

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA,

Appellee

v.

NATHAN KASSIEM ROBINSON,

Appellant

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 2720 EDA 2013

Appeal from the Order September 11, 2013
in the Court of Common Pleas of Northampton County
Criminal Division at No.: CP-48-CR-0002090-2007

BEFORE: SHOGAN, J., OTT, J., and PLATT, J.*

JUDGMENT ORDER BY PLATT, J.:

FILED MAY 09, 2014

Appellant, Nathan Kassiem Robinson, appeals *pro se* from the order denying his petition for Writ of *Habeas Corpus ad Subjiciendum*.¹ We affirm.

Appellant seeks release, citing 37 PA ADC § 91.3, 42 Pa.C.S.A. § 9762 (sentencing proceeding; place of confinement), and 42 Pa.C.S.A. § 9764 (information required on commitment and subsequent disposition). (**See** Appellant's Brief, at 9-14). SCI-Fayette apparently failed to produce Appellant's order of confinement on request. (**See** Agency Attestation of Nonexistence of Records, 9/30/13). We have jurisdiction over the appeal of

* Retired Senior Judge assigned to the Superior Court.

¹ For the prior history of this case, **see** *Commonwealth v. Robinson*, No. 1221 EDA 2009, unpublished memorandum (Pa. Super. filed July 20, 2010).

such claims. **See *Brown v. Pennsylvania Dept. of Corrections***, 81 A.3d 814, 815 (Pa. 2013).

Our standard of review of a trial court's order denying a petition for writ of *habeas corpus* is limited to abuse of discretion. Thus, we may reverse the court's order where the court has misapplied the law or exercised its discretion in a manner lacking reason. As in all matters on appeal, the appellant bears the burden of persuasion to demonstrate his entitlement to the relief he requests.

Rivera v. Pennsylvania Dept. of Corrections, 837 A.2d 525, 528 (Pa. Super. 2003), *appeal denied*, 857 A.2d 680 (Pa. 2004) (citations omitted).

The petition for *habeas corpus* must specifically aver facts which, if true, would entitle the relator to an award of a writ of *habeas corpus* and a hearing thereon.

Moreover, it is a general rule that the petition may be denied summarily and without a hearing where it fails to allege facts making out a *prima facie* case for the issuance of the writ.

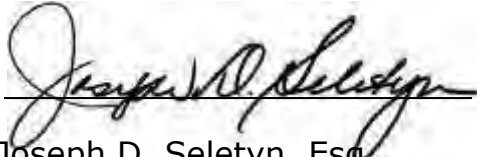
Balsamo v. Mazurkiewicz, 611 A.2d 1250, 1253 (Pa. Super. 1992).

Here, Appellant fails to prove entitlement to relief. The docket confirms that he was properly sentenced on April 11, 2008. He concedes that he has received "the relevant sentencing records." (Writ of Habeas Corpus, 9/03/13, at 3-4). He fails to prove how other apparently missing documentation would establish the illegality of his confinement. The trial court properly decided that the fact that the commitment form is now missing does not entitle him to a remedy. (**See** Trial Court Opinion, 11/08/13; Order, 9/11/13).

Order affirmed.

J-S14040-14

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: 5/9/2014