

2026 PA Super 207

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
: PENNSYLVANIA

V.

LAQUAILLE BRYANT

Appellant

: IN THE SUPERIOR COURT OF
: PENNSYLVANIA

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: No. 150 EDA 2025

Appeal from the PCRA Order Entered December 19, 2024
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0006272-2008

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BEFORE: LAZARUS, P.J., MURRAY, J., and FORD ELLIOTT, P.J.E.*

OPINION BY MURRAY, J.:

FILED SEPTEMBER 21, 2026

In this consolidated appeal, Laquaille Bryant (Appellant) appeals from the order dismissing his second petition filed under the Post Conviction Relief

* Retired Senior Judge assigned to the Superior Court.

Act (PCRA).^{1, 2} Appellant's second petition sought the reinstatement of his first PCRA petition, claiming the PCRA court failed to comply with Pennsylvania Rules of Criminal Procedure 907 and 114 in dismissing the first petition without notice to or service upon Appellant. After careful review, we vacate the orders dismissing Appellant's first and second PCRA petitions, and remand for further proceedings.

The Pennsylvania Supreme Court previously summarized the factual and procedural background underlying Appellant's convictions, as follows:

On April 21, 2010, [Appellant] pled guilty to two counts of first-degree murder in the January 19, 2008[,] shooting deaths of Chante Wright and Octavia Green, as well as to one count each of intimidation of a witness, possession of a firearm, and possession of an instrument of crime.³ The Commonwealth's theory of the case was that Appellant killed Ms. Wright at the behest of [] Hakeem Bey to prevent her from testifying at Bey's trial for the murder of [] Moses Williams. Following a penalty-phase hearing, the jury ... returned with a verdict of death for each murder, and the trial court formally imposed sentence on May 5, 2010, immediately after the verdict.

Commonwealth v. Bryant, 67 A.3d 716, 720 (Pa. 2013) (original footnotes omitted; footnote added). Appellant appealed to the Pennsylvania Supreme

¹ 42 Pa.C.S.A. §§ 9541-9546.

² These cases involve two murders committed during the same incident on January 19, 2008. Though charged at separate dockets, the cases have been consolidated from their outset. Unless otherwise noted, substantially identical documents have been filed at both dockets, and we therefore refer to them in the singular.

³ 18 Pa.C.S.A. §§ 2502(a), 4952(a)(1), 6105(a)(1), 907(a).

Court, seeking a new penalty phase hearing. **Id.** On May 28, 2013, the Court affirmed Appellant's death sentences. **Id.** at 735.

On August 4, 2014, Appellant timely filed a *pro se* PCRA petition, his first.⁴ On August 14, 2017, Appellant filed a counseled, amended PCRA petition. Therein, Appellant asserted eleven claims of ineffective assistance of his trial counsel and/or direct appeal counsel. **See generally** Amended PCRA Petition, 8/14/17. Three claims involved the penalty phase of the proceedings, **id.** at 45-67, while the remainder alleged ineffective assistance during the guilt phase which resulted in Appellant's guilty plea (sometimes hereinafter, "guilt-phase claims"). **Id.** at 20-44, 67-68.^{5, 6}

⁴ Though Appellant was represented by court-appointed PCRA counsel at this time, he previously filed multiple *pro se* motions seeking leave to proceed *pro se*. According to PCRA counsel, Appellant and PCRA counsel provided the PCRA court with a written agreement, whereby Appellant would file a *pro se* PCRA petition to ensure that a petition was timely filed, and PCRA counsel agreed to present certain claims in a later, counseled petition. **See** Amended PCRA Petition, 8/14/17, at 2 n.1.

⁵ Appellant's guilt-phase claims include allegations that trial counsel ineffectively failed to move for dismissal under Pa.R.Crim.P. 600; failed to advance certain grounds for the suppression of evidence obtained in connection with Appellant's arrest and subsequent confession; coerced Appellant into entering a guilty plea, which he contends was not knowing, intelligent, and voluntary; failed to communicate with Appellant regarding the withdrawal of his guilty plea; and direct appeal counsel failed to obtain the full trial record; and the cumulative effect of counsel's errors prejudiced Appellant. **See** Amended PCRA Petition, 8/14/17, 20-44, 67-68.

