

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

**COMMONWEALTH OF PENNSYLVANIA** :  
 : **CR-2259-2006**  
 v. :  
 :  
 **DWAYNE HALL,** :  
 **Petitioner** : **PCRA SECOND**  
 :

**OPINION AND ORDER**

**AND NOW**, this 13th day of October, 2022, the Court gives Dwayne Hall (Petitioner) notice of its intent to dismiss as untimely his letter to the Court asking for his sentence to be suspended or vacated, which this Court shall treat as his Second Post-Conviction Relief Act (PCRA) Petition dated August 21, 2022.

A petitioner must file any PCRA petition, including a second or subsequent petition, within one year of the date his judgement of sentence becomes final or plead and prove that his petition falls within one of the three statutory exceptions. 42 Pa.C.S. § 9545(b). The time limits of the PCRA are jurisdictional in nature. Commonwealth v. Howard, 788 A.2d 351, 353 (Pa. 2002); Commonwealth v. Palmer, 814 A.2d 700, 704-05 (Pa. Super. 2002). “[W]hen a PCRA petition is not filed within one year of the expiration of direct review, or not eligible for one of the three limited exceptions, or entitled to one of the exceptions, but not filed within [one year] of the date that the claim could have been first brought, the trial court has no power to address the substantive merits of a petitioner’s PCRA claims.” Commonwealth v. Gamboa-Taylor, 753 A.2d 780, 783 (Pa. 2000); 42 Pa.C.S. § 9545(b)(2) (time to file pursuant to a defined exception extended from sixty days to one year effective on December 24, 2018).

As noted in our prior Opinion and Order issued December 9, 2021, Petitioner’s judgment of sentence became final as of January 18, 2008. Petitioner’s Second PCRA Petition was dated August 21, 2022, and he did not allege facts to support any of the statutory exceptions. Instead, Petitioner repeats his alleged unawareness of any issues that may arise with parole following his guilty plea in the above-captioned matter. Since Petitioner has not provided this Court with any information that would satisfy the

timeliness requirements of his petition, this Court lacks jurisdiction to address the merits of Petitioner's claim.

Based upon the foregoing, this Court finds no basis upon which to grant Petitioner's PCRA petition or to examine the substantive merits of his claim. Additionally, the Court finds that no purpose would be served by conducting any further hearing. As such, no further hearing will be scheduled. 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  
Dwayne Hall QD1129  
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