NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
SHAQUILLE M. HENDERSON	:	
Appellant	:	No. 216 EDA 2026

Appeal from the PCRA Order Entered December 11, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at No(s): CP-51-CR-0009598-2013

BEFORE: BOWES, J., OLSON, J., and STEVENS, P.J.E.*

MEMORANDUM BY OLSON, J.: **FILED NOVEMBER 12, 2026**

Appellant, Shaquille M. Henderson, appeals *pro se* from the order entered on December 11, 2025, dismissing as untimely his second petition filed pursuant to the Post Conviction Relief Act (PCRA), 42 Pa.C.S.A. §§ 9541-9546. We affirm.

This Court has previously summarized the facts of this case:

> In March 2013, police responded to a shooting [along West] Butler Street in Philadelphia[, Pennsylvania]. A witness [] called 9-1-1 after hearing several gunshots at a boarding home where the witness, the victim, and [Appellant] lived. The witness found the victim unresponsive on the floor of a room on the third floor of the boarding home. Upon their arrival, officers observed the victim lying in the hallway suffering from multiple gunshot wounds.
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> The victim was pronounced dead at the scene; an autopsy revealed that he had been shot nine times, suffering three independent[ly] fatal wounds—one to the left side of the head, one near the base of the neck, and one directly to the heart.

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> Among other things, police recovered an empty firearm lock box for a Glock pistol in one of the third-floor bedrooms, and nine fired cartridge casings on the steps leading from the second floor to the third-floor hallway of the boarding house.
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> [Appellant] was able to elude capture until April 25, 2013. On that date, officers observed [Appellant] sitting on a bench outside a Starbucks on Temple University's campus. Knowing there was an outstanding warrant for [Appellant's] arrest on an unrelated case, the officers approached him. [Appellant] fled as soon as he saw the officers. During their pursuit of [Appellant], officers observed him discard a weapon into a nearby alleyway. [Appellant was arrested and found to be in possession of several grams of crack cocaine.] The weapon, a police-issued Glock 17 pistol, was later recovered and determined to be the murder weapon in the March 2013 Butler Street shooting. The gun had been reported stolen from an apartment on September 13, 2012, during a burglary.

Commonwealth v. Henderson, 279 A.3d 1255, at *1 (Pa. Super. 2022) (non-precedential decision) (original footnote incorporated).

Procedurally, the case progressed as follows:

> A five-day jury trial was held in October 2014. On October 31, 2014, [Appellant] was found guilty of first-degree murder and related offenses and sentenced to a mandatory term of life in prison without the possibility of parole. [Appellant] timely filed post-sentence motions that were denied by operation of law. [Appellant] filed a timely notice of appeal; our Court affirmed his judgment of sentence. ***Commonwealth v. Henderson***, No. 870 EDA 2015 (Pa. Super. filed April 28, 2017) (non-precedential decision). The Pennsylvania Supreme Court denied [Appellant's] petition for allowance of appeal on August 9, 2017. ***See Commonwealth v. Henderson***, No. 236 EAL 2017 (Pa. filed Aug. 9, 2018) (order).
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> On May 16 2018, [Appellant] filed a *pro se* PCRA petition. The [PCRA] court appointed counsel, who filed an amended PCRA petition on September 15, 2019. The [PCRA] court issued [a] Pa.R.Crim.P. 907 notice of its intent to dismiss [Appellant's] petition without a hearing on September 23, 2020. [Appellant] filed a Rule 907 response on October 6, 2020. On November 10, 2020, the [PCRA] court dismissed the petition.

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Our standard of review is well-settled:

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[1] Appellant filed amended *pro se* PCRA petitions on August 14, 2023, January 16, 2024, May 21, 2025, May 26, 2025, and August 20, 2025.

No court in Pennsylvania has jurisdiction to reach the merits of an untimely petition where an exception to the PCRA time bar has not been established. ***See Commonwealth v. Edmiston***, 65 A.3d 339, 346 (Pa. Super. 2013). Thus, we begin our review by assessing whether Appellant's petition was timely and, if not, whether it was subject to a timeliness exception. Our Supreme Court has determined:

> A PCRA petition is timely if it is filed within one year of the date the judgment of sentence becomes final. A judgment of sentence 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.