⁶ On, October 6, 2017, while represented by PCRA counsel, Appellant purported to file a *pro se* amended PCRA petition. This petition advanced eight claims, six of which appear broadly similar to claims already asserted in (Footnote Continued Next Page)

On June 6, 2019, after the Commonwealth moved for Appellant to be granted PCRA relief in connection with one of his penalty-phase claims, the PCRA court entered an order granting relief as to that claim.⁷ On the same

Appellant's counseled petition. **See** Amended PCRA Petition, 10/6/17, at 15-70. Appellant additionally asserted a claim that the Commonwealth failed to disclose certain evidence in violation of **Brady v. Maryland**, 373 U.S. 83 (1963), and a claim that Appellant's then-current PCRA counsel had rendered ineffective assistance. **See** Amended PCRA Petition, 10/6/17, at 70-85. While hybrid representation is generally prohibited, we express no opinion as to whether "subsequent events lifted [that] prohibition" with respect to Appellant's October 6, 2017, *pro se* amended petition. **Commonwealth v. Staton**, 184 A.3d 949, 958 (Pa. 2018) (holding that, assuming "the prohibition against hybrid representation initially prevented adjudication of" the appellant's *pro se* PCRA petition, "subsequent events lifted any prohibition," where the appellant forfeited his right to counsel by assaulting his PCRA counsel and thereafter proceeded *pro se*).

⁷ This claim alleged trial counsel rendered ineffective assistance by failing to present more fulsome mitigating evidence during the penalty phase, primarily evidence relating to Appellant's childhood and upbringing. **See** Amended PCRA Petition, 8/14/17, at 53-67. No evidentiary hearing was conducted on this claim, and the Philadelphia District Attorney's Office (DAO) never filed an answer to Appellant's amended PCRA petition. Though no written motion appears on the docket, during a June 6, 2019, proceeding, the DAO indicated that it was moving for Appellant to be granted relief on this claim. N.T., 6/6/19, at 4-5; **see also id.** at 4 (the DAO stating, "**We have reviewed this case and we concede penalty[-phase] relief** because of ... the ineffective assistance asserted in claim number ten of this petition. There was mitigating evidence that the jury should have been in a position to consider"; the PCRA court replying, "**Well I don't agree with that**, but it's your motion and you have the power to do it. **I think the case was tried properly. And I think the jury sentence was appropriate.**" (emphasis added)); **see also** PCRA Court Order, 6/6/19 (granting the "Commonwealth Motion for PCRA Relief as to Claim #10"). The Commonwealth further moved to withdraw the death penalty. N.T., 6/6/19, at 5; **see also** Amended PCRA Petition, 8/14/17, at 67 (Appellant arguing only that his ineffective assistance claim entitled him to new penalty-phase proceedings).

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date, the trial court resentenced Appellant to two consecutive terms of life imprisonment.

Also on June 6, 2019, following a **Grazier**⁸ hearing, the PCRA court granted Appellant's motion to proceed *pro se*; granted PCRA counsel leave to withdraw from representation; and granted Appellant leave to file an amended PCRA petition by August 13, 2019. Over the next several months, Appellant filed multiple motions seeking extensions of time to file an amended petition, and requesting that case records be provided to him by his former PCRA counsel. The PCRA court granted several extensions of time, and further ordered former PCRA counsel to turn over his file to Appellant.

We observe that during the pendency of this appeal, the Pennsylvania Supreme Court issued its decision, under its King's Bench jurisdiction, in **Commonwealth v. Brown**, 358 A.3d 469 (Pa. 2026). Therein, the Court observed that "[s]ince 2018, the DAO has conceded [PCRA] relief well over 100 times, mostly in murder cases...." **Id.** at 477. The Court found that

[a]gain and again, the DAO has made unreliable concessions unsupported by the facts and law. And when conceding relief, the DAO has repeatedly lacked candor to the court, misrepresented facts, failed to conduct adequate investigations, and inexplicably dodged necessary evidentiary hearings.

