

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
: PENNSYLVANIA

V.

LAWRENCE EGGLESTON

Appellant

No. 346 WDA 2023

Appeal from the Order Entered February 16, 2023
In the Court of Common Pleas of Allegheny County Criminal Division at
No(s): CP-02-CR-0005875-1980

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V.

LARRY EGGLESTON

Appellant

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Appeal from the Order Entered February 16, 2023
In the Court of Common Pleas of Allegheny County Criminal Division at
No(s): CP-02-CR-0005125-1980

BEFORE: BOWES, J., KUNSELMAN, J., and MURRAY, J.

MEMORANDUM BY BOWES, J.:

FILED: January 18, 2024

Lawrence Eggleston appeals *pro se* from the February 16, 2023 order dismissing his petition for a writ of *habeas corpus*. We affirm.

This Court previously summarized the underlying facts of this case. **See *Commonwealth v. Eggleston***, 698 A.2d 106 (Pa.Super. 1997) (unpublished memorandum). Of relevance here, Appellant was convicted in September 1981 of first-degree murder, robbery, and carrying a firearm without a license.

He was sentenced to life imprisonment without the possibility of parole on December 9, 1982. This Court affirmed his judgment of sentence on December 14, 1984, and our Supreme Court denied his petition for allocatur. Thereafter, Appellant filed multiple PCRA petitions to no avail.

The present petition, styled as a petition for a writ of *habeas corpus*, was filed *pro se* on January 4, 2023. Therein, he sought immediate release from custody because the Allegheny County coroner had “acted in the capacity of Magistrate when it initiated the criminal case against” Appellant, in violation of a 1968 amendment to the Pennsylvania Constitution. **See** Petition for Writ of *Habeas Corpus*, 1/4/23, at 6. Appellant maintained that this petition fell outside the strictures of the PCRA because he was only challenging his detention. **See id.** at 7-8. The court treated the matter as a *habeas corpus* petition and dismissed it because Appellant could have raised the claim at any time in the past forty years, but failed to do so. **See** Order, 2/16/23.

Appellant timely appealed to this Court and filed statements of matters complained of on appeal pursuant to Pa.R.A.P. 1925(b).¹ In lieu of a Rule 1925(a) opinion, the court directed us to the reasoning contained within the February 16, 2023 order.

¹ Although Appellant’s notices of appeal were filed after thirty days had expired, he subsequently established through cash slips that he had delivered the notices of appeal to prison authorities within the thirty-day timeframe and, therefore, we deem his appeals timely filed pursuant to the prisoner mailbox rule. **See *Commonwealth v. Chambers***, 35 A.3d 34, 38 (Pa.Super. 2011) (noting that “in the interest of fairness, the prisoner mailbox rule provides that a *pro se* prisoner’s document is deemed filed on the date he delivers it to prison authorities for mailing”).

Appellant presents a single issue for our consideration:

Whether [Appellant's] conviction was obtained and sentence imposed in violation of his guaranteed and protected substantive due process rights and equal protection under Article 1, § 9, of the Pennsylvania Constitution, and the Fourteenth Amendment to the United States Constitution, when his pre-trial proceedings were unconstitutionally conducted by and held before a deputy coroner, ten years after the 1968 Pennsylvania constitutional amendment stripped coroners of their power to act as a committing magistrate. Thus, offending the due process of law and denying [Appellant's] equal protection under the law?

Appellant's brief at 4 (cleaned up).

At the outset, the Commonwealth argues that the court treated the *habeas corpus* petition as a PCRA petition, which it dismissed as untimely, and that we should affirm on that basis. Contrary to the Commonwealth's contention, however, the court's order explicitly treated the petition as one for a writ of *habeas corpus*. **See** Order, 2/16/23 ("dismiss[ing] the habeas petition" because Appellant had failed to raise the issue within the past forty years). Nonetheless, we first consider whether the January 2023 petition functionally operated as a petition for a writ of *habeas corpus* or a PCRA petition, as the manner of the petition will determine our scope and standard of review.

It is well-settled that "regardless of how a petition is titled, courts are to treat a petition filed after a judgment of sentence becomes final as a PCRA petition if it requests relief contemplated by the PCRA." ***Commonwealth v. Fantauzzi***, 275 A.3d 986, 995 (Pa.Super. 2022) (cleaned up). In that regard, the PCRA provides in pertinent part as follows:

(a) General rule.--To be eligible for relief under this subchapter, the petitioner must plead and prove by a preponderance of the evidence all of the following:

. . . .