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Here, there is no dispute that Appellant's judgment of sentence became final in November 2017. ***See*** 42 Pa.C.S.A. § 9545(b)(3) (Judgment of sentence becomes final at the conclusion of direct review or at the expiration of the time for seeking review). Therefore, Appellant had until November 2018 to file a timely PCRA petition. ***See*** 42 Pa.C.S.A. § 9545(b)(1) ("Any petition under [the PCRA], including a second or subsequent petition, shall be filed within one year of the date the judgment becomes final, unless the petition alleges and the petitioner proves [an exception]."). As such, Appellant's most recent PCRA petition, filed on May 17, 2023, was patently untimely.

Our Supreme Court has said:

> To be considered timely, a PCRA petition filed beyond the one-year time limit must meet at least one of three exceptions:
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> > (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;
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> > (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
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> > (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.
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Id. at 25–26 (citations and original brackets omitted).

Our Supreme Court has further explained:

> Under Section 9545(b)(1), a petition filed beyond a year of the date that the judgment becomes final is untimely unless the petition alleges and the petitioner proves the existence of a timeliness exception. These requirements are applicable to all three of the PCRA's timeliness exceptions. By its plain language, the PCRA initially imposes upon a petitioner only the burden to "allege," *i.e.*, to assert something as true before there has been an opportunity to prove that it is true. Proof through evidence comes later. At the petition stage, the petitioner can only make factual allegations which, if proven, would establish a timeliness exception. This is done through making assertions in the petition and supporting these assertions with affidavits, declarations, statements, documentary evidence, or anything else that supports the invocation of a timeliness exception. At this point, admissibility of evidence is not at issue. The petitioner only must demonstrate, through allegations and documentary support, how the petitioner will prove the applicability of the timeliness exception.
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> [Our Supreme Court has] described the timeliness exception at Section 9545(b)(1)(ii) as having two components: 1) the facts upon which the claim was predicated were unknown to the petitioner and 2) could not have been ascertained by the exercise of due diligence. If the petitioner alleges and proves these components, then the PCRA court has jurisdiction over the claim under this subsection.

Id. at 29–31 (citations, footnotes, and most quotations omitted).

Appellant claims that he pled and proved the discovery of new facts which permitted him to assert claims alleging that the Commonwealth improperly withheld exculpatory evidence under ***Brady v. Maryland***, 373 U.S. 83 (1963).[2] First, Appellant alleges that he discovered certain crime

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scene photographs which established that the Commonwealth withheld other photographs that showed an obstructed view from an eyewitness' bedroom. Appellant's Brief, at *10.[3] Appellant reasons that the photographs suppressed by the Commonwealth would establish that the witness could not see Appellant fleeing the scene of the shooting and, therefore, she lied at trial. ***See id*.** Next, Appellant alleges that he discovered misconduct reports that

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> In ***Brady***, the U.S. Supreme Court held that the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution. The duty to disclose may encompass impeachment evidence as well as directly exculpatory evidence. […Moreover, t]he prosecution's duty when faced with a ***Brady*** request extends to exculpatory evidence in the files of police agencies of the same government prosecuting the case. With regard to the issue of materiality, evidence is material if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the trial would have been different. [***See***] ***Commonwealth v. Collins***, 888 A.2d 564, 577–578 (Pa. 2005) (to establish ***Brady*** violation, defendant "must establish that there has been a suppression by the prosecution of either exculpatory or impeachment evidence that was favorable to the accused, and that the omission of such evidence prejudiced the defendant"). However, the mere possibility that an item of undisclosed information might have helped the defense, or might have affected the outcome of the trial, does not establish materiality in the constitutional sense.

