

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

<b>COMMONWEALTH OF PENNSYLVANIA</b>	<b>: No. 93-11,000</b>
	<b>:</b>
<b>vs.</b>	<b>: CRIMINAL DIVISION</b>
	<b>:</b>
	<b>:</b>
<b>TIMOTHY KREAMER,</b>	<b>:</b>
<b>Defendant</b>	<b>: PCRA</b>

**ORDER**

AND NOW, this \_\_\_\_ day of December, 1999, upon review of the record and pursuant to Rule 1507(a), it is the finding of this Court that Defendant's Petition for Post Conviction Relief filed in the above-captioned matter raises no genuine issue of fact and Petitioner is not entitled to post conviction collateral relief. The Court believes the issues raised in the petition have been previously litigated or waived. Furthermore, with respect to the defendant's claims regarding his blood alcohol content and medical condition, the defendant has not pled that any witnesses were available who would have been willing to testify that his blood alcohol level was not based on whole blood or that any concussion he allegedly suffered during the accident would have affected his ability to respond to questions following the accident or his ability to knowingly and voluntarily waive his rights before speaking to the police. Also, he has not attached the affidavit(s) of any medical personnel who would so testify if the Court were to hold an evidentiary hearing in this matter. Therefore, no such testimony would be admissible. 42 Pa.C.S.A. §9545(d). As no purpose would be served by conducting any further hearing, none will be scheduled and the parties are hereby notified of this Court's intention to deny the Petition. Defendant 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.

By The Court,

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Kenneth D. Brown, J.

cc: Kenneth Osokow, Esquire (ADA)  
J. Michael Wiley, Esquire  
Timothy Kreamer, CK-9911  
1 Kelley Drive, Coal Township, PA 17866-1021  
Law Clerk