

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :
 :
 v. : **No. 97-11,688; 03-10,375;**
 : **04-10,039**
 DURAN KNIGHT a/k/a DURAN ALMESTICA, :
 Defendant :

OPINION AND ORDER

Before this Honorable Court, is the Defendant's November 17, 2005 Petition for Post Conviction Collateral Relief. A "no merit" letter and request to withdraw as counsel has been submitted to the Court by counsel for the Defendant, Eric R. Linhardt, 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).

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 No. 907(1), the parties are hereby notified of this court's intention to deny the petition. The 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 grants Mr. Linhardt'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 February 2006, it is ORDERED and DIRECTED as follows:

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(20) days of today's date.
2. The application for leave to withdraw appearance filed February 15, 2006 is hereby GRANTED and Eric R. Linhardt, Esq. may withdraw his appearance in the above captioned matter.

By The Court,

Nancy L. Butts, Judge

cc: DA
Eric R. Linhardt, Esq.
Duran Knight, FZ-4022
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1 Woodland Drive
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Hon. Nancy L. Butts
Judges
Law Clerk
Gary L. Weber, Esq.