

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

COMMONWEALTH OF PENNSYLVANIA

Appellee

v.

HIRAM LEBRON FIGUEROA

Appellant

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

No. 1438 MDA 2013

Appeal from the PCRA Order August 2, 2013  
In the Court of Common Pleas of Lancaster County  
Criminal Division at No(s): CP-36-CR-0000599-2009;  
CP-36-CR-0002346-2010; CP-36-CR-0004964-2008

BEFORE: GANTMAN, P.J., ALLEN, J., and LAZARUS, J.

MEMORANDUM BY GANTMAN, P.J.:

**FILED APRIL 14, 2014**

Appellant, Hiram Lebron Figueroa, appeals from the order entered in the Lancaster County Court of Common Pleas, dismissing his first petition brought pursuant to the Post Conviction Relief Act ("PCRA").<sup>1</sup> We affirm.

In its opinion, the PCRA court fully and correctly set forth the relevant facts and procedural history of this case. Therefore, we have no reason to restate them.

Appellant raises one issue for our review:

WHETHER THE [PCRA] COURT ERRED IN DENYING  
[APPELLANT'S] AMENDED PCRA [PETITION] WHEN  
[APPELLANT'S] GUILTY PLEA WAS INDUCED BY THE  
INEFFECTIVE ASSISTANCE OF COUNSEL WHO

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<sup>1</sup> 42 Pa.C.S.A. §§ 9541-9546.

ERRONEOUSLY ADVISED HIM THAT ALTHOUGH THE PLEA AGREEMENT CALLED FOR AN AGGREGATE MINIMUM SENTENCE OF EIGHT YEARS' INCARCERATION THAT HE COULD BE PLACED IN A PRE-RELEASE CENTER UPON COMPLETION OF FOUR YEARS?

(Appellant's Brief at 4).

Our standard of review of the denial of a PCRA petition is limited to examining whether the evidence of record supports the court's determination and whether its decision is free of legal error. ***Commonwealth v. Conway***, 14 A.3d 101 (Pa.Super. 2011), *appeal denied*, 612 Pa. 687, 29 A.3d 795 (2011). This Court grants great deference to the findings of the PCRA court if the record contains any support for those findings. ***Commonwealth v. Boyd***, 923 A.2d 513 (Pa.Super. 2007), *appeal denied*, 593 Pa. 754, 932 A.2d 74 (2007). We give no such deference, however, to the court's legal conclusions. ***Commonwealth v. Ford***, 44 A.3d 1190, 1194 (Pa.Super. 2012). Traditionally, credibility issues are resolved by the trier of fact who had the opportunity to observe the witnesses' demeanor. ***Commonwealth v. Abu-Jamal***, 553 Pa. 485, 527, 720 A.2d 79, 99 (1998), *cert. denied*, 528 U.S. 810, 120 S.Ct. 41, 145 L.Ed.2d 38 (1999). Where the record supports the PCRA court's credibility resolutions, they are binding on this Court. ***Id.***

"[A]llegations of ineffectiveness in connection with the entry of a guilty plea will serve as a basis for relief only if the ineffectiveness caused the defendant to enter an involuntary or unknowing plea." ***Commonwealth v.***

**Wah**, 42 A.3d 335, 338 (Pa.Super. 2012) (quoting **Commonwealth v. Allen**, 833 A.2d 800, 802 (Pa.Super. 2003), *appeal denied*, 580 Pa. 703, 860 A.2d 488 (2004)).

This is similar to the manifest injustice standard applicable to all post-sentence attempts to withdraw a guilty plea. The law does not require that appellant be pleased with the outcome of his decision to enter a plea of guilty: All that is required is that [the appellant's] decision to plead guilty be knowingly, voluntarily, and intelligently made.

**Commonwealth v. Lewis**, 708 A.2d 497, 500-01 (Pa.Super. 1998), *appeal denied*, 555 Pa. 741, 725 A.2d 1219 (1998) (quoting **Commonwealth v. Yager**, 685 A.2d 1000, 1004 (Pa.Super. 1996) (*en banc*), *appeal denied*, 549 Pa. 716, 701 A.2d 577 (1997)) (internal quotation marks omitted).