Commonwealth v. Lesko, 15 A.3d 345, 370–371 (Pa. 2011) (quotations and most internal citations omitted). "The burden rests with [an a]ppellant to '**prove, by reference to the record**, that evidence was withheld or suppressed by the prosecution.'" ***Commonwealth v. Sneed***, 45 A.3d 1096, 1116 (Pa. 2012) (citation omitted; emphasis in original). "[B]ald assertions are insufficient to establish a viable ***Brady*** claim." ***Id.***

[3] Appellant's *pro se* brief is unpaginated. For ease of discussion, we have provided page numbers, beginning immediately following the cover sheet.

pertained to one of the detectives who investigated his case and one of the crime scene investigators who assisted in the investigation. Appellant asserts that the misconduct reports would have enabled him to better confront and discredit the testimony of these two Commonwealth witnesses. We shall address the timeliness of these claims and, if the claims validly invoke a timeliness exception, we shall then address the merits of the claim.

First, with regard to the timeliness of Appellant's claim related to the crime scene photographs, we note that Appellant fails to allege when he discovered the allegedly exculpatory evidence that was suppressed by the Commonwealth. Multiple crime scene photographs were introduced as exhibits at trial, including a photograph that showed a tree in front of the eyewitness' bedroom, as taken from outside and facing the residence. At trial, the Commonwealth entered a photograph of the tree at issue as Commonwealth's Exhibit 7. The eyewitness testified that she had a "clear view" through the tree. N.T., 10/29/2014, at 108. Appellant also attached several crime scene photographs to his timely *pro se* petition in 2018. As such, any reliance on these facts or crime scene photographs would not constitute new facts under the PCRA. Appellant has also failed to show that he has presented his current claim within one year of the date the claim could have been presented. Moreover, while Appellant suggests that photographic evidence of the eyewitness' view from her room may have impeached her credibility and helped his defense at trial, he has not pled or proven that such

photographs actually exist or that the police or Commonwealth agency ever took photographs of the witness' bedroom or the view from her window. Appellant's bald assertions are wholly speculative and materially insufficient to warrant an evidentiary hearing or to establish a viable ***Brady*** claim. ***See Commonwealth v. Roney***, 79 A.3d 595, 605 (Pa. 2013) (an evidentiary hearing "is not meant to function as a fishing expedition for any possible evidence that may support some speculative claim[.]"). For all of the foregoing reasons, Appellant's claim regarding the crime scene photographs is untimely and meritless.

Appellant next alleges that he discovered misconduct reports that pertained to one of the detectives who investigated his case, Detective James Crone, and one of the crime scene investigators who assisted in the investigation, Officer Edward Fidler. Appellant's Brief at 9. First, Appellant argues that "Lead Detective James Crone" received a misconduct report which could have been used to impeach the detective's credibility at trial. ***Id.*** at 8-10; 12. Upon further review of the record, however, the Commonwealth provided Appellant with discovery pertaining to Detective Crone's misconduct in response to Appellant's first PCRA petition. ***See*** Commonwealth's Motion to Dismiss, 5/3/2020, at 19 n.4. This information was provided by the Commonwealth while Appellant's first PCRA petition was pending in 2020, but Appellant waited and raised the purported discovery violation in a subsequent,

untimely PCRA petition in 2023. Accordingly, Appellant's claim related to Detective Crone is untimely.

In his related claim, Appellant also posits that Officer Fidler received a misconduct report which could have been used to impeach the officer's credibility at trial and may have led to suppression of the evidence. Appellant's Brief at 12; ***see also id.*** at 13 ("The misconduct report could have been used to impeach the credibility of the crime scene unit and [t]o successfully suppress the evidence seized."). Here, Appellant argues that he did not receive Officer Fidler's misconduct report until 2023 and that he filed his current PCRA petition on May 17, 2023, within one-year of its discovery. ***Id.*** at 6. For this reason, we find the claim was presented timely. ***See*** 42 Pa.C.S.A. § 9545(b)(2) ("Any petition invoking an exception [under the PCRA] shall be filed within one year of the date the claim could have been presented."). The PCRA court, however, recognized that the proffered misconduct reports pertaining to both Officer Fidler and Detective Crone "concerned the [o]fficers' involvement in cases unrelated to [Appellant's trial]." PCRA Court Opinion, 12/26/2025, at *4 (unpaginated). This Court has held that "the Commonwealth ha[s] no obligation under ***Brady*** to disclose to the defense evidence of misconduct committed by the subject officers in cases wholly unrelated to [the a]ppellant" and "[an a]ppellant fail[s] to establish the materiality of such evidence absent some proof that the subject officers committed misconduct in [the a]ppellant's case." ***Commonwealth***