Id. at 540. The Court concluded that its "duty to safeguard justice compels [it] to order that in all PCRA cases in which the DAO concedes relief, the PCRA court shall afford [the Office of Attorney General] notice and the opportunity to intervene before ruling on the concession." **Id.** We emphasize that, instantly, the PCRA court shall comply with this order on remand.

⁸ **Commonwealth v. Grazier**, 713 A.2d 81 (Pa. 1998).

On October 15, 2019, the PCRA court granted Appellant an extension to file an amended petition by January 5, 2020, and indicated that “[n]o further continuances shall be granted, the [c]ourt having found, based on previous PCRA counsel’s filing of September 4, 2019, that prior PCRA counsel has provided [Appellant] with his entire file and all materials necessary for [Appellant] to litigate his PCRA petition.” PCRA Court Order, 10/15/19. On November 13, 2019, Appellant filed a motion for reconsideration of the PCRA court’s October 15, 2019, order, maintaining that he still had not received the complete case record. **See** Motion for Reconsideration, 11/13/19. The PCRA court did not rule on Appellant’s motion for reconsideration.

The next docket entry, on January 7, 2020, states, “PCRA Continued for Court to send [Pa.R.Crim.P.] 907 Notice.” Docket Entry, 1/7/20. However, **the docket reflects that no Rule 907 Notice was ever filed.**⁹

⁹ Rule 907 provides as follows:

(1) the judge shall promptly review the [PCRA] petition, any answer by the attorney for the Commonwealth, and other matters of record relating to the defendant’s claim(s). **If the judge is satisfied from this review that there are no genuine issues concerning any material fact and that the defendant is not entitled to post-conviction collateral relief, and no purpose would be served by any further proceedings, the judge shall give notice to the parties of the intention to dismiss the petition and shall state in the notice the reasons for the dismissal.** The defendant may respond to the proposed dismissal within 20 days of the date of the notice. The judge thereafter shall order the petition

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On August 18, 2020, in Case No. 6273 only, the PCRA court entered a one-sentence order stating that “after consideration of the Motion to Dismiss PCRA by the Commonwealth[,¹⁰] it is ORDERED that the Motion to Dismiss

dismissed, grant leave to file an amended petition, or direct that the proceedings continue.

(2) A petition for post-conviction collateral relief may be granted without a hearing when the petition and answer show that there is no genuine issue concerning any material fact and that the defendant is entitled to relief as a matter of law.

(3) The judge may dispose of only part of a petition without a hearing by ordering dismissal of or granting relief on only some of the issues raised, while ordering a hearing on other issues.

(4) When the petition is dismissed without a hearing, the judge promptly shall issue an order to that effect **and shall advise the defendant by certified mail, return receipt requested, of the right to appeal from the final order disposing of the petition and of the time limits within which the appeal must be filed. The order shall be filed and served as provided in Rule 114.**

(5) When the petition is granted without a hearing, the judge promptly shall issue an order granting a specific form of relief, and issue any supplementary orders appropriate to the proper disposition of the case. The order shall be filed and served as provided in Rule 114.

Pa.R.Crim.P. 907 (emphasis added).

¹⁰ The docket reflects that the Commonwealth filed no such motion, and no in-court proceedings took place during which an oral motion could have been made.

PCRA is GRANTED.” PCRA Court Order (Case No. 6273), 8/18/20 (footnote added).

On September 2, 2020, at both dockets, the PCRA court entered a one-sentence order dismissing Appellant’s PCRA petition. PCRA Court Order, 9/2/20. In a footnote, the order states that Appellant “may proceed *pro se* or with retained counsel; no new counsel is to be appointed. [Appellant] has thirty days from the date of this order to file an appeal to the Superior Court.” ***Id.*** at 1 n.1. Pertinently, **the docket contains no indication that either the orders of August 18, 2020, or September 2, 2020** (sometimes collectively hereinafter, “first PCRA dismissal order”), **were served on Appellant.**¹¹ No appeal followed.