The Pennsylvania Rules of Criminal Procedure mandate that pleas be taken in open court, and require the court to conduct an on-the-record colloquy to ascertain whether a defendant is aware of his rights and the consequences of his plea. **Commonwealth v. Hodges**, 789 A.2d 764 (Pa.Super. 2002). Specifically, the court must affirmatively demonstrate the defendant understands: (1) the nature of the charges to which he is pleading guilty; (2) the factual basis for the plea; (3) his right to trial by jury; (4) the presumption of innocence; (5) the permissible ranges of sentences and fines possible; and (6) the judge is not bound by the terms of the agreement unless he accepts the agreement. **Commonwealth v. Watson**, 835 A.2d 786 (Pa.Super. 2003).

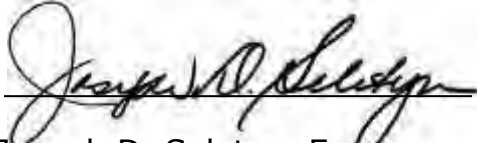
Our Court will evaluate the adequacy of the plea colloquy and the voluntariness of the resulting plea by examining the totality of the circumstances surrounding the entry of that plea. ***Commonwealth v. Muhammad***, 794 A.2d 378 (Pa.Super. 2002). A defendant who decides to plead guilty is bound by the statements he makes while under oath, “and he may not later assert grounds for withdrawing the plea which contradict the statements he made at his plea colloquy.” ***Commonwealth v. Pollard***, 832 A.2d 517, 523 (Pa.Super. 2003).

After a thorough review of the record, the briefs of the parties, the applicable law, and the well-reasoned opinion of the Honorable Margaret C. Miller, we conclude Appellant’s issue merits no relief. The PCRA court opinion comprehensively discusses and properly disposes of the question presented. (**See** PCRA Court Opinion, filed August 2, 2013, at 5-10) (finding: court conducted thorough, on-the-record, oral plea colloquy, which included terms of negotiated plea agreements; during oral colloquy, Appellant indicated he understood he would spend minimum of eight years in prison, and he was ineligible for RRRRI minimum sentence; at PCRA hearing, plea counsel testified he would not have told Appellant when he would receive pre-release, because eligibility is determined solely by Department of Corrections; plea counsel testified he reviewed plea agreements with Appellant, who understood all terms; Appellant’s witnesses at PCRA hearing even admitted that plea counsel did not promise Appellant

he would be eligible for pre-release after serving four years; and PCRA court found plea counsel more credible than Appellant and his witnesses). Accordingly, we affirm on the basis of the PCRA court's opinion.

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: 4/14/2014

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA  
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA :  
v. :  
HIRAM LEBRON FIGUEROA :

No. 4964-2008  
599-2009  
2346-2010

CLERK OF COURTS  
2013 AUG -2 AM 9:04  
LANCASTER COUNTY, PA

OPINION

BY: MILLER, J.  
August 2, 2013

Before this Court is Defendant Hiram Figueroa's Petition for Post Conviction Relief pursuant to the Post Conviction Relief Act ("PCRA"). In his Petition, Defendant claims ineffective assistance of counsel and violations of the Constitution of the Commonwealth of Pennsylvania and the laws of the United States. For the following reasons, Defendant's PCRA Petition is denied.

**BACKGROUND**

On February 7, 2012, Defendant, Hiram Figueroa, entered pleas of guilty on 3 dockets in front of the Honorable Louis J. Farina. On docket number 4964-2008, Defendant was charged with and convicted of one count each of Fleeing,<sup>1</sup> Driving Under a Suspended License<sup>2</sup> and Duties at a Stop Sign<sup>3</sup> and was sentenced to an aggregate of 1 to 23 months of incarceration. On docket number 599-2009, Defendant was charged with and convicted of Possession with Intent to Deliver Heroin<sup>4</sup> and was sentenced to 5 to 10 years of incarceration. Finally, on docket number 2346-2010, Defendant was charged with and convicted of 3 counts of Delivery of

<sup>1</sup> 75 Pa. C.S.A. § 3733(a).

<sup>2</sup> 75 Pa. C.S.A. § 1543(b)(1).

<sup>3</sup> 75 Pa. C.S.A. § 3323(b).

<sup>4</sup> 35 P.S. § 780-113(a)(30).

Heroin,<sup>5</sup> 1 count of Criminal Conspiracy to Deliver Heroin,<sup>6</sup> 1 count of Criminal Use of a Communication Facility<sup>7</sup> and 1 count of Possession with Intent to Deliver Heroin<sup>8</sup> and was sentenced to an aggregate of 3 to 6 years of incarceration. The sentences on docket numbers 599-2010 and 2346-2010 were to run consecutive to one another and concurrent to the sentence on docket number 4964-2008. Accordingly, Defendant's total aggregate sentence was 8 to 16 years of incarceration. At the time of the plea, Defendant was represented by Attorney Corey Miller.

