



means of obtaining collateral relief and encompasses all other common law and statutory remedies...including habeas corpus and coram nobis.” 42 PA.C.S. § 9542 (SCOPE OF POSTCONVICTION RELIEF).

## **Discussion**

“[T]he timeliness of a PCRA petition is a jurisdictional requisite.” COMMONWEALTH V. BROWN, 111 A.3D 171, 175 (PA. SUPER. 2015). Any petition under [the PCRA] . . . shall be filed within one year of the date the judgment becomes final, unless the petition alleges and the petitioner proves that:

- (i) the failure to raise the claim previously was the result of interference by government officials with the presentation of the claim in violation of the Constitution or laws of this Commonwealth or the Constitution or laws of the United States;
- (ii) the facts upon which the claim is predicated were unknown to the petitioner and could not have been ascertained by the exercise of due diligence; or
- (iii) the right asserted is a constitutional right that was recognized by the Supreme Court of the United States or the Supreme Court of Pennsylvania after the time period provided in this section and has been held by that court to apply retroactively.

42 PA.C.S. § 9545(B)(1).

Moreover, to qualify under the time bar exception, Petitioner must file within sixty (60) days of when the claim could be presented and it is the Petitioner’s duty to plead in the petition and prove that one of the exceptions applies. COMMONWEALTH V. BEASLEY, 741 A.2D 1258, 1261 (PA. 1999).

Defendant initially appealed his sentence to the Superior Court and was successful, the Superior Court having found Megan Law’s I unconstitutional. He was re-sentenced on October 9, 1999, and took no appeal. As such his Order of Sentence became final on November 8, 1999. In the instant PCRA petitions,

Defendant has failed to acknowledge the untimeliness of his request. None of his allegations appear to be new in nature (i.e. actual innocence and impeaching the Commonwealth's witnesses) or meet the requirements of the time bar exception and as such the Court has no jurisdiction to hear this Petition and must deny it.

### **Conclusion**

After conducting an independent review, this Court finds that the Defendant's petition is untimely. In addition, he has not proven an exception to the PCRA time-bar. Therefore, this Court does not have jurisdiction over the petitions.

### **ORDER**

**AND NOW**, this 10th day of April, 2017, it hereby ORDERED and DIRECTED as follows:

The Defendant is notified that this Court intends to dismiss the Defendant's PCRA petitions styled as "Emergency Petitions for Writ of Coram Nobis" because they are untimely. The Court will dismiss the Defendant's petitions unless the Defendant files an objection to that dismissal within twenty (20) days of date of this Order.

BY THE COURT,

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Nancy L. Butts, P.J.

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