

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

v.

**WILLIAM WELLER,
Defendant**

:
:
:
:
:
:
:

CR-1624-2012

PCRA DISMISSED

ORDER

AND NOW, this 10th day of November, 2016, after the Court received the annexed response to its proposed dismissal and finding it raises no new meritorious issues, it is ORDERED and DIRECTED that the Defendant's PCRA petition filed January 27, 2016, is hereby DISMISSED.

In Defendant's "Request to Amend with Additional Ineffectiveness of Counsel" filed September 21, 2016, he again raises the ineffectiveness of counsel claim against his guilty plea counsel, Julian Allatt, Esq. and the time credit issue. None of the Defendant's claims against Mr. Allatt go to the truth determining process and thus are not cognizable under the Post Conviction Relief Act.¹

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 have the content required by Rule 904 of the Rules of Appellate Procedure. The Notice of Appeal shall be filed within thirty (30) days after the entry of the order from

¹ Ineffective assistance of counsel which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place. [42 Pa.C.S. § 9543](#)

which the appeal is taken. Pa.R.A.P. 903. If the Notice of Appeal is not filed in the Clerk of Court's office within the thirty (30) day time period, the Defendant may lose his right to appeal this order.

A copy of this order shall be mailed to the Defendant by certified mail, return receipt requested.

BY THE COURT,

Nancy L. Butts, President Judge

cc: Philip M. McCarthy, Deputy Attorney General
Pennsylvania Office of Attorney General
Criminal Law Division
Appeals & Legal Services Section
16th Floor, Strawberry Square
Harrisburg, PA 17120
Donald Martino, Esq. PCRA Counsel
William F. Weller
Inmate #DM 7123
SCI Benner Township
301 Institution Drive
Bellefonte, PA 16823
Gary Weber, Esq. Lycoming Law Reporter
Susan Roinick, Law Clerk