

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :
 :
 vs. : NO. 1696-96
 :
 STEVEN C. EVICCI, :
 :
 Defendant : 1925(a) OPINION

Date: *September 12, 2006*

**OPINION IN SUPPORT OF THE ORDER OF JULY 17, 2006 IN COMPLIANCE
WITH RULE 1925(a) OF THE RULES OF APPELLATE PROCEDURE**

Defendant Steven C. Evicci has appealed this court's July 17, 2006 order dismissing his Post Conviction Relief Act (hereafter "PCRA") Petition. The court dismissed Defendant's PCRA Petition as untimely. *See*, 42 Pa.C.S.A. § 9545(b)(1); *Commonwealth v. Lambert*, 884 A.2d 848, 851 (Pa. 2005), *cert. denied*, 126 S. Ct. 1431 (U.S. 2006) (Any PCRA petition, including a second or subsequent petition, must be filed within one year of the date the judgment of sentence becomes final.). The court also found that defendant failed to plead that any of the exceptions to the time limits of the PCRA applied. *See*, 42 Pa.C.S.A. § 9545(b)(1)(i)-(iii).

Defendant filed his notice of appeal on August 9, 2006. On August 10, 2006, this court issued an order in compliance with Pennsylvania Rules of Appellate Procedure Rule 1925(b) directing Defendant to file a concise statement of matters complained of on appeal within fourteen days of the order. The court received Defendant's statement of matters on August 31, 2006. A separate order will direct that the statement of matters is filed of record.

The issues raised in Defendant's statement of matters have been addressed by this court's June 15, 2006 and July 17, 2006 Opinion and Order. The court reasserts the reasoning and conclusions of those Opinions and Orders in response to Defendant's statement of matters. Accordingly, the court's July 17, 2006 order should be affirmed and Defendant's appeal dismissed.

BY THE COURT,

William S. Kieser, Judge

cc: Steven C. Evicci – DD-8701
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DA
Judges
Christian Kalas, Esquire
Gary L. Weber, Esquire (Lycoming Reporter)