NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

PAUL A. STOPPIE, Appellant v. COURT OF COMMON PLEAS OF SCHUYLKILL COUNTY, Appellees	IN THE SUPERIOR COURT OF PENNSYLVANIA No. 813 MDA 2012

Appeal from the Order entered March 27, 2012,
in the Court of Common Pleas of Schuylkill County,
Civil Division at No(s): S-288-12.

BEFORE: DONOHUE, ALLEN, and OTT, JJ.

MEMORANDUM BY ALLEN, J.: Filed: March 15, 2013

Paul A. Stoppie ("Appellant") appeals from the trial court's order dismissing his "Praecipe for Formal Entry into Court Docket by Clerk of Courts and/or Prothonotary the Sentencing Order Judgment for Criminal Case No. 195-1980 Upon the Cause of a Breakdown of Procedural Due Process Operations by the Failure to Comport with Rules of Court in the Year 1980 Causing an Unappealable Order" ("Praecipe"). We affirm.

The pertinent facts and partial procedural history have been summarized as follows:

> On November 15, 1982, a jury found Appellant guilty of first degree murder in the January 17, 1977 shooting death of Appellant's friend, Frank Robert Rose, Jr. The Pennsylvania State Police arrested Appellant on April 4, 1980, after an extensive investigation. Initially, Appellant pled guilty to a charge of criminal homicide in November

1980, but withdrew his plea after a degree of guilt hearing. He then requested a jury trial.

At trial, Appellant advanced a theory of self-defense. He maintained he pulled a gun on the victim to stop him from shooting out the windshield of his father-in-law's vehicle. Appellant claimed that the victim pointed the gun at him and fired a shot over his head. Appellant contends he instinctively shot in the victim's direction, striking him twice in the chest and killing him.

The evidence revealed that the victim's frozen body was found nearly a month later, on February 16, 1977. The hands of the victim were found in his pockets. The jury rejected Appellant's self-defense claim and found him guilty of first-degree murder. Post-trial motions were filed and denied, and Appellant was sentenced to life imprisonment on June 6, 1983.

Appellant filed a direct appeal on June 16, 1983, presenting forty-four meritless issues for review. We affirmed Appellant's judgment of sentence in a memorandum opinion dated December 21, 1984, which was filed on January 25, 1985, after we chastised counsel for blatant non-compliance with the Rule of Appellate Procedure concerning the contents of an appellate brief. ***Commonwealth v. Stoppie***, 488 A.2d 1167 (Pa. Super. 1985) (unpublished memorandum). Our Supreme Court denied Appellant's petition for allowance of appeal on July 28, 1985. Appellant's judgment of sentence became final ninety days thereafter on October 28, 1985.

Appellant filed a PCHA petition on November 30, 1987. Appellant asserted ineffective assistance of trial and appellate counsel and challenged the admission of tape-recorded statements. A hearing to address the merits of the PCHA petition was held on November 22, 1988, and December 12, 1988. The order denying the petition, which was dated March 23, 1994, fails to explain the lengthy delay in rendering a decision but clearly documents the lack of merit to the issues raised in Appellant's petition.

The record reveals that Appellant sent a written correspondence to his PCHA attorney dated April 6, 1994, directing him to file an appeal from the denial of the PCHA petition and to withdraw from the case. Thereafter,

Appellant filed a *pro se* PCRA petition on May 9, 1994. Appellant asserted ineffective assistance of counsel and claimed that he was denied due process since his attorney failed to appeal the denial of his PCHA petition. The court appointed an attorney to represent Appellant on May 12, 1994, and reinstated Appellant's appellate rights *nunc pro tunc* on July 1, 1994, due to prior counsel's failure to file an appeal as directed.

Appellant filed an appeal on August 1, 1994, asking that we retroactively apply a law governing the admissibility of information gained pursuant to a one-party consensual wiretap and claimed that counsel was ineffective. We affirmed the order denying Appellant's request for PCHA relief in a memorandum opinion that was filed on October 13, 1995. ***Commonwealth v. Stoppie***, 663 A.2d 255 (Pa. Super. 1995) (unpublished memorandum).

