

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
: PENNSYLVANIA

v.

STACEY CULBERT

Appellant

No. 3392 EDA 2018

Appeal from the PCRA Order Entered October 18, 2018
In the Court of Common Pleas of Philadelphia County
Criminal Division at No(s): CP-51-CR-0500381-1998,
MC-51-CR-0447551-1998

BEFORE: OTT, J., KUNSELMAN, J., and McLAUGHLIN, J.

CONCURRING MEMORANDUM BY KUNSELMAN, J.:

FILED DECEMBER 2, 2019

Because we are bound by this Court’s decision in ***Commonwealth v. Jackson***, 30 A.3d 516 (Pa. Super. 2011), I join in the majority decision. Nonetheless, I believe that requiring Culbert to serve a sentence potentially **20 years** beyond the maximum allowed by law, solely because he did not discover the error within one year of the date his sentence became final, constitutes a manifest miscarriage of justice. I therefore write separately to encourage our Supreme Court and/or our General Assembly to examine this issue and allow for courts to correct **at any time** a sentence that patently exceeds the maximum allowed by law.

Judge McLaughlin joins the concurring memorandum.