

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

JAY YUNIK

Appellant

v.

MICHAEL OVERMYER,

Appellee

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 135 WDA 2014

Appeal from the Order Entered December 30, 2013
In the Court of Common Pleas of Crawford County
Criminal Division at No.: CP-20-MD-0000534-2013

BEFORE: PANELLA, J., JENKINS, J., and MUSMANNO, J.

MEMORANDUM BY JENKINS, J.

FILED: AUGUST 26, 2014

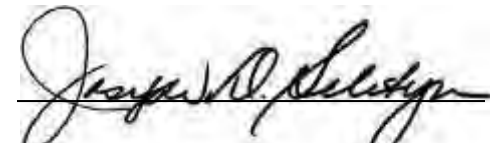
Jay Yunik appeals from an order denying his habeas corpus motion filed against Michael Overmyer, superintendent of the State Correctional Facility at Forest, where Yunik is presently serving his sentence of 54-180 months' imprisonment for rape. We affirm.

Having examined the record, the briefs of the parties, and the applicable law, and the thorough and well-reasoned opinion of the Honorable John Spataro of the Court of Common Pleas of Crawford County, we conclude that Judge Spataro's opinion accurately disposes of Yunik's claim that he has "a constitutional right to petition the government for grievances against it." Accordingly, we adopt his opinion as our own. **See** Trial Court Opinion (noting that Yunik was sentenced to imprisonment for rape and has filed 4 PCRA petitions, none of which were successful; PCRA subsumes the

claims Yunik wishes to pursue in his habeas corpus petition, viz., illegal police interrogation, invalid affidavit of probable cause, concealment of exculpatory evidence, illegal arrest, denial of right to counsel at various stages of case, ineffective assistance of counsel, lack of subject matter jurisdiction, unlawfully induced guilty plea, lack of factual basis for guilty plea; none of Yunik's claims are timely under the PCRA's one year statute of limitations; Yunik fails to plead or prove any exceptions to the one year statute of limitations; Yunik not prejudiced by the absence of a 20 day notice of intent to dismiss his petition under Pa.R.Crim.P. 907, since court entertained his motion for reconsideration after denying his original habeas corpus motion; Yunik waived objection to the absence of a 20 day notice by failing to include this objection in his statement of matters complained of on appeal).

Order affirmed.

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: 8/26/2014