTY

OPINION

On September 30, 2025, counsel for Troy Lawson (Petitioner) filed a Petition to Withdraw from Representation pursuant to *Commonwealth v. Turner*, 544 A.2d 927 (Pa. 1988) and *Commonwealth v. Finley*, 550 A.2d 213 (Pa. Super.1988). After an independent review of the entire record, this Court agrees with PCRA counsel and finds that Petitioner is not eligible for the requested relief. Therefore, the Petition shall be dismissed. By Order filed on November 5, 2025, the Court granted counsel's Motion to Withdraw from Representation.

Background

Petitioner was charged with one hundred and eighty-nine counts of Child Pornography in violation of 18 Pa.C.S. Section 6312(d), graded as felonies of the third-degree, by way of the Criminal Complaint filed on July 5, 2022, for incidents alleged to have occurred on or around December 4, 2021, in Lycoming County, Pennsylvania. On June 28, 2022, Petitioner waived his preliminary hearing. On July 25, 2022, Petitioner waived his formal arraignment. On March 2, 2023, this Court granted Petitioner's request to file his Omnibus Motion *Nunc Pro Tunc*. By and through counsel, Petitioner filed his Omnibus Motion on March 7, 2023. A hearing and argument on the Motion occurred on March 9, 2023, after which the Court denied the Motion for the reasons contained in the record. On March 17, 2023, Petitioner was found guilty of all 189 counts following a jury trial. On July 25, 2023, Petitioner was sentenced to an aggregate term of 50 to 100 years incarceration in a

state correctional institution. A post-sentence motion was timely filed on August 3, 2023. Following argument held on September 25, 2023, the Court granted Petitioner's post-sentence motion and amended to the sentence to 25 to 50 years incarceration in a state correctional institution.

Petitioner filed a Notice of Appeal on October 9, 2023. On October 23, 2023, Petitioner filed a Concise Statement of Matters Complained of on Appeal as directed by the Court's Order pursuant to Pa.R.A.P. Rule 1925(b). Petitioner's concise statement alleged that the Court erred in making a determination that the search warrants dated December 6, 2021 and March 30, 2022 contained sufficient probable cause. On July 23, 2024, the Pennsylvania Superior Court affirmed the Trial Court's decision denying the suppression of the search warrant for lack of sufficient probable cause. The Superior Court held "the affidavits of probable cause contained sufficient information from which to conclude that there was a fair probability that evidence of a crime would be found on Appellant's cell phone. The record supports the suppression court's factual findings, and the court properly applied the law to the facts." *See: Superior Court Opinion*, 1403 MDA 2023, 07/23/2024.

Jeana Longo, Esquire, of the Lycoming County Public Defender's Office initially entered her appearance to represent Petitioner. However, due to the existence of a conflict, Eric Williams, Esquire, was appointed as conflict counsel to represent Petitioner. Attorney Williams represented Petitioner in his pretrial matters, including the suppression motion, through trial, sentencing, post-sentence matters, and his direct appeal.

Petitioner filed his pro se appeal on July 21, 2025. This is Petitioner's first petition under the Post-Conviction Relief Act. On August 5, 2025, Krista Deats, Esquire, was appointed to represent Petitioner in his post-conviction matter. In his pro se petition, Petitioner alleged ineffective assistance of counsel by trial counsel. Petitioner asserted that

there was certain evidence that was unavailable at the time of trial that would have assisted in his defense, and that information was not pursued or used at trial by counsel. By letter to Petitioner dated September 30, 2025, a copy of which is attached to the *Turner/Finley* Letter as Exhibit A, Attorney Deats explained to Petitioner that the record contained no meritorious issues on which to file an Amended PCRA Petition. Attorney Deats further advised Petitioner of her Motion to Withdraw from Representation.

Analysis

a. Timeliness

Before analyzing the merits of the Petition, the Court must first determine whether the Petition was timely. A PCRA petition must be filed within one year of the date that the judgment of sentence becomes final. Title 42 Pa.C.S. §9545(b)(1). This time requirement is mandatory and jurisdictional in nature, and cannot be ignored by the courts to reach the merits of the petition. *Commonwealth v. Murray*, 753 A.2d 201, 203 (Pa. 2000). A judgment of sentence becomes final at the conclusion of direct review, including discretionary review in the Supreme Court of the United States and the Supreme Court of Pennsylvania, or at the expiration of time for seeking the review. 42 Pa.C.S. §9545(b)(3).