(2) That the conviction or sentence resulted from one or more of the following:

(i) A violation of the Constitution of this Commonwealth or the Constitution or laws of the United States which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place.

(ii) Ineffective assistance of counsel which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place.

(iii) A plea of guilty unlawfully induced where the circumstances make it likely that the inducement caused the petitioner to plead guilty and the petitioner is innocent.

(iv) The improper obstruction by government officials of the petitioner's right of appeal where a meritorious appealable issue existed and was properly preserved in the trial court.

(v) Deleted.

(vi) The unavailability at the time of trial of exculpatory evidence that has subsequently become available and would have changed the outcome of the trial if it had been introduced.

(vii) The imposition of a sentence greater than the lawful maximum.

(viii) A proceeding in a tribunal without jurisdiction.

42 Pa.C.S. § 9543(a)(2). Our courts have liberally construed the PCRA statute and its eligibility requirements. **See Commonwealth v. Burkett**, 5 A.3d 1260, 1274 (Pa.Super. 2010). However, we have also held that “certain unique claims” are not cognizable under the PCRA, and, “[i]n those rare instances . . . a writ of *habeas corpus* may be appropriate.” **Id.** (cleaned up).

As noted, Appellant argued that his claim fell outside the ambit of the PCRA because he was not challenging his conviction or sentence, but only his detention. **See** Petition for Writ of *Habeas Corpus*, 1/4/23, at 6. He maintains that his conviction and sentence are nullities because the underlying proceedings were initiated in violation of his constitutional rights when the deputy coroner acted in a judicial function contrary to an amendment to the Pennsylvania constitution removing coroners as judicial officers. **See** Appellant’s brief at 13-14. The Commonwealth, for its part, offers no analysis as to how this claim falls within the purview of the PCRA, but merely asserts, baldly, that his petition falls within the PCRA. **See** Commonwealth’s brief at 11 (quoting **Coady v Vaughn**, 770 A.2d 287, 293 (Pa. 2001) (Castille, J., concurring) for the proposition that “[t]he specifically enumerated, substantive claims deemed reviewable under the PCRA all have to do with matters affecting the conviction and sentence”).

Regardless of whether the petition is a true *habeas* petition or whether it falls within the ambit of the PCRA, Appellant’s tardiness deprives him of relief. To be considered timely, a PCRA petition must be filed within one year of when the petitioner’s judgment of sentence becomes final. **See** 42 Pa.C.S.

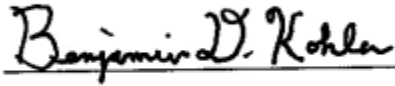
§ 9545(b)(1). Our Court previously determined that Appellant's judgment of sentence became final on June 23, 1985, following the expiration of time for seeking discretionary review in the Supreme Court of the United States. **See Commonwealth v. Eggleston**, 4 A.3d 696 (Pa.Super. 2010) (unpublished memorandum at 5). Accordingly, the 2023 petition is patently untimely. Since he failed to plead and prove one of the timeliness exceptions set forth in § 9545(b)(1)(i-iii), within one year of the date of when the claim could have been presented, no court had jurisdiction to consider his claims under the PCRA. **See** 42 Pa.C.S. § 9545(b)(2).

If the petition is truly one for *habeas* relief, such relief "is an extraordinary remedy and is available after other remedies have been exhausted or ineffectual or nonexistent. It will not issue if another remedy exists and is available." **Commonwealth v. Rouse**, 191 A.3d 1, 6 (Pa.Super. 2018) (cleaned up) (rejected on other grounds by **Commonwealth v. Moore**, 247 A.3d 990, 998 (Pa. 2021)). Where a *habeas* claim could have been raised in the trial court, a petitioner will be found to have failed to exhaust all remedies and the claim will be waived. **Id.** Here, the court found that Appellant had waived his *habeas* claim and dismissed the petition because Appellant could have raised the claim at any point during his trial proceedings, in a post-sentence motion, or on direct appeal, but failed to do so, instead waiting over forty years before raising it.

Based on the foregoing, we affirm the order dismissing Appellant's petition.

Order affirmed.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is written over a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

DATE: 1/18/2024