

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

<b>COMMONWEALTH OF PENNSYLVANIA</b>	:	
	:	<b>CR-590-1997</b>
<b>v.</b>	:	
	:	
<b>WILLIAM WELLER,</b>	:	<b>CRIMINAL DIVISION</b>
<b>Defendant</b>	:	

**OPINION and ORDER**

**I. Background**

On December 17, 2015, the Defendant filed a “Petition for Time Served/Credited.” In the petition, the Defendant challenges the “computation” of his maximum date by the “Parole Board.”

**II. Discussion**

“Section 763(a) of the Judicial Code, 42 Pa. C.S. § 763(a), confers exclusive jurisdiction upon the Commonwealth Court over ‘appeals from final orders of government agencies.’” Pometti v. Pennsylvania Bd. of Probation & Parole, 705 A.2d 953, 955 (Pa. Cmwlth. 1998) (quoting 42 Pa. C.S. § 763(a)). “Appellate review of administrative parole orders, i.e., orders issued by the Board as opposed to parole orders issued by common pleas courts, is within the exclusive jurisdiction of the Commonwealth Court.” Commonwealth v. Reese, 774 A.2d 1255, 1260 (Pa. Super. 2001).

“If an appeal or other matter is taken to or brought in a court or magisterial district of this Commonwealth which does not have jurisdiction of the appeal or other matter, the court or magisterial district judge shall not quash such appeal or dismiss the matter, but shall transfer the record thereof to the proper tribunal of this Commonwealth, where the appeal or other matter shall be treated as if originally filed in the transferee tribunal on the date when the appeal or

other matter was first filed in a court or magisterial district of this Commonwealth. A matter which is within the exclusive jurisdiction of a court or magisterial district judge of this Commonwealth but which is commenced in any other tribunal of this Commonwealth shall be transferred by the other tribunal to the proper court or magisterial district of this Commonwealth where it shall be treated as if originally filed in the transferee court or magisterial district of this Commonwealth on the date when first filed in the other tribunal.” 42 Pa.C.S. § 5103(a).

### **III. Conclusion**

Because the Defendant challenges the action of a government agency, the Commonwealth Court has exclusive jurisdiction. Because the Commonwealth Court has exclusive jurisdiction, this Court will transfer the petition to the Commonwealth Court.

### **ORDER**

AND NOW, this 19th day of January, 2016, it is ORDERED and DIRECTED that the “Petition for Time Served/Credited” be transferred to the Commonwealth Court.

By the Court,

Nancy L. Butts, President Judge