Following the Guilty Plea Hearing, neither a Motion to Modify Sentence nor a Notice of Appeal was filed. Defendant filed a timely *pro se* Motion for Post Conviction Collateral Relief on August 17, 2012, and was appointed counsel. On November 21, 2012, an Amended PCRA Petition was submitted, and on April 11, 2013, the Court conducted an Evidentiary Hearing. In his Petition, Defendant claims that his guilty plea was induced by the ineffective assistance of counsel.

## DISCUSSION

The Post Conviction Relief Act provides for an action by which a defendant convicted of a crime they did not commit or serving an illegal sentence may obtain collateral relief. 42 Pa.C.S.A. § 9542. Ordinarily, a PCRA Petition must be filed within one year of the date that the judgment against the defendant becomes final. 42 Pa.C.S.A. § 9545(b)(1).

To be eligible for relief under the PCRA, a defendant must plead and prove the four elements of the statute by a preponderance of the evidence. 42 Pa.C.S.A. § 9543(a). First, a defendant must have "been convicted of a crime under the laws of this Commonwealth," and

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<sup>5</sup> 35 P.S. § 780-113(a)(30).

<sup>6</sup> 18 P.S. § 903(a)(1).

<sup>7</sup> 18 P.S. § 7512(a).

<sup>8</sup> 35 P.S. § 780-113(a)(30).

must be imprisoned, on probation, or on parole at the time that relief is requested. 42 Pa.C.S.A. § 9543(a)(1)(i-iii).

Next, a defendant must prove that his sentence or conviction was the result of one or more of the errors enumerated in the statute. 42 Pa.C.S.A. § 9543(a)(2). A defendant may bring a PCRA claim alleging: (1) a violation of the Constitution of the Commonwealth of Pennsylvania or of the United States; (2) ineffective assistance of counsel; (3) a plea of guilty unlawfully induced where the circumstances make it likely that Defendant is innocent; (4) improper obstruction by government officials of Defendant's right of appeal; (5) the unavailability at the time of trial of exculpatory evidence that would have changed the outcome of the trial had it been introduced; (6) the imposition of a sentence greater than the lawful maximum; or (7) a proceeding in a tribunal without jurisdiction. 42 Pa.C.S.A. § 9543(a)(2)(i-viii).

Additionally, a defendant must demonstrate that the allegation of error was not previously litigated or waived in a prior proceeding. 42 Pa.C.S.A. § 9542(a)(3). Finally, in an ineffectiveness claim, it is the defendant's burden to prove that defense counsel lacked a rational, strategic or tactical reason for choosing not to litigate the issue during pretrial, trial or direct appeal. 42 Pa.C.S.A. § 9543(a)(4). All four elements must be proven in order for a Defendant to successfully bring a PCRA claim.

In the instant case, Defendant pleaded guilty to criminal charges in Pennsylvania on February 7, 2012 and is currently serving a sentence of 8 to 16 years of incarceration. Defendant is attempting to prove that his conviction resulted from violations of the Constitution of Pennsylvania or the laws of the United States and the ineffectiveness of his trial counsel. *See* 42 Pa. C.S.A. § 9543(a)(2)(i-ii).



To prevail on a claim of ineffective assistance of counsel, Defendant must prove that the lack of effective counsel was so egregious that “no reliable adjudication of guilt or innocence could have taken place.” *Commonwealth v. Kimball*, 724 A.2d 326, 331-32 (Pa. 1999). However, a court presumes that defense counsel provided effective assistance to the petitioner. *Commonwealth v. Rollins*, 738 A.2d 435, 441 (Pa. 1999) (citing *Commonwealth v. Cross*, 634 A.2d 173, 175 (Pa. 1993)). Generally, to overcome the presumption, a defendant must demonstrate by a preponderance of the evidence that: (1) the underlying claims are of arguable merit; (2) counsel had no reasonable basis for the action or inaction; and (3) the defendant has been prejudiced by the ineffectiveness of counsel. *Commonwealth v. Washington*, 927 A.2d 586, 594 (Pa. 2007).

