

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Leonard Malloy, :
 :
 Petitioner :
 :
 v. : No. 1851 C.D. 2010
 :
 :
 Pennsylvania Board of Probation : Submitted: May 6, 2011
 and Parole, :
 :
 Respondent :

BEFORE: HONORABLE BERNARD L. McGINLEY, Judge
HONORABLE MARY HANNAH LEAVITT, Judge
HONORABLE JAMES R. KELLEY, Senior Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY SENIOR JUDGE KELLEY

FILED: June 21, 2011

Leonard Malloy (Malloy) petitions for review of an order of the Pennsylvania Board of Probation and Parole (Board) denying his request for administrative relief from the Board's decision. In addition to the petition for review, we are presented with an amended petition to withdraw appearance as counsel filed by Malloy's court-appointed attorney, Kent D. Watkins, Esquire, on the grounds that Malloy's appeal is without merit. We again deny Attorney Watkins' petition to withdraw appearance as counsel.

On September 8, 2010, Malloy filed a petition for review with this Court. On November 30, 2010, Attorney Watkins filed his first petition to withdraw along with a no-merit letter based upon his belief that Malloy's appeal is without merit. However, counsel failed to address all the issues raised by Malloy

in this appeal. By order dated March 15, 2011, this Court denied the petition to withdraw, but with leave to amend or, in the alternative, to file a brief supporting Malloy's position within thirty (30) days of the order. On April 20, 2011 - *six days after the thirty-day period had expired* - Attorney Watkins filed an amended petition to withdraw and no merit letter again stating his belief that Malloy's appeal is without merit.¹ Attorney Watkins did not request an extension of time, nor has he asserted any reason for his untimely filing. We dismiss Attorney Watkins' petition for leave to withdraw as counsel as untimely and direct counsel to file a brief in support of Malloy's petition for review.

JAMES R. KELLEY, Senior Judge

¹ We note that the no merit letter filed by Attorney Watkins with this Court is dated April 19, 2011.

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Pennsylvania Board of Probation	:	
and Parole,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 21st day of June, 2011, the amended petition to withdraw appearance as counsel filed by Kent D. Watkins is DISMISSED, and counsel is directed to file a brief in support of Leonard Malloy's petition for review within thirty (30) days of this order. Failure to comply with this Court's order may result in sanctions. The Chief Clerk is directed to send a copy of this order to the Public Defender of Schuylkill County, Michael J. Stine.

JAMES R. KELLEY, Senior Judge