¹¹ Rule 114 provides, in pertinent part, as follows:

(A) Filing

(1) All orders and court notices promptly shall be transmitted to the clerk of courts’ office for filing. Upon receipt in the clerk of courts’ office, the order or court notice promptly shall be time stamped with the date of receipt.

(2) All orders and court notices promptly shall be placed in the criminal case file.

(B) Service

(1) A copy of any order or court notice promptly shall be served on each party’s attorney, or the party if unrepresented.

(2) The clerk of courts shall serve the order or court notice....

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On March 21, 2022, Appellant filed a *pro se* PCRA petition, his second. Appellant argued the PCRA court never issued Rule 907 Notice of its intent to dismiss his first PCRA petition, and never served him with the first PCRA dismissal order. PCRA Petition, 3/21/22, at 2. Appellant claimed these errors prevented him from perfecting an appeal from the dismissal of his first PCRA petition, and he requested that his appellate rights be reinstated *nunc pro tunc*. **Id.** at 2-3.¹²

(C) Docket Entries

- (1) Docket entries promptly shall be made.
- (2) The docket entries shall contain:
 - (a) the date of receipt in the clerk's office of the order or court notice;
 - (b) the date appearing on the order or court notice; and
 - (c) ***the date of service of the order or court notice.***

Pa.R.Crim.P. 114 (emphasis added); **see also** Pa.R.Crim.P. 907(4), *supra*.

¹² On March 29, 2022, Appellant filed an additional *pro se* PCRA petition, claiming that the Commonwealth violated **Brady** by failing to disclose the misconduct records of certain detectives involved in the underlying investigation. **See generally** PCRA Petition, 3/29/22 (hereinafter, "**Brady** petition"). In the **Brady** petition, Appellant requested that this claim be held in abeyance, pending the anticipated appeal of the dismissal of his first PCRA petition, which he expected to occur following the anticipated reinstatement of his appellate rights *nunc pro tunc*. **Id.** ¶ 13. We discern no indication in the record that the PCRA court has ever specifically addressed the **Brady** petition.

On November 22, 2022, Claudia Flores, Esquire (federal counsel), who represented Appellant in connection with federal *habeas corpus* proceedings, entered her appearance for Appellant in the instant matter. On May 16, 2024, federal counsel filed a supplemental PCRA petition, arguing that the first PCRA dismissal order was a legal nullity because the PCRA court never issued Rule 907 Notice, and failed to serve the order in accordance with Rules 907(4) and 114(C). The supplemental petition requested that the first PCRA dismissal order be recognized as a legal nullity, and that the first PCRA petition's guilt-phase claims be recognized as still pending for adjudication. ***Id.*** at 1, 4.¹³

On August 27, 2024, federal counsel filed a "Motion to Correct Procedural Errors With Issuance Of" the first PCRA dismissal order. Therein, federal counsel stated that

[a]fter several status listings, additional research, and discussions with the Commonwealth, undersigned counsel has determined that the legally appropriate remedy for the original PCRA court's failure to comply [with Rules 907(4) and 114(C)] is for [the PCRA c]ourt to properly serve [Appellant] with a copy of the original [first PCRA] dismissal order [in compliance with Rules 907(4) and 114(C)].

Motion to Correct Procedural Errors, 8/27/24, ¶ 9. Federal counsel indicated that "[o]nce the [first PCRA] dismissal order is properly served on [Appellant],

¹³ In the supplemental petition, federal counsel averred that she "is not authorized to represent [Appellant] in state court in this matter," and that Appellant "is no longer able to proceed *pro se*." Supplemental PCRA Petition, 5/16/24, at 3. Federal counsel requested that new counsel be appointed to represent Appellant. ***Id.*** at 3, 4.

he intends to file a Notice of Appeal in both docket numbers within 30 days....”

Id. ¶ 10. The motion included a proposed order.