A direct causation analysis is applied to the element of prejudice such that, “but for” the alleged ineffectiveness of defense counsel, the result of the proceeding would have been different. *Id.*; *Commonwealth v. Pierce*, 527 A.2d 973, 975-76 (Pa. 1987); *Commonwealth v. Miller*, 987 A.2d 638, 648 (Pa. 2009). An attorney is deemed to be effective if he represents the best interests of his client and meets a minimal level of competency. *Commonwealth v. Hancharik*, 633 A.2d 1074, 1079 (Pa. 1993); *See Commonwealth v. Miller*, 431 A.2d 233, 235 (Pa. 1981). A defendant’s claim of ineffectiveness fails if he is unable to prove one or more of the three prongs. *Commonwealth v. Reyes*, 870 A.2d 888, 896-97 (Pa. 2005). The court may also dismiss an ineffectiveness claim for failure to demonstrate prejudice without addressing the first two prongs. *Commonwealth v. Albrecht*, 720 A.2d 693, 701 (Pa. 1998) (citing *Commonwealth v. Travaglia*, 661 A.2d 352, 357 (Pa. 1995)).

In his Petition, Defendant claims that his guilty plea was induced by the ineffective assistance of trial counsel, Attorney Corey Miller. Specifically, Defendant claims that Attorney

Miller erroneously advised him that, although his negotiated plea agreement called for an aggregate minimum sentence of 8 years of incarceration, Defendant would be eligible for the pre-release program after completing only 4 years. Defendant asserts that, if he had known that he would have to serve 8 years in prison before being eligible for release to a halfway house or parole, he would not have pleaded guilty. A review of the record demonstrates that Attorney Miller properly advised Defendant as to his minimum sentence and pre-release options, and that Defendant's plea was knowingly, voluntarily and intelligently entered.

During the Guilty Plea Hearing, the Court reviewed the nature of all of Defendant's charges and explained to him the maximum possible sentence for each crime. (N.T. Guilty Plea, 7:7 -8:17.) The Court informed Defendant that, if he were convicted on all charges that carry potential penalties of incarceration, and the sentence on each charge was imposed consecutively, he could face a maximum aggregate sentence of 99 years and 90 days of incarceration and a fine of \$1,531,000.00. (N.T. Guilty Plea, 8:10-14.) Defendant acknowledged that he understood all of the possible penalties for his crimes and was still willing to proceed with the guilty plea. (N.T. Guilty Plea, 8:15-17.)

The Court also explained the terms of the negotiated plea agreement to Defendant. The Court asked Defendant: "Do you understand that, as a result of this plea agreement . . . [y]ou'll be going to the State Correction Institution? In fact, you'll be taken into custody today for a minimum of 8 years." (N.T. Guilty Plea, 19:11-17.) Defendant indicated that he understood that he would spend a minimum of 8 years in prison. (N.T. Guilty Plea, 19:18.) The Court further explained to Defendant that he was not eligible for a reduction in his minimum sentence pursuant to the Recidivism Risk Reduction Incentive ("RRRI"), and stated:

So you'll have to do the minimum of 8. And you'll do 8 if you are good . . . if you don't cooperate up there, you could do 16. And you don't have to be let out in 8.

You're only let out at 8 if you behave. If you don't behave, don't cooperate, then they won't let you out in 8.

(N.T. Guilty Plea, 27:25 – 28:7.) Defendant stated that he understood everything that the Court had explained to him. (N.T. Guilty Plea, 28:4.)

After Defendant's Amended PCRA Petition was filed, the Court conducted an Evidentiary Hearing on April 11, 2013, to explore the factual basis for Defendant's allegations. At the Hearing, Attorney Miller provided testimony that conflicted with Defendant's recollection of the advice he was given about pre-release prior to his guilty plea.

At the Hearing, Attorney Miller stated that he recalled speaking with Defendant about the possibility of pre-release, but that he did not remember the specific details of the conversation. (N.T. PCRA Hearing, 5:14 – 6:4.) When discussing pre-release with clients, Attorney Miller testified that he would tell a defendant that whether or not he would be granted pre-release "would not be up to the judge, it would not be up to myself, it would ultimately be up to the Department of Corrections to determine when they would be eligible, if they would be eligible at all for programs." (N.T. PCRA Hearing, 6:5-10.) Additionally, Attorney Miller stated that he would never give a defendant a precise time frame for when they would be eligible for a pre-release program. Specifically, Attorney Miller testified, "I would tell [a defendant] and everyone it is not up to me and it is not up the judge when he's going to be getting pre-release. So I'm not going to be giving them a finite number, because it's out of my control." (N.T. PCRA Hearing, 9:6-10.) When asked if he told Defendant that he would be released from prison after he served 4 years, Attorney Miller responded "[n]o, because I have no control over that." (N.T. PCRA Hearing, 7:3-5.)

