

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,	:
	:
vs.	: NO. 96-11,899; 97-10,306; 97-10,375
	: 97-10,386; 97-10,387; 97-10,388
FRANK NICKENS,	: 97-10,389
	:
Respondent	: 1925(a) OPINION

Date: October 10, 2001

**OPINION IN SUPPORT OF THE ORDER OF JUNE 11, 2001 IN COMPLIANCE
WITH RULE 1925(a) OF THE RULES OF APPELLATE PROCEDURE**

On July 3, 2001, Defendant filed an appeal from the dismissal of his PCRA petition, which Order was dated June 11, 2001 and filed June 12, 2001. On August 23, 2001 this Court issued a 1925(b) Order directing that a Concise Statement of Matters Complained of on Appeal be filed. That Concise Statement of Matters Complained of on Appeal was filed September 4, 2001; however, it is completely ineffective since it merely repeats the averment the trial court erred in granting the Commonwealth's Motion to Dismiss the PCRA Petition and by denying the PCRA relief. Accordingly, this Court is not aware of or able to address the issues of fact or law Defendant contends entitles him to relief.

Nevertheless, this Court believes that its reasoning for denying the requested PCRA relief and dismissing the PCRA Petition are adequately set forth in the transcript of proceedings of June 11, 2001. The Court's specific reasoning is set forth on pages 10 through 12 of that transcript with the Court adopting the arguments advanced by the Commonwealth through Assistant District Attorney Kenneth Osokow on pages 2, and 6 through 10.

Accordingly, this Court recommends that its Order of June 11, 2001 be upheld and the present appeal to Superior Court dismissed.

BY THE COURT,

William S. Kieser, Judge

cc: Nicole Spring, Esquire
Kenneth Osokow, Esquire
Judges
Suzanne R. Lovecchio
Gary L. Weber, Esquire (Lycoming Reporter)
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