IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RHACSK HARGROVE	:	CIVIL ACTION
	:	
v.	:	
	:	
SUPERINTENDENT BROOKS, et al.	:	NO. 07-cv-01196-JF

MEMORANDUM AND ORDER

Fullam, Sr. J. May 22, 2008

In April 1998, the petitioner, Rhacsk Hargrove, intentionally set fire to an apartment, and caused the death of a person engulfed in the fire. In May 2001, petitioner entered a plea of guilty to charges of murder in the third degree, arson, and aggravated assault. Shortly thereafter, petitioner filed a *pro se* motion to withdraw his guilty plea. After his counsel withdrew, substitute counsel was appointed. At the hearing on petitioner's application for leave to withdraw his plea, petitioner withdrew the motion. In March 2002, petitioner was sentenced to a term of 12 to 24 years imprisonment. At the sentencing hearing, counsel informed petitioner on the record that he had a right to appeal the sentence, and could also file a motion for reconsideration of the sentence.

Petitioner did file a direct appeal of the sentence, but his appellate counsel sought leave to withdraw and filed an Anders brief (Anders v. California, 386 U.S. 738 (1967)), asserting that counsel could discern no valid basis for an

appeal. Counsel was permitted to withdraw, and the Superior Court affirmed the sentence on July 10, 2003.

On August 27, 2003, petitioner filed a Post-Conviction Relief Act application, asserting that his counsel had been constitutionally ineffective because he did not inform petitioner that he had a post-sentence right to seek leave to withdraw his guilty plea. The state courts denied relief. Petitioner then sought habeas relief in this Court.

United States Magistrate Judge Arnold C. Rapoport, to whom the case was referred for report and recommendation, has filed a comprehensive Report dated January 24, 2008, recommending that the petition be denied without a hearing. I agree that there is no conceivable merit to petitioner's Application for a Writ of Habeas Corpus. His plea of guilty was voluntary, and is not now challenged. He has suggested no possible basis for a post-sentencing application for leave to withdraw his guilty plea (and, after all, petitioner had just finished withdrawing a previously-tendered motion for leave to withdraw his plea).

After the Magistrate Judge's Report was filed, this Court received a hand-written "Letter Brief," apparently intended to constitute objections to the Magistrate's Report. This document purports to have been submitted on petitioner's behalf by a gentleman named "Dr. Thomas F.P. Brennan, LL.D., PJ.D." For the most part, the "objections" make no sense. To the extent

that they are comprehensible at all, they seem to assert that the state courts had no jurisdiction to conduct criminal proceedings.

It is clear that there is no merit in these "objections," and that the Magistrate's Recommendation should be adopted. An Order follows.

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ORDER

AND NOW, this 22nd day of May, 2008, upon consideration of the Petition of Rhacsk Hargrove for a Writ of Habeas Corpus, the Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport dated January 24, 2008, and the objections thereto, IT IS ORDERED:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The objections to the Report are OVERRULED.
3. The Petition for Writ of Habeas Corpus is DENIED.
4. There is no probable cause for the issuance of a certificate of appealability.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.