Attorney Miller also testified that, prior to the Guilty Plea Hearing, he reviewed the plea agreements with Defendant, and that Defendant understood the terms of the agreements. (N.T.

PCRA Hearing, 12:13 – 17:1.) Further, Attorney Miller stated that he reviewed the guilty plea colloquy with Defendant twice, explained Defendant’s post sentence rights, and discussed the sentencing guidelines worksheets with Defendant, specifically noting that Defendant was not RRRRI eligible. (N.T. PCRA Hearing, 17:16 – 20:10.) Attorney Miller testified that Defendant understood all of these documents. (N.T. PCRA Hearing, 18:12-17; 20:11-14.) Ultimately, Attorney Miller stated that there was “[n]o question” that Defendant’s guilty plea was knowingly, voluntarily and intelligently entered. (N.T. PCRA Hearing, 20:15-18.)

Following Attorney Miller’s testimony, Nicholas Lebron, Defendant’s brother, and Ginerva Burgos, Defendant’s wife, both provided testimony claiming that Attorney Miller advised Defendant that he would be eligible for pre-release after serving 4 years of incarceration.

Mr. Lebron stated:

[Defendant’s family was] outside and [Attorney Miller] just mentioned that [Defendant] would be eligible for early release if he – good behavior, and he could go to a halfway house. And the maximum – I mean the minimum that he could do is like, 4 years. Although the sentence says 8 to 16, he could get out at 4.

(N.T. PCRA Hearing, 25:14-21.) Mr. Lebron claimed that he was standing next to Defendant when Attorney Miller made these statements. (N.T. PCRA Hearing, 26:2-7.)

Ms. Burgos recalled a similar conversation that took place at the courthouse cafeteria.

(N.T. PCRA Hearing, 28:5-6.) Ms. Burgos testified:

[Attorney Miller] said that his sentence was 8 to 16, but that he would actually get out early, depending on the jail he was sent to, doing programs, on his behavior. And he also said about jails being overcrowded, that they send people out early, too . . . He said about the pre-release is, like, 16 months before the minimum. Plus he said about the good behavior is – I don’t know how many months he said. That came up to four years.

(N.T. PCRA Hearing, 28:13 – 29:10.) Both Mr. Lebron and Ms. Burgos admitted that Attorney Miller never promised Defendant that he would be eligible for pre-release after serving 4 years. (N.T. PCRA Hearing, 26:15-25; 29:11-13.)

Finally, Defendant testified that he discussed the option of pre-release with Attorney Miller on the day of the Guilty Plea Hearing outside of the Courtroom. Defendant claimed: [Attorney Miller told me] that I would be getting out either to a halfway house or paroled home. It was up to the [Department of Corrections], but I would get that around four years.” (N.T. PCRA Hearing, 32:2-17.) Defendant testified that he would not have pleaded guilty if he had known that he would have to serve a minimum of 8 years in prison before being eligible for pre-release or parole. (N.T. PCRA Hearing, 32:25 – 33:5.) Defendant also stated that, at the time of the guilty plea, he believed he might be eligible for RRRI, claiming that Attorney Miller told him that “even though the [District Attorney’s Office] was denying me the RRRI, that it was up to the [Department of Corrections]. The [Department of Corrections] can still override what the [District Attorney’s Office] told them.” (N.T. PCRA Hearing, 37:6-15.)