On November 25, 2024, the PCRA court¹⁴ issued Rule 907 Notice of its intent to dismiss Appellant’s second PCRA petition without a hearing. In the Rule 907 Notice, the PCRA court recounted the procedural history of Appellant’s first PCRA petition, and acknowledged that the PCRA court had failed to issue Rule 907 Notice before dismissing that petition. Rule 907 Notice, 11/25/24, ¶ 1. The PCRA court further noted that it “appears that” Appellant “had no notice of the dismissal” of his first PCRA petition, “never received ... the court’s order dismissing his petition, and that as a result, he was unable to perfect his appeal.” **Id.** The PCRA court stated that “[o]n the advice of his federal [] counsel and with no opposition from the Commonwealth, in March 2022, [Appellant] submitted a *pro se* successor PCRA petition requesting the reinstatement of his PCRA appellate rights *nunc pro tunc*.” **Id.**

Importantly, the Rule 907 Notice included two attachments: (1) a copy of the proposed order attached to federal counsel’s August 27, 2024, Motion to Correct Procedural Errors, now signed by Judge DiClaudio; and (2) a copy of the September 2, 2020, first PCRA dismissal order. **See** Rule 907 Notice,

¹⁴ The Honorable Scott DiClaudio presided over Appellant’s second PCRA petition. The Honorable Jeffrey Minehart, who presided over Appellant’s first PCRA petition and issued the first PCRA dismissal order, retired in 2021.

11/25/26, Attachments. The Rule 907 Notice indicated “[t]his [Rule] 907 letter serves as notice to [Appellant]. This court included the original dismissal notice of Judge Minehart, plus the order of Judge DiClaudio giving [Appellant] 30 days, from the date of the filing of this [Rule] 907 letter[,] to timely file separate notices of appeal.” ***Id.*** ¶ 2.

The attached, proposed order, signed by Judge DiClaudio, stated as follows:

On this 8th day of August, 2024, upon consideration of [Appellant’s] Motion, this Court finds that the September 2, 2020[,] PCRA written dismissal order fails to indicate whether service was made on [Appellant] by certified mail, as required by Pa.R.Crim.P. 907(4), and finds that the order was not properly docketed, as required by Pa.R.Crim.P. 114(C). Accordingly, it is hereby ORDERED AND DECREED that the court shall serve a copy of the September 2, 2020[,] PCRA written dismissal order[,] as well as this order[,] on [Appellant] via certified mail in compliance with the requirements of Pa.R.Crim.P. 907(4)[,] and that both orders be docketed as required by Pa.R.Crim.P. 114(C). [Appellant] shall have 30 days from the date of this order to timely file separate notices of appeal.

Rule 907 Notice, 11/25/24, Attachment 1 (“August 8, 2024,” Order (emphasis indicating PCRA court’s handwritten dating)).

We observe that the August 8, 2024, dating of this order is inexplicable, as the proposed order was not filed by federal counsel until August 27, 2024, and the version signed by Judge DiClaudio bears the same August 27, 2024, timestamp as the unsigned, proposed version. ***Compare id. with*** Motion to Correct Procedural Errors, 8/27/24, Proposed Order. We further observe that the order was never separately docketed, and appears in the record only as

part of the November 25, 2024, Rule 907 Notice. **See** Docket Entry, 11/25/24. The September 2, 2020, first PCRA dismissal order, attached to and apparently intended to be reissued in conjunction with the Rule 907 Notice, was also not separately docketed at that time, and reappears in the record only as part of the Rule 907 Notice. **See id.; see also** Rule 907 Notice, 11/25/24, Attachment 2 (PCRA Court Order, 9/2/20).

The docket indicates that the November 25, 2024, Rule 907 Notice was served on Appellant by certified mail, which would ostensibly comply with the form of service called for in Rule 907(4).¹⁵ **See** Docket Entry, 11/25/24. However, contrary to Judge DiClaudio's direction in the "August 8, 2024," order, neither the "August 8, 2024," order nor the reissued September 2, 2020, first dismissal order was docketed in compliance with Rule 114. **See id.; see also** Pa.R.Crim.P. 114(A) (providing that "[u]pon receipt in the clerk of courts' office, the order ... promptly shall be time stamped with the date of receipt"), 114(C) (providing that "[d]ocket entries promptly shall be made" for all orders, and "shall contain: (a) the date of receipt in the clerk's office of the order or court notice; (b) the date appearing on the order or court notice; and (c) the date of service of the order or court notice").

