

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellee	:	
	:	
v.	:	
	:	
GEREMY FORD,	:	
	:	
Appellant	:	No. 1804 EDA 2012

Appeal from the Order Entered June 1, 2012,
 In the Court of Common Pleas of Philadelphia County, Criminal Division,
 at Nos. CP-51-CR-0009140-2009; CP-51-CR-0010020-2009;
 CP-51-CR-0010943-2009; CP-51-CR-009139-2009.

BEFORE: SHOGAN, ALLEN and OTT, JJ.

MEMORANDUM BY SHOGAN, J.:

FILED JUNE 25, 2014

Appellant, Geremy Ford, appeals from the order that denied his petition filed pursuant to the Post Conviction Relief Act ("PCRA"), 42 Pa.C.S.A. §§ 9541-9546. We affirm.

The PCRA court set forth the relevant facts and procedural history of this matter as follows:

Appellant, Geremy Ford, entered into an open guilty [plea] before this Court on December 1, 2009. The appellant received a sentence of thirteen (13) to twenty-six (26) years of incarceration followed by five (5) years of probation for five (5) counts of Robbery, four (4) counts of Violation of the Uniform Firearms Act, and three (3) counts of Possessing an Instrument of Crime.

According to the factual basis from the plea, the appellant robbed five (5) victims during three separate incidents. On May 19, 2009, appellant stopped a man on his bicycle at gunpoint and took the victim[']s money and phone. Three days

later, he approached two men as they were walking down the street. He robbed them at gunpoint, taking two cell phones, a wallet, and eight (8) dollars. A few hours later, two men walked by Mr. Ford and asked for the time. Appellant then robbed them both at gunpoint, taking a wallet, money, and a cell phone.

On February 22, 2010, the appellant filed a motion to reconsider his sentence on one of the counts concerning the Violation of the Uniform Firearms Act. The Court imposed a new aggregate sentence of eleven (11) to twenty-two (22) years of incarceration. On June 10, 2010, appellant filed a timely pro se petition for relief pursuant to the Post Conviction Relief Act (PCRA). On September 14, 2011, counsel filed an amended PCRA petition which was denied without a hearing on June 1, 2012. A timely Notice of appeal was filed with the Superior Court on June 18, 2012.

PCRA Court Opinion, 7/19/13, at 1-2.

On appeal, Appellant claims that the PCRA court erred in denying his PCRA petition without a hearing on his claims of ineffective assistance of counsel. Appellant's Brief at 8.¹ Specifically, Appellant claims that counsel was ineffective by inducing him to plead guilty and in allowing him to enter an involuntary guilty plea. *Id.* at 15, 18. After review, we conclude that Appellant is entitled to no relief.

¹ We note with disapproval Appellant's vague statement of questions involved in violation of Pa.R.A.P. 2116. We point out that "[n]o question will be considered unless it is stated in the statement of questions involved or is fairly suggested thereby." Pa.R.A.P. 2116(a). This Court may quash or dismiss an appeal if the appellant fails to conform to the requirements set forth in the Pennsylvania Rules of Appellate Procedure. Pa.R.A.P. 2101. However, while Appellant's statement of the questions is overly broad, we decline to find waiver because appellate review is not hampered, and we are able to discern Appellant's issues from the argument section of his brief.

When reviewing the propriety of an order granting or denying PCRA relief, this Court is limited to determining whether the evidence of record supports the determination of the PCRA court and whether the ruling is free of legal error. ***Commonwealth v. Boyd***, 923 A.2d 513, 515 (Pa. Super. 2007). Great deference is granted to the findings of the PCRA court, and these findings will not be disturbed unless they have no support in the certified record. ***Commonwealth v. Wilson***, 824 A.2d 331, 333 (Pa. Super. 2003). There is no right to an evidentiary hearing on a PCRA petition, and the PCRA court may decline to hold a hearing on the petition if the claims are patently frivolous and without a trace of support in the record. ***Commonwealth v. Jordan***, 772 A.2d 1011, 1014 (Pa. Super. 2001). On review, we examine the issues raised in the petition in light of the record to determine whether the PCRA court erred in concluding that there were no genuine issues of material fact and denying relief without an evidentiary hearing. ***Id.***

As noted, Appellant makes allegations of trial counsel ineffectiveness. When considering an allegation of ineffective assistance of counsel, counsel is presumed to have provided effective representation unless the PCRA petitioner pleads and proves that: (1) the underlying claim is of arguable merit; (2) counsel had no reasonable basis for his or her conduct; and (3) Appellant was prejudiced by counsel's action or omission.

