

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA,		IN THE SUPERIOR COURT OF PENNSYLVANIA
Appellee		
v.		
JAMAL ALLEN,		
Appellant		No. 1914 EDA 2012

Appeal from the PCRA Order of May 24, 2012,
in the Court of Common Pleas of Philadelphia County,
Criminal Division at No. CP-51-CR-0010382-2008

BEFORE: BENDER, LAZARUS and COLVILLE*, JJ.

MEMORANDUM BY COLVILLE, J.:

Filed: February 26, 2013

This is an appeal from the order dismissing Appellant's petition filed pursuant to the Post Conviction Relief Act ("PCRA"). We affirm.

Our standard of review of the denial of PCRA relief is limited to examining whether the court's rulings are supported by the evidence of record and free of legal error. *Commonwealth v. Anderson*, 995 A.2d 1184, 1189 (Pa. Super. 2010).

Appellant's judgment of sentence was imposed on August 28, 2009. He filed his PCRA petition, *pro se*, on December 28, 2010. This petition was facially untimely. *See* 42 Pa.C.S.A. § 9545(b)(1) (providing that a PCRA petition should be filed within one year of the date on which the judgment of

*Retired Senior Judge assigned to the Superior Court.

sentence becomes final). Counsel was appointed; counsel asserted in amended PCRA filings that the petition should be considered timely due to the application of a PCRA time-bar exception. The PCRA time-bar exceptions, found at 42 Pa.C.S.A. § 9545(b)(1)(i-iii), apply if the petition alleges and the petitioner proves the requisite facts. Neither before the PCRA court nor on appeal does Appellant identify the exception he believes to be applicable. Thus, he has obviously failed to plead and prove its application.

Accordingly, the untimely petition was properly dismissed. No court in Pennsylvania has jurisdiction to hear an untimely PCRA petition. ***Commonwealth v. Monaco***, 996 A.2d 1076, 1079 (Pa. Super. 2010).

Order affirmed.