

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,  
PENNSYLVANIA**

<b>COMMONWEALTH</b>	: No. <b>CR-789-2002, 131-2003</b>
	: <b>CR-081-2003; 070-2003</b>
vs.	:
	:
	:
<b>LEROY W. MILLER, JR</b>	:
Defendant	:

**ORDER**

AND NOW, this \_\_\_\_\_ day of May, 2018, the Court gives Petitioner, Leroy W. Miller, Jr. notice of its intent to dismiss as untimely his Post Conviction Relief Act (PCRA) petition filed on March 1, 2018.

A petitioner must file any PCRA petition, including a second or subsequent petition, within one year of the date his judgment of sentence becomes final or plead and prove that his petition falls within one of the three statutory exceptions. 42 Pa. C.S. §9545(b). The time limits of the PCRA are jurisdictional in nature. **Commonwealth v. Howard**, 567 Pa. 481, 485, 788 A.2d 351, 353 (Pa. 2002); **Commonwealth v. Palmer**, 814A.2d 700, 704-05 (Pa.Super. 2002). “[W]hen a PCRA petition is not filed within one year of the expiration of direct review, or not eligible for one of the three limited exceptions, or entitled to one of the exceptions, but not filed within 60 days of the date that the claim could have been first brought, the trial court has no power to address the substantive merits of a petitioner’s PCRA claims.” **Commonwealth v Gamboa-Taylor**, 562 Pa. 70, 77, 753 A.2d 780, 783 (Pa. 2000).

Defendant's judgment of sentence became final as of December 31, 2001, at the latest. Defendant's PCRA petition was not filed until January 16, 2018, and he did not allege facts to support any of the statutory exceptions. Therefore, the Court lacks jurisdiction to address the merits of Defendant's PCRA petition.

In addition, the Defendant does not need to worry about his registration requirements until he becomes eligible for release. As the Defendant was sentenced to a twenty (20) year minimum sentence by Judge Anderson on April 9, 2003, there are a number of years to determine the law which will govern the Petitioner's registration requirements under Megan's Law<sup>1</sup>.

Accordingly, as no purpose would be served by conducting any further hearing, none will be scheduled and the parties are hereby notified of this Court's intention to dismiss Defendant's PCRA petition. Defendant may respond to this proposed dismissal within twenty (20) days. If no response is received within that time period, the Court will enter an order dismissing the petition.

By The Court,

Nancy L. Butts, President Judge

cc: DA  
Leroy Miller FJ1751  
SCI Benner Township,  
301 Institution Drive  
Bellefonte, PA 16823

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1. Petitioner's registration requirements are currently governed by Act 10 which became effective on February 21, 2018.