Petitioner's sentence was affirmed by the Pennsylvania Superior Court on July 23, 2024, making his case final on August 22, 2024. Petitioner filed his pro se PCRA Petition on July 21, 2024. Thus, the Petition is timely, and as such the Court will review the substance of Petitioner's claims.

Under 42 Pa.C.S. Section 9543(a), a Petitioner seeking relief under the PCRA is required to plead and prove by a preponderance of the evidence all of the following:

(1) That the petitioner has been convicted of a crime under the laws of this Commonwealth and is at the time relief is granted:

(i) currently serving a sentence of imprisonment, probation or parole for the crime;

(ii) awaiting execution of a sentence of death for the crime;

(iii) serving a sentence which must expire before the person may commence serving the disputed sentence; or

(iv) has completed a sentence of imprisonment, probation or parole for the crime and is seeking relief based upon DNA evidence obtained under section 9543.1(d) (relating to postconviction DNA testing).

(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.

(iv) The improper obstruction by government officials of the petitioner's right of appeal where a meritorious appealable issue existed and was properly preserved in the trial court.

(v) Deleted.

(vi) The unavailability at the time of trial of exculpatory evidence that has subsequently become available and would have changed the outcome of the trial if it had been introduced.

(vii) The imposition of a sentence greater than the lawful maximum.

(viii) A proceeding in a tribunal without jurisdiction.

(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.

b. Petitioner's Ineffective Assistance of Counsel Claims

Petitioner asserts two separate claims of ineffective assistance of counsel. First, Petitioner asserts that Attorney Eric Williams was ineffective for failing to have the search warrant suppressed prior to trial. Second, Petitioner asserts that Attorney Williams was ineffective for failing to introduce certain Facebook messages at trial that would have helped his defense.

It is well settled that counsel is presumed effective, and the defendant bears the burden of establishing counsel was ineffective. *Commonwealth v. Cooper*, 596 Pa. 119 (2007). To prevail on a claim of ineffective assistance of counsel, a defendant is required to establish that the underlying claim is of arguable merit, that counsel's actions had no reasonable basis designed to effectuate a defendant's interests, and that counsel's actions caused prejudice to a defendant's case. *Commonwealth v. Correa*, 664 A.2d 607 (Pa. Super. 1995). A petitioner's claim of ineffectiveness will fail if any of the three requirements list above is not established. *Commonwealth v. Pierce*, 786 A.2d 203 (Pa. 2001).

With respect to Petitioner's first assertion that Attorney Williams was ineffective for failing to have the search warrants suppressed prior to trial, this assertion is without merit. Petitioner's claim is not that Attorney Williams was ineffective for failing to file the Motion to Suppress. Rather, Petitioner asserts that Attorney Williams was ineffective for filing the Motion and failing to procure a result in Petitioner's favor. When Attorney Williams was appointed to represent Petitioner, he filed a Motion for Extension of Time to File Pretrial Motions. That Motion was granted, and Petitioner was permitted additional time in which Attorney Williams filed the Omnibus Pretrial Motion on Petitioner's behalf. Following a hearing and argument on the motion, at which time Attorney Williams was given an opportunity to cross-examine the Commonwealth's witness, the Court ultimately denied the motion to suppress the search warrants. Despite the unfavorable outcome, Petitioner was provided a fair opportunity at challenging the Commonwealth's warrants. Additionally, following trial, Attorney Williams attempted twice more to litigate the issues of the search warrants on behalf of Petitioner. Attorney Williams filed and argued the motions as requested

by his client at each available opportunity—pretrial, post-sentence, and on direct appeal. The record is free from error indicating that the disposition of the motion to suppress was against the law and not supported by the facts. Aside from being displeased with the outcome of the motion to suppress and the subsequent challenges to the Court’s ruling, Petitioner has provided no additional argument or support from the record as to why Attorney Williams’ representation fell below the presumed standard of effectiveness. Thus, the Petitioner’s first claim is without merit, and the Court need not further analyze the claim as Petitioner has failed to argue it is of arguable merit.

In his second claim, Petitioner asserts that Attorney Williams was ineffective for failing to introduce certain Facebook messages at trial that would have helped Petitioner’s defense. Attorney Deats contacted Attorney Williams with respect to this claim. Attorney Williams confirmed a conversation with Petitioner that the Facebook messages were discussed, and it was decided the defense would not introduce the evidence at trial as it was not likely to assist his case at trial.

