

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

<b>COMMONWEALTH</b>	:	
	:	
<b>v.</b>	:	<b>No.: 99-10,765</b>
	:	
<b>RICHARD RANDALL,</b>	:	
<b>Defendant</b>	:	

**OPINION AND ORDER**

Before the Court is Defendant’s second petition under the Post-Conviction Relief Act (PCRA), filed June 7, 2005. A “no merit” letter and request to withdraw as counsel has been submitted to the Court by counsel for Defendant, Donald F. Martino, Esq., in compliance with the requirements of Commonwealth v. Turner, 518 Pa. 491, 544 A.2d 927 (1988).

The Court agrees that no meritorious issues have been raised in the petition. Defendant’s original petition was denied because it was filed beyond the one-year filing requirement under the PCRA and did not meet any of the exceptions to that filing deadline pursuant to 42 Pa.C.S.A. §9545(b)(1)(i)-(iii). Defendant’s second petition has failed to raise any issue that might qualify for one of the enumerated exceptions, and defense counsel failed to discover any such issue given the opportunity to amend the petition.

The Court finds that no purpose would be served by conducting any further hearing, and therefore none will be scheduled. Pursuant to Pennsylvania Rule of Criminal Procedure 907(1), the parties are hereby notified of this court’s intention to deny the 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.

The Court shall grant Mr. Martino's application for leave to withdraw appearance as there are no meritorious issues raised in the Defendant's PCRA petition.

**ORDER**

AND NOW, this \_\_\_\_ day of October, 2005, it is ORDERED and DIRECTED:

- (1) Defendant is hereby notified that it is the intention of the Court to dismiss his PCRA petition unless he files an objection to that dismissal within twenty days of today's date.
- (2) The application for leave to withdraw appearance filed September 29, 2005 is hereby GRANTED.

By The Court,

\_\_\_\_\_  
Nancy L. Butts, Judge

xc: DA (KO)  
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