

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :  
 :  
 v. : **CR-665-2016**  
 : **CR-723-2016**  
 :  
 MARLON TAYLOR, :  
 Petitioner : **CRIMINAL DIVISION**  
 :

**ORDER**

AND NOW, this 23rd day of September, 2021, it is hereby **ORDERED** and **DIRECTED** that Petitioner’s letter asking for reconsideration of his sentence shall be treated as his Third Post Conviction Relief Act (PCRA) Petition. Petitioner’s First PCRA Petition was dismissed on November 7, 2018. Petitioner subsequently appealed that dismissal. The Pennsylvania Superior Court dismissed Petitioner’s appeal for failure to file a brief on June 17, 2019. *See Commonwealth v. Marlon Taylor, 1992 MDA 2019; Commonwealth v. Marlon Taylor, 2009 MDA 2019.* Petitioner’s Second PCRA Petition was filed on August 1, 2019 and subsequently dismissed by this Court on August 12, 2019. The present PCRA Petition was filed on April 25, 2021 in the form of a letter addressed to Judge Dudley Anderson.

After an independent review of the entire record, this Court finds that Petitioner has failed to timely file his Third PCRA Petition, and therefore his petition should be dismissed as this Court does not have jurisdiction to preside over the merits of his claims. For a PCRA Petition to be considered timely it must satisfy the following requirements:

***(1) Any petition under this subchapter, including a second or subsequent petition, 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) (emphasis added).

Petitioner does not address the issue of timeliness nor does he allege any exception. Since Petitioner's PCRA Petition is untimely, pursuant to Pennsylvania Rule of Criminal Procedure 907(1), the parties are hereby notified of this Court's intention to deny Petitioner's PCRA Petition. Petitioner may respond to this proposed dismissal within twenty (20) days. If no response is received within that time period, the Court will enter an Order dismissing the Petition.

By the Court,

Nancy L. Butts, President Judge

xc: DA  
Marlon Taylor #MY-9214  
SCI Benner Township  
301 Institution Drive  
Bellefonte, PA 16823

NLB/jmh