¹⁵ Rule 907(4) requires, *inter alia*, that an order dismissing a PCRA petition without a hearing be served on the defendant by certified mail. Pa.R.Crim.P. 907(4). **But see id.** (further requiring that "[t]he order shall be filed and served as provided in Rule 114"). We note, however, that the November 25, 2024, Rule 907 Notice was not, itself, an order dismissing a PCRA petition.

The “August 8, 2024,” order has no timestamp apart from the August 27, 2024, timestamp placed upon it when it was initially filed by federal counsel as an unsigned, proposed order. **See** Rule 907 Notice, 11/25/24, Attachment 1 (“August 8, 2024,” Order). The September 2, 2020, order bears no timestamp whatsoever, either as initially filed on September 2, 2020, or as reissued as an attachment to the November 25, 2024, Rule 907 Notice. **See id.**, Attachment 2 (PCRA Court Order, 9/2/20). The lack of Rule 114 compliance here is particularly troublesome, because the dates appearing on the orders differ significantly from the dates the orders were apparently filed and/or re-filed, and these dates are crucial to a determination of the applicable appeal period. Contrary to Rule 114’s requirements, these putative orders were not separately docketed or timestamped, and the docket fails to note either the date of their receipt in the clerk’s office or the date of service.¹⁶

¹⁶ This Court has recognized that

[t]he time for the filing of a notice of appeal runs from the order’s “entry.” [Pa.R.A.P. 903(a)]. “Entry” of an order in a criminal case occurs ... on the day the clerk of the trial court “mails or delivers copies of the order to the parties[.]” Pa.R.A.P. 108(a)(1), (d)(1). Where, as here, the court dismisses a PCRA petition without a hearing, the judge must advise the petitioner of certain things by specified means and effectuate service “as provided in Rule of Criminal Procedure 114.” Pa.R.Crim.P. 907(4). Rule 114 requires the trial court to serve copies of the order “on each party’s attorney, or the party if unrepresented,” and record the date of service on the docket. **See** Pa.R.Crim.P. 114(B)(1), (C)(2)(c).

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Finally, the November 25, 2024, Rule 907 Notice provided that Appellant “may respond to this proposed dismissal of his Petition within thirty (30) days, pursuant to the order of this Court.” *Id.* ¶ 3. Less than 30 days later, on December 19, 2024, the PCRA court entered a one-sentence order dismissing Appellant’s second PCRA petition.¹⁷

Commonwealth v. Midgley, 289 A.3d 1111, 1116 (Pa. Super. 2023). Where “the trial court’s docket d[oes] not include the information required by Rule 114,” this Court “will not quash the appeal or require further proceedings. Rather we will treat the time in which to take an appeal as never having started to run and treat the appeal as timely.” *Id.* at 1117; ***see also Commonwealth v. Alvin***, 328 A.3d 78, 82 n.2 (Pa. Super. 2024) (concluding that ***Midgley***’s foregoing rationale “applies with equal force” where the PCRA court fails to comply with Rule 907(4)’s requirement that a defendant be notified of the dismissal of a PCRA petition via certified mail).

¹⁷ We note that Rule 907(1) requires only that a petitioner be given 20 days to respond to a Rule 907 Notice. Pa.R.Crim.P. 907(1). Though Appellant does not complain about his lack of opportunity to respond to the instant Rule 907 Notice, we observe that the PCRA court dismissed Appellant’s second PCRA petition before the expiration of the response time provided by the court’s own Rule 907 Notice.