On January 9, 1997, Appellant filed a petition for PCRA relief contending the improper obstruction [by] a government official with [his] right to pursue meritorious issues on appeal. Specifically, Appellant asserted that Commonwealth officials had withheld his trial transcript, an issue that his public defender failed to address, and the trial judge had denied his request to retain private counsel. On January 20, 1997, the PCRA court announced its intention to dismiss the petition without a hearing since even if Appellant's claims were proven and found credible by the court, they would not constitute grounds upon which relief could be granted. Moreover, the court observed that Appellant failed to raise this issue in his previous PCHA petition. Finally, the court noted that it found no genuine issues concerning any material fact. Appellant filed an appeal on January 20, 1997, raising the identical issues enumerated in the PCRA petition. The PCRA court entered its order dismissing Appellant's petition without a hearing on February 1, 1997. Appellant's appeal was dismissed for failure to file a brief. Trial Court order, 6/25/97.

Appellant filed yet another motion for PCRA relief on April 12, 2001. In this petition, Appellant asserted that his attorney was ineffective for failing to raise an intoxication defense. On May 3, 2001, the petition was denied and dismissed as untimely.

Commonwealth v. Stoppie, 797 A.2d 1026 (Pa. Super. 2002), unpublished memorandum at 1-4.

Appellant filed a timely appeal from the dismissal of his 2001 PCRA petition to this Court. In an unpublished memorandum filed on February 11, 2002, we affirmed the dismissal of Appellant's PCRA petition as untimely. ***Stoppie***, ***supra***. On September 25, 2006, Appellant filed yet another PCRA petition. The PCRA court denied the petition on November 21, 2006. Thereafter, Appellant filed a notice of appeal with the Commonwealth Court on December 18, 2006, which transferred the matter to this Court. In an unpublished memorandum filed on July 2, 2007, we affirmed the PCRA court's dismissal of Appellant's latest PCRA petition because it was untimely. ***Commonwealth v. Stoppie***, 932 A.2d 263 (Pa. Super. 2007). On February 28, 2008, our Supreme Court denied Appellant's petition for allowance of appeal. ***Commonwealth v. Stoppie***, 2008 Pa. LEXIS 127 (Pa. 2008).

On August 23, 2011, our Supreme Court denied Appellant's petition for writ of mandamus and extraordinary relief. ***Stoppie v. Court of Common Pleas of Schuylkill County, PA***, 2011 Pa. LEXIS 1927 (Pa. 2011).[1] On February 13, 2012, Appellant filed the Praecipe at issue with the Officer of

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[1] Appellant also unsuccessfully sought mandamus relief in the federal court system. ***See Stoppie v. Justices of the Supreme Court of Pennsylvania***, 2011 U.S. Dist. LEXIS 69675 (M.D. Pa. 2011), *affirmed*, 447 Fed. Appx. 302 (3d Cir. Pa. 2011).

The Prothonotary of Schuylkill County. By order of court entered March 27, 2012, the trial court denied and dismissed Appellant's Praecipe. In doing so, the trial court noted that Appellant was improperly "seeking this Court sitting in civil court to order relief in a criminal matter." The trial court further noted that Appellant filed a post-conviction petition in the same criminal matter, and in which he sought the identical relief. This timely appeal followed. Both Appellant and the trial court have complied with Pa.R.A.P. 1925.

Appellant raises the following issue:

> Did the [trial] court err in fact and law on 3-27-12 [by] dismissing Appellant's Praecipe where no other remedy exists to create an appealable sentencing Order to criminal conviction and confer subject matter jurisdiction to appellate courts for appeals.

Appellant's Brief at iv.

In support of this claim, Appellant cites to no pertinent authority that permits the filing of a civil praecipe to remedy a perceived defect in his criminal action. Instead, Appellant presents a rambling discourse regarding jurisdiction, which is largely incoherent and unintelligible. Nevertheless, Appellant's claim that he needs his nearly thirty-year-old conviction to be formerly entered on his criminal docket so that he can pursue more appeals is specious, especially in light of the procedural history of this case.

Order affirmed.