

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
MUHAMMAD SAMAD	:	
	:	
Appellant	:	No. 3300 EDA 2025

Appeal from the PCRA Order Entered November 25, 2025
In the Court of Common Pleas of Montgomery County Criminal Division
at No(s): CP-46-CR-0005802-2018

BEFORE: BOWES, J., OLSON, J., and McLAUGHLIN, J.

MEMORANDUM BY McLAUGHLIN, J.:

FILED OCTOBER 26, 2026

Muhammad Samad appeals *pro se* from the order dismissing his second Post Conviction Relief Act ("PCRA") petition as untimely. **See** 42 Pa.C.S.A. §§ 9541-9546. We affirm.

In February 2020, Samad pleaded guilty to three counts of possession with intent to deliver, one count of endangering the welfare of a child, and one count of carrying a firearm without a license.¹ The trial court sentenced Samad to an aggregate sentence of 12½ to 25 years of incarceration. Samad filed a post-sentence motion, which was denied. Samad appealed, and this Court affirmed Samad's judgment of sentence. ***Commonwealth v. Samad***, No. 1458 EDA 2020, 2021 WL 1906375 (Pa.Super. filed May 12, 2021)

¹ 35 P.S. § 780-113(a)(30), 18 Pa.C.S.A. §§ 4304(a)(1), and 6106(a)(1), respectively.

(unpublished mem.). Samad filed a petition for allowance of appeal to the Pennsylvania Supreme Court, which was denied on October 20, 2021.

In March 2022, Samad timely filed his first PCRA petition. Counsel was appointed and filed a no-merit letter. On August 11, 2023, the court dismissed the PCRA petition without a hearing. No appeal was filed.

On September 2, 2025, Samad filed the instant petition, styled as a “Motion to Open and Vacate Illegal Sentence Pursuant to Fraud Upon the Court Under 42 Pa.C.S.[A.] § 5505” (“Motion to Open and Vacate Illegal Sentence”). The court treated it as a PCRA petition and issued notice of its intent to dismiss the petition, pursuant to Pennsylvania Rule of Criminal Procedure 907(1). Samad filed a *pro se* response. On November 25, 2025, the court dismissed the petition as untimely. This appeal followed.

Samad raises the following issues:

1. Did [the t]rial [c]ourt err in recharacterizing [Samad’s] 5505 motion as a PCRA petition?
2. Did the [c]ourt err in [d]ismissing as untimely where [n]ewly discovered evidence shows fraud upon the court?
3. Does a forged Rule 600 waiver render the [j]udgment void?

Samad’s Br. at 4.

Samad first argues the court erred in treating his Motion to Open and Vacate Illegal Sentence as a PCRA petition. He alleges that his trial attorney committed a fraud upon the court when he forged Samad’s signature on a

Rule 600² waiver without Samad's consent. Samad maintains that the Motion to Open and Vacate Illegal Sentence invoked 42 Pa.C.S.A. § 5505, which allows a court to "modify or rescind any order within 30 days after its entry, notwithstanding the prior termination of any term of court, if no appeal from such order has been taken or allowed." 42 Pa.C.S.A. § 5505. According to Samad, "courts retain certain powers to alter even final judgments beyond the 30 days outlined in 42 Pa.C.S.A. § 5505," including "the power to modify a sentence in order to amend records, to correct mistakes of court officers or counsel's inadvertencies, or to supply defects or omissions in the record[.]" Samad's Br. at 7. He argues that that these powers are "inherent in the court system." **Id.** In his view, his judgment of sentence should have been opened pursuant to 42 Pa.C.S.A. § 5505 "because [his] attorney forged [his] signature on [a] Rule 600 waiver[,]" "which is a showing of fraud because the record is absent of informed consent and this fact is a fatal defect apparent on the face of the record." **Id.** at 9. Samad avers that fraud upon the court is not cognizable under the PCRA so he is not bound by the PCRA's time-bar. **Id.** at 7; Samad's Reply Br. at 3.

On appeal from the denial or grant of relief under the PCRA, our review is limited to determining "whether the PCRA court's ruling is supported by the

² Pennsylvania Rule of Criminal Procedure Rule 600 provides, in relevant part, that a defendant's trial "shall commence within 365 days from the date on which the complaint is filed." Pa.R.Crim.P. 600(A)(2)(a).

record and free of legal error.” **Commonwealth v. Presley**, 193 A.3d 436, 442 (Pa.Super. 2018) (citation omitted).

The PCRA is intended to be the sole means of achieving collateral review, and “any petition filed after the judgment of sentence becomes final will be treated as a PCRA petition.” **Commonwealth v. Johnson**, 803 A.2d 1291, 1293 (Pa.Super. 2002). If a claim is cognizable under the PCRA, the PCRA remains the exclusive means of obtaining collateral relief “regardless of the manner in which the petition is titled.” **Commonwealth v. Hromek**, 232 A.3d 881, 884 (Pa.Super. 2020) (citation omitted). “[S]o long as a pleading falls within the ambit of the PCRA, the court should treat any pleading filed after the judgment of sentence is final as a PCRA petition.” **Commonwealth v. Torres**, 223 A.3d 715, 716 (Pa.Super. 2019). Any attempt to “evade the timeliness requirements of the PCRA” by framing a request for collateral relief as something other than a PCRA petition is not permitted. **Commonwealth v. Stout**, 978 A.2d 984, 988 (Pa.Super. 2009). A defendant cannot escape the PCRA’s time-bar by merely altering the title of his petition or motion. **Commonwealth v. Taylor**, 65 A.3d 462, 466 (Pa.Super. 2013); **Commonwealth v. Mucci**, 327 A.3d 1223, 1234-35 (Pa.Super. 2024).