v. Jordan, 358 A.3d 647, at *9 (Pa. Super. 2026) (non-precedential decision), *citing* ***Commonwealth v. Rahman***, 309 A.3d 1071, 2023 WL 8244825, at *15 (Pa. Super. 2023) (non-precedential decision) (upholding PCRA court's rejection of Rahman's ***Brady*** claim based on evidence of police misconduct, where Rahman failed to demonstrate that evidence of police misconduct "in wholly unrelated cases was material to [the a]ppellant's case or the PCRA proceedings, such that its omission resulted in prejudice to [the a]ppellant.").[4] Here, upon review of the certified record, the misconduct reports at issue do not contain proof that the subject police officers committed misconduct in this case, Appellant does not suggest otherwise, and, therefore, the Commonwealth was under no obligation to provide the misconduct reports in discovery under ***Brady***. For all of the foregoing reasons, Appellant's claim regarding purported discovery violations is meritless.

Finally, Appellant argues that trial counsel provided ineffective assistance of counsel by failing to: (1) file a second suppression motion and request another evidentiary hearing after successfully litigating a suppression issue on direct appeal; (2) object to evidence illegally obtained by the Philadelphia police; (3) object to direct examination of a witness who testified about a separate, unrelated crime purportedly committed by Appellant; and (4) object to the eyewitness' purported false testimony pertaining to her

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[4] ***See*** Pa.R.A.P. 126(b) (Non-precedential decisions filed after May 1, 2019, may be cited for their persuasive value).

vantage point. Appellant's Brief at 20-21, 22, 24, and 26-27, respectively. Appellant argues that originally appointed PCRA counsel was also ineffective for failing to raise his aforementioned ineffective assistance of trial counsel claims in his first PCRA petition. ***Id.*** at 30.

"It is well-established that an allegation of ineffectiveness is, typically, not sufficient to overcome an otherwise untimely PCRA petition. ***Commonwealth v. Branthafer***, 315 A.3d 113, 136 (Pa. Super. 2024), *appeal denied*, 333 A.3d 1266 (Pa. 2025), *citing* ***Commonwealth v. Gamboa-Taylor***, 753 A.2d 780, 785 (Pa. 2000) (holding that, an ineffective assistance of PCRA counsel claim layered on top of a claim involving trial counsel's ineffectiveness does not satisfy the newly-discovered facts exception to the PCRA jurisdictional time-bar); ***see also Commonwealth v. Robinson***, 139 A.3d 178, 186 (Pa. 2016) (stating that, couching a petitioner's claim in terms of ineffectiveness will not save an otherwise untimely petition under any one of the three exceptions enumerated in Section 9545(b)(1)).

In ***Branthafer***, we further explained that

> our Supreme Court recently held, in ***Commonwealth v. Bradley***, 261 A.3d 381 (Pa. 2021), that a petitioner may raise an ineffective assistance of initial-PCRA counsel claim at the first opportunity to do so, either *via* new PCRA counsel or *pro se*, even if raised for the first time on appeal. ***Bradley***, 261 A.3d at 401. In so holding, however, our Supreme Court did not overrule the well-established principle that a claim of ineffective assistance of initial-PCRA counsel does not automatically overcome the PCRA jurisdictional one-year time-bar. ***Id.***; ***see also Commonwealth v. Yarris***, 731 A.2d 581, 586 (Pa. 1999) (stating, "an untimely petition will not be addressed simply because it is couched in terms of ineffectiveness"); ***Commonwealth v. Beasley***, 741 A.2d 1258,

