

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA

IN THE SUPERIOR COURT OF
PENNSYLVANIA

Appellee

v.

WILLIAM RICKY BOYD

Appellant

No. 1826 WDA 2013

Appeal from the PCRA Order November 4, 2013
In the Court of Common Pleas of Allegheny County
Criminal Division at No(s): CP-02-CR-0002209-1993;
CP-02-CR-0002211-1993

BEFORE: GANTMAN, P.J., BENDER, P.J.E., and OTT, J.

JUDGMENT ORDER BY GANTMAN, P.J.:

FILED JUNE 23, 2014

Appellant, William Ricky Boyd, appeals from the order entered in the Allegheny County Court of Common Pleas, denying as untimely his serial petition brought pursuant to the Post Conviction Relief Act ("PCRA"), at 42 Pa.C.S.A. §§ 9541-9546. In January 1991, Appellant shot several individuals associated with a rival gang. On April 26, 1994, a jury convicted Appellant of four (4) counts of aggravated assault and related conspiracy and weapons offenses. The court sentenced Appellant on June 29, 1994, to an aggregate fifty (50) to one hundred (100) years' imprisonment. This Court affirmed Appellant's judgment of sentence on June 17, 1996. Appellant filed a petition for allowance of appeal with our Supreme Court, which was denied on January 15, 1997. **See Commonwealth v. Boyd**, 689

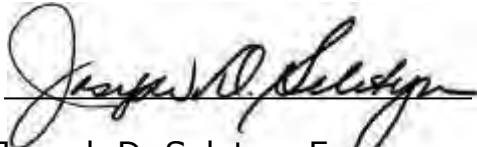
A.2d 230 (Pa.Super. 1996), *appeal denied*, 547 Pa. 723, 689 A.2d 230 (1997). On March 27, 1997, Appellant filed his first PCRA petition. The PCRA court denied relief, and this Court affirmed. Appellant subsequently filed several PCRA petitions, all of which were denied. Appellant filed his current PCRA petition *pro se* on June 18, 2013. On September 19, 2013, the PCRA court issued notice of its intent to dismiss Appellant's petition without a hearing, pursuant to Pa.R.Crim.P. 907. Appellant filed a *pro se* response on October 1, 2013. On November 4, 2013, the PCRA court denied Appellant's petition as untimely. Appellant timely filed a *pro se* notice of appeal on November 15, 2013. A review of the record reveals the PCRA court did not order a concise statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(b), and Appellant filed none.

The timeliness of a PCRA petition is a jurisdictional requisite. ***Commonwealth v. Hackett***, 598 Pa. 350, 956 A.2d 978 (2008). "Jurisdictional time limits go to a court's right or competency to adjudicate a controversy." ***Id.*** at 359, 956 A.2d at 983. Under the amended PCRA, effective 1/16/96, a PCRA petition must be filed within one year of the date the underlying judgment becomes final. 42 Pa.C.S.A. § 9545(b)(1). A judgment is deemed final "at the conclusion of direct review, including discretionary review in the Supreme Court of the United States and the Supreme Court of Pennsylvania, or at the expiration of time for seeking review." 42 Pa.C.S.A. § 9545(b)(3).

Instantly, Appellant filed his current PCRA petition on June 18, 2013, more than sixteen (16) years after his judgment of sentence became final on or about April 15, 1997. Further, the one-year grace period provided in the amended PCRA “does not apply to second or subsequent petitions, regardless of when the first petition was filed.” ***Commonwealth v. Fairior***, 809 A.2d 396, 398 (Pa.Super. 2002), *appeal denied*, 573 Pa. 703, 827 A.2d 429 (2003). Additionally, Appellant’s current PCRA petition fails to establish any cognizable exceptions to the PCRA timeliness requirements. **See** 42 Pa.C.S.A. § 9545(b)(1) (providing three exceptions to one-year time limit under PCRA). Thus, the PCRA court properly denied Appellant’s petition.

Order affirmed.

Judgment Entered.

A handwritten signature in black ink, appearing to read "Joseph D. Seletyn". The signature is written in a cursive style and is positioned above the printed name and title.

Joseph D. Seletyn, Esq.
Prothonotary

Date: 6/23/2014