We further observe that the Rule 907 Notice does not appear to comply with Rule 907, in that it neither explicitly grants relief on any aspect of Appellant’s second PCRA petition (either his *pro se* petition or federal counsel’s supplemental petition), nor does it specify which aspects of the petition it intends to dismiss or provide any reasons for the intended dismissal. The Rule 907 Notice appears to grant the relief requested in federal counsel’s Motion to Correct Procedural Errors, but fails to directly address the pending second PCRA petition. Notwithstanding federal counsel’s relief request in the Motion to Correct Procedural Errors, it remains unclear why the PCRA court chose to reissue the September 2, 2020, order, when the PCRA court acknowledged that order had been entered in violation of Rule 907(1). The PCRA court made no attempt to cure that order’s Rule 907(1) defects, either by giving any reasons for the underlying dismissal of Appellant’s first PCRA petition, or providing the required 20-day notice before purportedly reissuing the order. (Footnote Continued Next Page)

On December 27, 2024, Appellant appealed to this Court via separate notices of appeal filed at each docket by federal counsel.¹⁸ On December 30, 2024, the PCRA court granted federal counsel leave to withdraw from representation and appointed new PCRA counsel to represent Appellant.

Appellant thereafter filed a timely, court-ordered Pa.R.A.P. 1925(b) concise statement of matters complained of on appeal. However, the PCRA court failed to file an opinion or otherwise specify the place in the record where the reasons for its order may be found, as required under Rule 1925(a)(1).¹⁹

Appellant presents a single question for our review:

Whether the PCRA court erred when it dismissed Appellant[’s] ... request for PCRA relief, as there were multiple guilt phase claims raised in PCRA counsel’s amended PCRA petition, as well as in

Finally—and, in light of the foregoing, perhaps unsurprisingly—the docket bears no indication that the PCRA court’s December 19, 2024, order dismissing Appellant’s second PCRA petition was served or docketed in compliance with either Rules 907(4) or 114(C). **See** Docket Entry, 12/19/24. Appellant does not complain about this deficiency, but rather urges us to reach the Rule 907(1) defects in the first PCRA dismissal order. **See generally** Appellant’s Brief.

¹⁸ This Court consolidated the appeals *sua sponte*.

¹⁹ After we sent multiple notices that the record was overdue, the PCRA court transmitted the record to this Court on November 14, 2025. **See** Pa.R.A.P. 1931(a)(1) (providing the record shall be transmitted to the appellate court within 60 days after the filing of the notice of appeal). On the same date, the supervising judge of the PCRA court’s Criminal Division advised this Court, via letter, that the record was being transmitted without an opinion because, “[o]n November 6, 2025, the Court of Judicial Discipline entered an Order suspending the assigned [PCRA] court judge in the [instant] matter, the Honorable Scott DiClaudio, effective immediately.” PCRA Court Letter, 11/14/25 (citing ***In re: Judge Scott DiClaudio***, 1 JD 2025 and 2 JD 2025).

Appellant[’s October 6, 2017,] ... *pro se* [amended] PCRA petition[,] where[] the PCRA court made no ruling on these claims and/or gave no reason for the dismissal of these claims, as is required by Pa.R.Crim.P. 907(1)?

Appellant’s Brief at 4.

Appellant argues that the PCRA court erred in dismissing his first PCRA petition without complying with Rule 907(1). ***Id.*** at 16-36. Noting that he had multiple guilt-phase claims still pending at the time of the first PCRA dismissal order, ***id.*** at 22-32, Appellant maintains the PCRA court failed to provide notice of its intent to dismiss those claims without a hearing, or state the reasons for the dismissal, as required by Rule 907(1). ***Id.*** at 16-17, 32-34. Appellant notes that the PCRA court recognized, in its November 25, 2024, Rule 907 Notice, that the court had failed to comply with Rule 907(1) in connection with its dismissal of Appellant’s first PCRA petition. ***Id.*** at 16. Appellant requests that this Court vacate the first PCRA dismissal order and remand for further proceedings on his guilt-phase claims. ***Id.*** at 17.

The Commonwealth filed a brief expressing its agreement with Appellant that the PCRA court failed to comply with Rule 907(1) in dismissing Appellant’s first PCRA petition. Commonwealth Brief at 7. The Commonwealth indicates that it does not object to Appellant’s request that the matter be remanded for the PCRA court to adjudicate the merits of Appellant’s guilt-phase claims. ***Id.***

We review the dismissal of a PCRA petition to “determine whether the ruling of the PCRA court is supported by the record and free of legal error.” ***Commonwealth v. Sanders***, 357 A.3d 480, 486 (Pa. Super. 2026) (citation

omitted). Our scope of review “is limited to the findings of the PCRA court and the evidence of record, viewed in the light most favorable to the prevailing party at the PCRA court level.” **Commonwealth v. Shields**, 347 A.3d 752, 762 (Pa. Super. 2025) (citation omitted).

