

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

<b>COMMONWEALTH OF PENNSYLVANIA</b>	:	
	:	<b>No: 2027-1997</b>
<b>v.</b>	:	
	:	<b>CRIMINAL DIVISION</b>
<b>HILTON MINCY,</b>	:	<b>APPEAL</b>
<b>Defendant</b>	:	

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

Hilton Mincy (Defendant) appeals this Court’s denial of his current PCRA Petition, which was filed on May 22, 2012. The Defendant alleged that his PCRA Petition was timely due to the timeliness exceptions of a retroactively applied constitutional right and government interference. 42 Pa.C.S. § 9545(b)(1)(iii); 42 Pa.C.S. § 9545(b)(1)(i). This Court dismissed the PCRA Petition on December 17, 2012 as it was untimely and the issues had been waived. The Defendant filed an untimely Notice of Appeal to the Superior Court of Pennsylvania on January 22, 2013. See Pa.R.Crim.P. 907. On January 30, 2013, this Court ordered the Defendant to file a concise statement of the matters complained of on appeal. The Defendant alleged three issues (3) in his concise statement: 1) whether the Court abused its discretion by finding that the Defendant’s PCRA Petition did not meet the timeliness exception under 42 Pa.C.S. § 9545(b)(1)(iii), which is a retroactive constitutional right recognized by the Supreme Court of the United States of the Supreme Court of Pennsylvania; 2) whether the Court abused its discretion by finding that the Defendant’s PCRA Petition did not meet the timeliness exception under 42 Pa.C.S. § 9545(b)(1)(i), which is interference by a governmental official; and 3) whether the Defendant’s First Amendment, Sixth

Amendment, and Fourteenth Amendment rights were violated as alleged in his PCRA Petition.

For purposes of this Opinion, the Court will rely on its Opinions and Orders filed October 23, 2012 and December 17, 2012, which found that the Defendant's PCRA Petition was untimely and that the issues were also waived as they could have been raised in his first PCRA Petition filed on October 22, 2001.

DATE: \_\_\_\_\_

By the Court,

Judge

Nancy L. Butts, President

xc: DA  
Hilton Mincy #DT-6431  
SCI Somerset  
1600 Walters Mill Rd.  
Somerset, PA 15510