Commonwealth v. Pierce, 527 A.2d 973, 975-976 (Pa. 1987). “In order to meet the prejudice prong of the ineffectiveness standard, a defendant must show that there is a reasonable probability that but for the act or omission in question the outcome of the proceeding would have been different.” **Commonwealth v. Wallace**, 724 A.2d 916, 921 (Pa. 1999). A claim of ineffective assistance of counsel will fail if the petitioner does not meet any of the three prongs. **Commonwealth v. Williams**, 863 A.2d 505, 513 (Pa. 2004) (quoting **Commonwealth v. Rush**, 838 A.2d 651, 656 (Pa. 2003)).

Moreover, allegations of ineffective assistance of counsel in connection with the entry of a guilty plea will serve as a basis for PCRA relief only if the ineffectiveness caused the defendant to enter an involuntary or unknowing plea. **Commonwealth v. Willis**, 68 A.3d 997, 1001-1002 (Pa. Super. 2013) (citation omitted). “Where the defendant enters his plea on the advice of counsel, the voluntariness of the plea depends on whether counsel’s advice was within the range of competence demanded of attorneys in criminal cases.” **Id.** at 1002 (citation omitted). The law does not require that the defendant be pleased with the outcome of his decision to enter a guilty plea; all that is required is that his decision to plead guilty be knowingly, voluntarily, and intelligently made. **Id.** (citation omitted). Finally, we point out that defendants are bound by statements made under

oath at the guilty plea colloquy and may not assert grounds for withdrawing the plea that contradict those sworn statements. **Commonwealth v. Timchak**, 69 A.3d 765, 774 (Pa. Super. 2013) (citations omitted).

Appellant's argument that he was coerced or that he entered an involuntary plea is belied by the record. Here, the record reveals that Appellant signed four written guilty plea colloquies, one at each trial court docket number: CP-51-CR-0009140-2009; CP-51-CR-0010020-2009; CP-51-CR-0010943-2009; and CP-51-CR-009139-2009. Additionally, the trial court specifically asked Appellant whether he understood the plea bargain and whether anyone coerced him to plead guilty. N.T. Guilty Plea Hearing, 12/1/09, at 6-7. Appellant responded that he understood the terms of the plea and that no one forced him to plead guilty. **Id.**

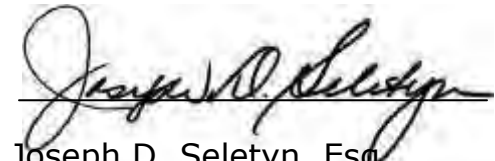
As noted above, Appellant is bound by the sworn statements that he gave the trial court at the guilty plea colloquy. **Timchak**, 69 A.3d at 774. Appellant cannot now claim that his plea was involuntary or that he was coerced, nor can he claim that counsel was ineffective for allowing Appellant to enter the plea. The record unequivocally reveals that Appellant entered the plea agreement knowingly, intelligently, and voluntarily. Appellant's claims to the contrary are frivolous and have no support in the record. Thus, Appellant has failed to satisfy the arguable merit prong of the test for ineffective assistance of counsel. **Pierce**, 527 A.2d at 975-976. Moreover,

because we conclude that Appellant's claims have no support in the record, we further conclude that the PCRA court committed no error in denying Appellant's PCRA petition without a hearing. **Jordan**, 772 A.2d at 1014.

After review, we conclude that Appellant is entitled to no relief. Accordingly, we affirm the order denying Appellant's PCRA petition.

Order affirmed.

Judgment Entered.

A handwritten signature in black ink, appearing to read "Joseph D. Seletyn", written over a horizontal line.

Joseph D. Seletyn, Esq.
Prothonotary

Date: 6/25/2014