

Before us is Green's fourth PCRA petition, filed on May 14, 2012, which is patently untimely. The PCRA court appointed counsel,¹ and on June 15, 2015, counsel filed an amended petition on Green's behalf. The Commonwealth filed a motion to dismiss and the court issued a notice of intent to dismiss pursuant to Pa.R.Crim.P. 907. Green filed a response on October 7, 2015. In his response, Green avers that the United States Supreme Court's decision in ***Lafler v. Cooper***, 132 S.Ct. 1376 (2012), which held that a claim of ineffective assistance of counsel at the plea stage is viable even where defendant subsequently received a fair trial, created a newly-recognized constitutional right. Green filed his petition within 60 days of the ***Lafler*** decision and claims, therefore, that his petition is timely under the newly-recognized constitutional right exception to the time bar. **See** 42 Pa.C.S. § 9545(b)(1)(iii). We disagree.

In ***Commonwealth v. Feliciano***, 69 A.3d 1270 (Pa. Super. 2013), this Court held that ***Lafler*** did not create a new constitutional right. We stated that ***Lafler***

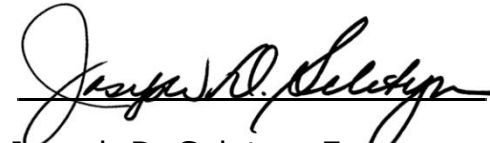
simply applied the Sixth Amendment right to counsel, and the ***Strickland*** test for demonstrating counsel's ineffectiveness, to the particular circumstances at hand, i.e. where counsel's conduct resulted in a plea offer lapsing or being rejected to the defendant's detriment. Accordingly, Appellant's reliance on . . . ***Lafler*** in an attempt to satisfy the timeliness exception of section 9545(b)(1)(iii) is unavailing.

¹ **See** Pa.R.Crim.P. 904(E) ("The judge shall appoint counsel to represent a defendant whenever the interests of justice require it.").

Id. at 1277. **See also Commonwealth v. Hernandez**, 79 A.3d 649, 654 (Pa. Super. 2013) (**Lafler** did not “enunciate a constitutional right that was recognized by the Supreme Court of the United States that would provide Appellant with an exception to the timeliness requirements of the PCRA.”) (internal quotations omitted).

Based on the foregoing, we conclude the PCRA court had no jurisdiction to entertain Green’s petition. Accordingly, the PCRA court properly dismissed his petition.

Order affirmed.
Judgment Entered.

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

Joseph D. Seletyn, Esq.
Prothonotary

Date: 11/30/2017