[A] court deciding an actual ineffectiveness claim must judge the reasonableness of counsel's challenged conduct on the facts of the particular case, viewed as of the time of counsel's conduct. A convicted defendant making a claim of ineffective assistance must identify the acts or omissions of counsel that are alleged not to have been the result of reasonable professional judgment. The court must then determine whether, in light of all the circumstances, the identified acts or omissions were outside the wide range of professionally competent assistance. In making that determination, the court should keep in mind that counsel's function, as elaborated in prevailing professional norms, is to make the adversarial testing process work in the particular case. At the same time, the court should recognize that counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.

Strickland v. Washington, 466 U.S. 668, 690 (1984).

The Court agrees with PCRA counsel’s finding that the trial transcript exhibits Attorney Williams’ effectiveness in successfully litigating the “question of whether or not someone else had placed the [images of pornographic images containing children under the age of ten] on [Petitioner’s] phone without ‘muddying’ the water with the Facebook messages” (*Turner/Finley* “No Merit Letter” 09/30/2025) for the jury to consider. Based on

the evidence presented at trial and the evidence obtained from Petitioner's cellular telephone through the search warrants, the Facebook messages to which Petitioner refers were provided in discovery to trial counsel and Petitioner. A review of the trial transcript establishes that trial counsel did implement effective cross-examinations of the witnesses to elicit doubt that Petitioner was the only individual with access to his phone, and thus, the individual in possession of the pornographic images containing minors. Without more, the Court is inclined to find that Petitioner's claim that trial counsel was ineffective on this basis is without merit. Petitioner has failed to show that "counsel's representation fell below an objective standard of reasonableness," *Strickland v. Washington*, 466 U.S. 668, 689 (1984), including overcoming the strong presumption that Attorney Williams exercised sound trial strategy in omitting the Facebook messages under the circumstances. Because Petitioner has failed to establish that his underlying claim is of arguable merit, the Court need not undertake any further analysis.

Conclusion

Petitioner's claim asserting that he received ineffective assistance of counsel because Attorney Williams was unsuccessful in obtaining a favorable decision on Petitioner's pretrial motion to suppress is without merit. The issue was previously litigated and affirmed by the Pennsylvania Superior Court. Petitioner's second claim asserting that he received ineffective assistance of counsel because Attorney Williams did not utilize Facebook messages from his phone in evidence is without merit because Petitioner has failed to establish that the decision was not sound trial strategy and that, but for the omission, Petitioner would have received a different outcome at trial. Thus, it is unnecessary for the Court to further analyze the merits of Petitioner's claim because Petitioner has failed to satisfy the first prong that his claim is of arguable merit.

Additionally, the Court finds that no purpose will be served by conducting a hearing¹. As such, no evidentiary hearing will be scheduled. Pursuant to Pennsylvania Rule of

¹ "[T]he right to an evidentiary hearing on a post-conviction petition is not absolute. It is within the PCRA court's discretion to decline to hold a hearing if the petitioner's claim is patently frivolous and has no support

Criminal Procedure 907(1) the parties are hereby notified of this Court's intention to dismiss Petitioner's PCRA Petition. Petitioner may respond to this proposed dismissal within twenty (20) days. If no response is received within that time period, the Court will enter an Order dismissing the Petition.

Accordingly, the Court enters the following Order:

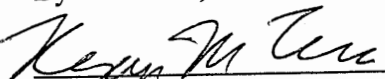
ORDER

AND NOW, this 17th day of September, 2026, it is hereby **ORDERED** and

DIRECTED as follows:

1. Petitioner is hereby notified pursuant to Pennsylvania Rule of Criminal Procedure No. 907(1), that it is the intention of the Court to dismiss his PCRA Petition unless he files an objection to that dismissal within twenty (20) days of today's date.
2. **Petitioner will be notified at the address below through means of certified mail.**

By the Court,


Ryan M. Tira, Judge

CC: DA; CA
Krista Deats, Esq.—102 W. Wellsboro St., Mansfield, PA
Troy Lawson, QP8224—286 Woodland Drive Marienville, PA 16239
Gary Weber, Esq.—Lycoming Reporter

either in the record or other evidence. *Commonwealth v. Walls*, 993 A.2d 289, 295 (Pa.Super.2010); "If the PCRA court 'can determine without an evidentiary hearing that one of the prongs cannot be met, then no purpose would be advanced by holding an evidentiary hearing.'" *Commonwealth v. Jones*, 942 A.2d 903, 906.