> 1286 (Pa. 1999) (stating that, "the fact that some of [a petitioner's] claims are couched in terms of ineffectiveness[ ] will [not] save [a] petition from application of [S]ection 9545"); ***Commonwealth v. Pursell***, 749 A.2d 911, 915 (Pa. 2000) (finding that, a claim of ineffective assistance of counsel does not overcome the jurisdictional time-bar, and a petitioner is still required to plead and prove one of the enumerated exceptions provided in Section 9545(b)(1)(i – iii) based on the ineffectiveness claim); ***Commonwealth v. Miller***, 2023 WL 6378154, at *3 (Pa. Super. filed Sept. 29, 2023) (non-precedential decision) (analyzing Miller's ineffectiveness claim within the legal framework of the PCRA's established exceptions to the jurisdictional time-bar rather than as a claim that automatically overcame the jurisdictional time-bar). Thus, ***Bradley*** expanded the opportunities afforded a petitioner to raise ineffectiveness claims, albeit still requiring that the petitioner satisfy the jurisdictional one-year time-bar requirement.

Commonwealth v. Branthafer, 315 A.3d 113, 122–123 (Pa. Super. 2024), *appeal denied*, 333 A.3d 1266 (Pa. 2025). Here, Appellant neither pled nor proved the application of a timeliness exception that would permit him to proceed with his ineffectiveness claims. Moreover, Appellant cannot overcome the PCRA's one-year time bar by forwarding claims that trial and prior PCRA counsel were ineffective. As such, we conclude that Appellant's ineffective assistance of counsel claims are untimely and not subject to exception.

Order affirmed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/12/2026

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Commonwealth v. Lesko, 15 A.3d 345, 370–371 (Pa. 2011) (quotations and most internal citations omitted). "The burden rests with [an a]ppellant to '**prove, by reference to the record**, that evidence was withheld or suppressed by the prosecution.'" ***Commonwealth v. Sneed***, 45 A.3d 1096, 1116 (Pa. 2012) (citation omitted; emphasis in original). "[B]ald assertions are insufficient to establish a viable ***Brady*** claim." ***Id.***

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pertained to one of the detectives who investigated his case and one of the crime scene investigators who assisted in the investigation. Appellant asserts that the misconduct reports would have enabled him to better confront and discredit the testimony of these two Commonwealth witnesses. We shall address the timeliness of these claims and, if the claims validly invoke a timeliness exception, we shall then address the merits of the claim.

First, with regard to the timeliness of Appellant's claim related to the crime scene photographs, we note that Appellant fails to allege when he discovered the allegedly exculpatory evidence that was suppressed by the Commonwealth. Multiple crime scene photographs were introduced as exhibits at trial, including a photograph that showed a tree in front of the eyewitness' bedroom, as taken from outside and facing the residence. At trial, the Commonwealth entered a photograph of the tree at issue as Commonwealth's Exhibit 7. The eyewitness testified that she had a "clear view" through the tree. N.T., 10/29/2014, at 108. Appellant also attached several crime scene photographs to his timely *pro se* petition in 2018. As such, any reliance on these facts or crime scene photographs would not constitute new facts under the PCRA. Appellant has also failed to show that he has presented his current claim within one year of the date the claim could have been presented. Moreover, while Appellant suggests that photographic evidence of the eyewitness' view from her room may have impeached her credibility and helped his defense at trial, he has not pled or proven that such

photographs actually exist or that the police or Commonwealth agency ever took photographs of the witness' bedroom or the view from her window. Appellant's bald assertions are wholly speculative and materially insufficient to warrant an evidentiary hearing or to establish a viable ***Brady*** claim. ***See Commonwealth v. Roney***, 79 A.3d 595, 605 (Pa. 2013) (an evidentiary hearing "is not meant to function as a fishing expedition for any possible evidence that may support some speculative claim[.]"). For all of the foregoing reasons, Appellant's claim regarding the crime scene photographs is untimely and meritless.

Appellant next alleges that he discovered misconduct reports that pertained to one of the detectives who investigated his case, Detective James Crone, and one of the crime scene investigators who assisted in the investigation, Officer Edward Fidler. Appellant's Brief at 9. First, Appellant argues that "Lead Detective James Crone" received a misconduct report which could have been used to impeach the detective's credibility at trial. ***Id.*** at 8-10; 12. Upon further review of the record, however, the Commonwealth provided Appellant with discovery pertaining to Detective Crone's misconduct in response to Appellant's first PCRA petition. ***See*** Commonwealth's Motion to Dismiss, 5/3/2020, at 19 n.4. This information was provided by the Commonwealth while Appellant's first PCRA petition was pending in 2020, but Appellant waited and raised the purported discovery violation in a subsequent,

untimely PCRA petition in 2023. Accordingly, Appellant's claim related to Detective Crone is untimely.

