

<p><b>IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA</b></p> <p><b>COMMONWEALTH</b></p> <p><b>vs.</b></p> <p><b>ALBERT WILLIAMS,</b> <b>Defendant</b></p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p><b>No. CR-2092-1998 (98-12092)</b></p> <p><b>CRIMINAL DIVISION</b></p> <p><b>Post Conviction Relief Act</b> <b>(PCRA)</b></p>
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**ORDER**

AND NOW, this \_\_\_\_\_ day of February 2009, the Court having reviewed Defendant’s response to this Court’s proposed dismissal of the defendant’s Post Conviction Relief Act (PCRA) petition, said Petition is hereby DENIED. Defendant did not allege any facts in his response to avail himself of any of the statutory exceptions to the one-year period for filing a PCRA petition. Instead, Defendant asserts his claim is an illegal sentence that is not waivable. In Commonwealth v. Fahy, 558 Pa. 313, 331, 737 A.2d 214, 223 (1999), the Pennsylvania Supreme Court stated, “Although legality of sentence is always subject to review within the PCRA, claims must still first satisfy the PCRA’s time limits or one of the exceptions thereto.” As stated in the Court’s Order giving Defendant notice of its intent to dismiss his petition, Defendant’s petition is untimely by over 8 years. Therefore, the Court does not have jurisdiction to even consider the merits of Defendant’s claims.

The defendant is hereby notified that he has the right to appeal from this order to the Pennsylvania Superior Court. The appeal is initiated by the filing of a Notice of Appeal with the Clerk of Courts at the county courthouse, with notice to the trial judge, the court reporter and the prosecutor. The Notice of Appeal shall be in the form and contents as set forth in Rule 904 of the Rules of Appellant Procedure. The Notice of Appeal shall be

filed within thirty (30) days after the entry of the order from which the appeal is taken.  
Pa.R.App.P. 903. If the Notice of Appeal is not filed in the Clerk of Courts' office within the  
thirty (30) day time period, the defendant may lose forever his right to raise these issues.

**The Prothonotary shall mail a copy of this order to the defendant by  
certified mail, return receipt requested.**

By The Court,

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Kenneth D. Brown, P.J.

cc: Kenneth Osokow, Esquire (ADA)  
Albert Williams, #DX-6983 (regular and certified mail)  
PO Box 1000, Houtzdale, PA 16698-1000  
Work file  
William Burd, Prothonotary