

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA

Appellee

v.

DAVID JUNIOR OSORIO

Appellant

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 1885 EDA 2012

Appeal from the Order Entered June 7, 2012
In the Court of Common Pleas of Lehigh County
Criminal Division at No(s): CP-39-CR-0000790-2004,
CP-39-CR0000791-2004, CP-39-CR-0000792-2004

BEFORE: BENDER, J., BOWES, J., and LAZARUS, J.

JUDGMENT ORDER BY LAZARUS, J.

FILED MAY 16, 2013

For the reasons set forth below, we hereby affirm the Order of the Court of Common Pleas of Lehigh County.

On June 29, 2005, Osorio pled guilty to robbery and conspiracy to commit robbery. He was sentenced to a term of incarceration of 10 to 20 years. He filed a timely post-sentence motion, which the court denied. He did not file a direct appeal to this Court.

On November 3, 2005, Osorio filed a timely petition under the Post-Conviction Relief Act.¹ Following a hearing, the trial court denied the petition on December 19, 2008. Osorio did not file an appeal to this Court.

¹ 42 Pa.C.S. §§ 9541-9546.

By letter dated May 24, 2012, Osorio requested documents and transcripts related to the criminal proceedings against him in the Court of Common Pleas of Lehigh County. On June 7, 2012, the court denied the request, noting that Osorio had no matters pending before it, and therefore, pursuant to ***Commonwealth v. Crider***, 735 A.2d 730, 733 (Pa. Super. 1999), Osorio was not entitled to the production of documents and transcripts.

Consistent with ***Crider***, we decline to find an abuse of discretion where a trial court denies a petitioner's request for production of documents when no action is pending.

Order affirmed.²

Judgment Entered.

A handwritten signature in black ink, appearing to read "Kevin Gambetta", is written over a horizontal line.

Prothonotary

Date: 5/16/2013

² Among the several procedural errors committed by Osorio, who is acting *pro se*, is his failure to identify in the notice of appeal the order he is appealing from. Nevertheless, the trial court indicated that it "could deduce that [Osorio] is attempting to appeal from the order entered on June 7, 2012 because that was the only order entered in the captioned cases within the year prior to [Osorio's] filing the appeal." Trial Court Opinion, 9/24/12, at 1.