The limited jurisdictional exception under section 5505 does “not establish an alternate remedy for collateral relief that sidesteps the jurisdictional requirements of the PCRA.” **Commonwealth v. Jackson**, 30 A.3d 516, 521 (Pa.Super. 2011). “[W]hen the one-year filing deadline of section 9545 has expired, and no statutory exception has been pled or proven,

a PCRA court cannot invoke inherent jurisdiction [under section 5505] to correct orders, judgments and decrees, even if the error is patent and obvious.” **Id.** at 523. The fact that a defendant has attempted to frame his petition as a motion to modify an illegal sentence “does not change the applicability of the PCRA.” **Id.** at 521.

Here, Samad argues he is not seeking PCRA relief, but asserts the court had authority to open his judgment of sentence based upon a fatal defect apparent on the face of the record, thereby giving the court inherent jurisdiction to correct the defect under section 5505. However, upon review, Samad is requesting collateral relief from an allegedly illegal judgment of sentence. Such claims are cognizable under the PCRA. **See Commonwealth v. Moore**, 247 A.3d 990, 993 (Pa. 2021) (stating “[a] claim a petitioner is serving an illegal sentence is cognizable under the PCRA, as long as the claim is raised in a timely petition”). Samad cannot circumvent the PCRA jurisdictional requirements by styling his filing as a motion to modify an illegal sentence, when it seeks to litigate claims cognizable under the PCRA. **Taylor**, 65 A.3d at 466; **Mucci**, 327 A.3d at 1234-35. The PCRA court therefore correctly treated Samad’s motion as a PCRA petition.

Having concluded Samad’s motion was correctly characterized as a PCRA petition, we must now determine whether the petition was timely filed. Any petition for PCRA relief, including second and subsequent petitions, must be filed within one year of the date on which the judgment of sentence becomes final, unless the petitioner pleads and proves an exception to the

one-year bar. 42 Pa.C.S.A. § 9545(b)(1). For purposes of the PCRA, “a judgment becomes final at the conclusion of direct review, including discretionary review in the Supreme Court of the United States and the Supreme Court of Pennsylvania, or at the expiration of time for seeking the review.” **Id.** at § 9545(b)(3). The PCRA’s timeliness requirements are jurisdictional in nature, and a court may not address the merits of the issues raised if the PCRA petition is untimely. **Commonwealth v. Albrecht**, 994 A.2d 1091, 1093 (Pa. 2010).

Courts may consider a PCRA petition filed more than one year after a judgment of sentence has become final only if the petitioner pleads and proves at least one of the following three statutory exceptions:

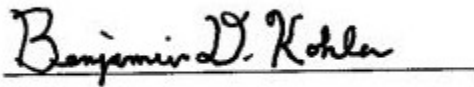
- (i) the failure to raise the claim previously was the result of interference by government officials with the presentation of the claim in violation of the Constitution or laws of this Commonwealth or the Constitution or laws of the United States;
- (ii) the facts upon which the claim is predicated were unknown to the petitioner and could not have been ascertained by the exercise of due diligence; or
- (iii) the right asserted is a constitutional right that was recognized by the Supreme Court of the United States or the Supreme Court of Pennsylvania after the time period provided in this section and has been held by that court to apply retroactively.

42 Pa.C.S.A. § 9545(b)(1)(i)-(iii). Any petition attempting to invoke an exception “shall be filed within one year of the date the claim could have been presented.” **Id.** at § 9545(b)(2).

Here, Samad filed his petition on September 2, 2025, rendering it facially untimely. Samad thus bore the burden of pleading and proving at least one of the time-bar exceptions. Samad did not address timeliness in his petition or attempt to raise one of the time-bar exceptions.³ Rather, he attempted to circumvent the time-bar by alleging that section 5505 and the court's inherent power to correct orders absolve him of the need of pleading and proving an exception. Because Samad's petition was untimely, and he did not plead and prove a time-bar exception, the PCRA court did not err in dismissing Samad'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: 10/26/2026

³ Samad briefly mentions that he "is not that versed in [l]aw (criminal) and his first time recognizing his claims was through jail house assistance" and he "showed due diligence with his letter addressed to the trial court requesting [d]iscovery so he could review his file." Samad's Br. at 8. To the extent that Samad is claiming that this information satisfied the unknown facts exception, he waived it by not raising it in his motion below. **See** Pa.R.A.P. 302(a). He further commits waiver by not elaborating on this argument in his brief in any way. **See Commonwealth v. Puksar**, 951 A.2d 267, 293 (Pa. 2008).