



Driving, and one count of No Rear Lighting.<sup>2</sup> On the same day, the trial court sentenced Appellant to an aggregate term of 48 hours to 6 months' incarceration. **See** Order of Sentence, filed 1/6/16; N.T., 1/5/16, at 11-12. Appellant did not file a direct appeal.

On January 3, 2017, Appellant filed the instant PCRA Petition, his first, challenging his guilty plea by invoking the United States Supreme Court's decision in ***Birchfield v. North Dakota***, \_\_\_ U.S. \_\_\_, 136 S.Ct. 2160, 195 L.Ed. 2d 560 (filed June 23, 2016).<sup>3</sup>

To be eligible for relief under the PCRA, a petitioner must plead and prove by a preponderance of the evidence that he is "currently serving a sentence of imprisonment, probation[,], or parole for the crime[.]" 42 Pa.C.S. § 9543(a)(1)(i). A petitioner who has completed his sentence is no longer eligible for post-conviction relief. ***Commonwealth v. Soto***, 983 A.2d 212, 213 (Pa. Super. 2009); **see also *Commonwealth v. Turner***, 80 A.3d 754, 765 (Pa. 2013) ("[D]ue process does not require the legislature to continue to provide collateral review when the offender is no longer serving a sentence.").

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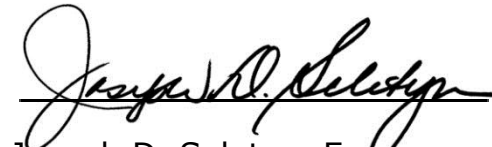
<sup>2</sup> 75 Pa.C.S. § 3802(a)(1); 75 Pa.C.S. § 3802(b); 75 Pa.C.S. § 3111; 75 Pa.C.S. § 3362; 75 Pa.C.S. § 3714; and 75 Pa.C.S. § 4303(b), respectively.

<sup>3</sup> In ***Birchfield***, the United States Supreme Court invalidated any criminal sanction assessed for refusing to submit to a blood test in the absence of a warrant. The Court determined that with regard to blood tests, the police must either seek a warrant, obtain consent, or show exigent circumstances. ***Id.***

Appellant's maximum sentence in the instant case expired on July 6, 2016, six months after the trial court imposed his sentence. Appellant has completed his sentence and is, therefore, ineligible for PCRA relief. Accordingly, we affirm the PCRA court's Order dismissing Appellant's PCRA Petition and grant counsel's Petition to Withdraw.

Order affirmed. Petition to Withdraw granted.

Judgment Entered.

A handwritten signature in black ink, appearing to read "Joseph D. Seletyn", written over a horizontal line.

Joseph D. Seletyn, Esq.  
Prothonotary

Date: 11/7/2017