

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :
 :
 vs. : NO. 90-11, 504
 :
 JEFFREY HOWLETT, :
 :
 Defendant : 1925(a) OPINION

Date: January 9, 2009

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

Defendant Jeffery Howlett (hereafter “Howlett”) has appealed from this court’s order of August 11, 2008 in which Howlett’s “Petition for Relief Under Article Six, Section Three of the Constitution of this Commonwealth” was denied and dismissed as untimely because it was filed more than one year after Howlett’s judgment became final and Defendant failed to establish an exception to the one-year time limitation.

Howlett asserts that this Court’s denial of said petition was an abuse of discretion. Specifically, Howlett alleges that 42 Pa.C.S.A. §9545, the Post Conviction Relief Act, has no jurisdiction over his petition. As such, Howlett asserts that this Court abused its discretion by not ruling on the merit of his claim that his right to counsel’s assistance during the pre-trial stage of the proceedings was violated.

Howlett’s appeal should be dismissed. For the purposes of the PCRA, judgment in the above captioned matter was final as of October 29, 1993, the date the Superior Court affirmed this Court’s March 25, 1992 order which sentenced Howlett on his convictions on July 12, 1991 pursuant to a jury trial.

As Howlett exhausted his direct appeal rights, his sole means of raising additional issues is through the PCRA. Because Howlett's judgment in this case was final as of October 29, 1993, however, this Court lacks jurisdiction to hear the Petition, unless Howlett pleads and proves that one of the exceptions enumerated under the PCRA applies. It is precisely for this reason that this Court could not address the issues raised in Howlett's "Petition for Relief Under Article Six, Section Three of the Constitution of this Commonwealth." For a discussion relating to Howlett's petition and lack of exceptions plead therein refer to this Court's August 11, 2008 order attached hereto.

BY THE COURT,

Clinton Smith, Senior Judge

cc: Jeffrey Howlett -- #BU4830
SCI at Huntingdon, 1100 Pike Street, Huntingdon, PA 16654-1112
DA
Judges
Gary L. Weber, Esquire (Lycoming Reporter)