All constitutionally cognizable claims may be reviewed under the PCRA, including claims related to the plea bargaining process. *Commonwealth ex rel. Dadario v. Goldberg*, 773 A.2d 126, 130 (Pa. 2001). While a criminal defendant has the right to the effective assistance of counsel during a guilty plea, claims of ineffectiveness made in connection with the entry of a guilty plea will only serve as a basis for relief when the ineffectiveness caused the defendant to enter an involuntary or unknowing plea. *Commonwealth v. Hickman*, 799 A.2d 136, 141 (Pa. Super. 2002) (citing *Hill v. Lockhart*, 474 U.S. 52 (1985); *Commonwealth v. Allen*, 732 A.2d 582 (Pa. 1999)). Accordingly, when a 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.* (citing *Hill*, 474 U.S. at 56.). To succeed in showing prejudice, “the defendant must show that it is reasonably probable that, but for counsel’s errors, he would not have pleaded guilty and would have gone to trial.” *Id.*

In the case *sub judice*, conflicting testimony was presented as to whether or not Attorney Miller advised Defendant that he would be eligible for pre-release after serving 4 years of incarceration on his 8 to 16 year sentence. Accordingly, the case must be resolved by evaluating the credibility of the witnesses. It is axiomatic that, on appeal, “great weight is given to the lower court’s findings as to the credibility of a witness in a post-conviction proceeding.” *Commonwealth v. Madison*, 462 A.2d 228, 231 (Pa. 1983).

After observing the testimony of Defendant, Defendant’s family members and Attorney Miller at the PCRA Hearing, this Court finds Attorney Miller’s recollection of the events preceding Defendant’s Guilty Plea Hearing to be more credible. Attorney Miller practices criminal law exclusively and has been a respected member of the Pennsylvania Bar since 2001. (N.T. PCRA Hearing, 3:24 – 4:9; 10:24 – 11:1.) Attorney Miller stated that he would never give a defendant a finite number of years that he would need to serve before be granted pre-release since eligibility is determined by the Department of Corrections. Attorney Miller additionally testified that he reviewed the guilty plea colloquy with Defendant twice, discussed the terms of the plea agreements, and explained the sentencing guidelines to Defendant. Attorney Miller specifically discussed with Defendant the fact that he was not RRRI eligible. Given his conversations with Defendant, Attorney Miller testified that there was “no question” that Defendant’s guilty plea was knowingly, voluntarily and intelligently submitted.

While Attorney Miller’s testimony was credible and consistent, the testimony Mr. Lebron, Ms. Burgos and Defendant presented was contradictory and disjointed. Mr. Lebron and

Defendant claimed that Attorney Miller told Defendant he would be eligible for pre-release in 4 years outside of the courtroom immediately before the Guilty Plea Hearing, while Ms. Burgos recalled that the conversation occurred at the courthouse cafeteria. Furthermore, Defendant himself admitted that Attorney Miller told him that when he would be eligible for pre-release would be determined the Department of Corrections.

Finally, Defendant's testimony at the Evidentiary Hearing directly conflicted with statements he made during the Guilty Plea Hearing. At the Guilty Plea Hearing, Judge Farina explained the terms of the plea agreements at length and specifically informed Defendant that, under the terms of the agreement, he would need to serve a minimum of 8 years of incarceration. Defendant indicated several times during the guilty plea process that he understood what the court was telling him, and that he still wished to proceed with his guilty plea.

Given Attorney Miller's credible testimony regarding the advice he gave to Defendant about pre-release options, the contradictory testimony of Defendant and his family members, and Defendant's own statements at the Guilty Plea Hearing, the Court finds that Attorney Miller gave Defendant competent advice about his pre-release options. As a result, Defendant cannot establish that, but for Attorney Miller's statements, he would not have pleaded guilty and would have gone to trial. Accordingly, Defendant has failed to demonstrate that his claim is of arguable merit, the first prong of the PCRA analysis.

### **CONCLUSION**

For the aforementioned reasons, Defendant is not entitled to the requested post conviction collateral relief and his Petition is denied.

Accordingly, the Court enters the following Order:

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA  
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA :  
 :  
 v. : No. 4964-2008  
 : 599-2009  
 : 2346-2010  
 HIRAM LEBRON FIGUEROA :

ORDER

AND NOW, this 2nd day of August, 2013, upon consideration of Defendant Hiram Figueroa's Petition for Post Conviction Collateral Relief, the Commonwealth's Response thereto and the Hearing and briefs thereto:

IT IS HEREBY ORDERED that said Petition is DENIED for the reasons set forth in the foregoing Opinion.

BY THE COURT:

*Margaret C. Miller*  
MARGARET C. MILLER  
JUDGE

I certify this document to be filed  
in the Lancaster County Office of  
the Clerk of the Courts.

ATTEST:



*Joshua G. Parsons*  
Joshua G. Parsons  
Clerk of the Courts

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Copies to: Joseph M. Duome, Esquire – Office of the District Attorney  
Vincent J. Quinn, Esquire