This Court has recognized that “[a] PCRA court’s compliance with Rule 907 is mandatory.” **Commonwealth v. Wooden**, 215 A.3d 997, 1001 (Pa. Super. 2019) (citation omitted). **But see id.** (noting “an appellant’s failure to challenge the absence of a Rule 907 notice constitutes waiver,” and “even if the issue is [preserved], where the [PCRA] petition is untimely, reversal is not automatically warranted” (citations and emphasis omitted)). In **Wooden**, the PCRA court issued no Rule 907 Notice before dismissing the defendant’s PCRA petition without a hearing. **Id.** at 999. On appeal, both the PCRA court and the Commonwealth agreed with the defendant that he “was not provided with Rule 907 notice and ... that remand [wa]s warranted.” **Id.** at 1001. We therefore vacated the PCRA court’s order dismissing the petition and remanded for further proceedings. **Id.**

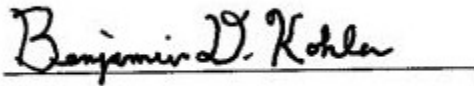
Instantly, our review confirms that the PCRA court failed to issue Rule 907 Notice before it dismissed Appellant’s first PCRA petition, in violation of the mandatory requirements of Rule 907(1). Our review further confirms that the first PCRA dismissal order was not initially served and docketed in accordance with Rules 907(4) and 114, and therefore, Appellant’s time to file an appeal from that order never started to run. **See Midgley**, 289 A.3d at

1116-17; ***Alvin***, 328 A.3d at 82 n.2. Moreover, it appears that the PCRA court's attempt (in connection with its November 25, 2024, Rule 907 Notice) to reissue the first dismissal order again failed to comply with Rule 114. We therefore consider Appellant's appeal challenging the first dismissal order to be timely filed. ***See Midgley, supra***.

Our review discloses that—from at least January 7, 2020, through the late transmittal of the record to this Court without an opinion—the acts and omissions of the PCRA court and the clerk of courts, detailed above, represent a cascading series of breakdowns in court operations that have hitherto deprived Appellant of meaningful review of his PCRA claims, at both the PCRA court and appellate levels. Later defects notwithstanding, because the record is clear—and the PCRA court and the Commonwealth agree—that the PCRA court failed to comply with Rule 907(1) in connection with the first PCRA dismissal orders, we vacate those orders, as well as the order dismissing Appellant's second PCRA petition, and remand for further proceedings.

Orders vacated.²⁰ Cases remanded for further proceedings consistent with this opinion.²¹ Jurisdiction relinquished.

Judgment Entered.

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

Benjamin D. Kohler, Esq.
Prothonotary

Date: 9/21/2026

²⁰ We vacate, at both dockets, the PCRA court's September 2, 2020, order, both as originally issued and as purportedly reissued in connection with the November 25, 2024, Rule 907 Notice. **See** PCRA Court Order, 9/2/20; Rule 907 Notice, 11/25/24, Attachment 2 (PCRA Court Order, 9/2/20). We also vacate the PCRA court's August 18, 2020, order, entered in Case No. 6273 only, which purported to grant an apparently nonexistent Commonwealth motion to dismiss Appellant's first PCRA petition. **See** PCRA Court Order, 8/18/20. Finally, we vacate the December 19, 2024, order dismissing Appellant's second PCRA petition.

²¹ We express no opinion regarding which PCRA claims remain pending following our disposition. **See** n.6 *supra* (regarding Appellant's October 6, 2017, *pro se* amended PCRA petition), and n.12 *supra* (regarding Appellant's March 29, 2022, **Brady** petition). We expect the PCRA court to thoroughly review the record and, if appropriate, permit Appellant leave to amend his PCRA claims.