

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH : No. 99-10,731; 99-10,917
: 99-10,940
:
vs. : CRIMINAL
:
ROBERT WELLS, : Petition to Appeal
Defendant : Nunc Pro Tunc

ORDER

AND NOW, this ___ day of March 2004, the Court DENIES the defendant's Petition for Leave to File Notice of Appeal to the Superior Court Nunc Pro Tunc. The Post Conviction Relief Act (PCRA) provides the exclusive remedy for post conviction claims seeking restoration of appellate rights. Commonwealth v. Lantzy, 558 Pa. 214, 223, 736 A.2d 570 (Pa. 1999); see also Commonwealth v. Hall, 565 Pa. 92, 771 A.2d 1232 (Pa. 2001).¹

By The Court,

Kenneth D. Brown, P.J.

cc: Jay Stillman, Esquire
Kenneth Osokow, Esquire (ADA)
Work file
Gary Weber, Esquire (Lycoming Reporter)

¹ In light of Pennsylvania Supreme Court decisions such as Lantzy and Hall, the Court does not have to power to reinstate appeal rights nunc pro tunc, as the exclusive remedy is through the PCRA. Nevertheless, this does not mean that the defendant would necessarily be eligible for relief if he filed a PCRA petition because he must still meet the remaining requirements of the PCRA, including timeliness. See Commonwealth v. Robinson, 837 A.2d 1157 (Pa. 2003); Commonwealth v. Bennett, 2004 Pa.Super. 25, 2004 Pa.Super. LEXIS 70 (Feb. 4, 2004).