

NON-PRECEDENTIAL DECISION – SEE SUPERIOR COURT I.O.P 65.37

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| COMMONWEALTH OF PENNSYLVANIA, | : | IN THE SUPERIOR COURT OF |
| | : | PENNSYLVANIA |
| Appellee, | : | |
| | : | |
| v. | : | |
| | : | |
| COREY L. WILLIAMS, | : | |
| | : | |
| Appellant | : | No. 82 MDA 2014 |

Appeal from the PCRA Order December 18, 2013,
Court of Common Pleas, Franklin County,
Criminal Division at No. CP-28-CR-0000511-2002

BEFORE: DONOHUE, JENKINS and PLATT*, JJ.

DISSENTING STATEMENT BY DONOHUE, J.: **FILED OCTOBER 14, 2014**

I agree with the learned Majority’s conclusion that the sentence imposed was illegal and that we have the authority to raise the issue *sua sponte*. In light of the illegality of sentence and the necessity of vacating the judgment of sentence, I disagree with the Majority’s decision to dispose of the Appellant’s pending PCRA claims. Once a new sentence is imposed, the Appellant will have direct appeal rights from the new judgment of sentence. Thereafter, the Appellant’s time to file a PCRA petition will run, anew. I would forgo decision on the appeal of the pending PCRA claims at this time. While I appreciate that the circumstances of this case are extraordinary, I do not believe that we should further complicate it by allowing the Appellant to have the opportunity to file serial “first” petitions for PCRA relief.

*Retired Senior Judge assigned to the Superior Court.

Thus, because I would vacate the judgment of sentence and remand for resentencing and forgo adjudication of the pending PCRA claims, I dissent from the Majority's disposition.