In his related claim, Appellant also posits that Officer Fidler received a misconduct report which could have been used to impeach the officer's credibility at trial and may have led to suppression of the evidence. Appellant's Brief at 12; ***see also id.*** at 13 ("The misconduct report could have been used to impeach the credibility of the crime scene unit and [t]o successfully suppress the evidence seized."). Here, Appellant argues that he did not receive Officer Fidler's misconduct report until 2023 and that he filed his current PCRA petition on May 17, 2023, within one-year of its discovery. ***Id.*** at 6. For this reason, we find the claim was presented timely. ***See*** 42 Pa.C.S.A. § 9545(b)(2) ("Any petition invoking an exception [under the PCRA] shall be filed within one year of the date the claim could have been presented."). The PCRA court, however, recognized that the proffered misconduct reports pertaining to both Officer Fidler and Detective Crone "concerned the [o]fficers' involvement in cases unrelated to [Appellant's trial]." PCRA Court Opinion, 12/26/2025, at *4 (unpaginated). This Court has held that "the Commonwealth ha[s] no obligation under ***Brady*** to disclose to the defense evidence of misconduct committed by the subject officers in cases wholly unrelated to [the a]ppellant" and "[an a]ppellant fail[s] to establish the materiality of such evidence absent some proof that the subject officers committed misconduct in [the a]ppellant's case." ***Commonwealth***

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Finally, Appellant argues that trial counsel provided ineffective assistance of counsel by failing to: (1) file a second suppression motion and request another evidentiary hearing after successfully litigating a suppression issue on direct appeal; (2) object to evidence illegally obtained by the Philadelphia police; (3) object to direct examination of a witness who testified about a separate, unrelated crime purportedly committed by Appellant; and (4) object to the eyewitness' purported false testimony pertaining to her

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vantage point. Appellant's Brief at 20-21, 22, 24, and 26-27, respectively. Appellant argues that originally appointed PCRA counsel was also ineffective for failing to raise his aforementioned ineffective assistance of trial counsel claims in his first PCRA petition. ***Id.*** at 30.

"It is well-established that an allegation of ineffectiveness is, typically, not sufficient to overcome an otherwise untimely PCRA petition. ***Commonwealth v. Branthafer***, 315 A.3d 113, 136 (Pa. Super. 2024), *appeal denied*, 333 A.3d 1266 (Pa. 2025), *citing* ***Commonwealth v. Gamboa-Taylor***, 753 A.2d 780, 785 (Pa. 2000) (holding that, an ineffective assistance of PCRA counsel claim layered on top of a claim involving trial counsel's ineffectiveness does not satisfy the newly-discovered facts exception to the PCRA jurisdictional time-bar); ***see also Commonwealth v. Robinson***, 139 A.3d 178, 186 (Pa. 2016) (stating that, couching a petitioner's claim in terms of ineffectiveness will not save an otherwise untimely petition under any one of the three exceptions enumerated in Section 9545(b)(1)).

In ***Branthafer***, we further explained that

> our Supreme Court recently held, in ***Commonwealth v. Bradley***, 261 A.3d 381 (Pa. 2021), that a petitioner may raise an ineffective assistance of initial-PCRA counsel claim at the first opportunity to do so, either *via* new PCRA counsel or *pro se*, even if raised for the first time on appeal. ***Bradley***, 261 A.3d at 401. In so holding, however, our Supreme Court did not overrule the well-established principle that a claim of ineffective assistance of initial-PCRA counsel does not automatically overcome the PCRA jurisdictional one-year time-bar. ***Id.***; ***see also Commonwealth v. Yarris***, 731 A.2d 581, 586 (Pa. 1999) (stating, "an untimely petition will not be addressed simply because it is couched in terms of ineffectiveness"); ***Commonwealth v. Beasley***, 741 A.2d 1258,

> 1286 (Pa. 1999) (stating that, "the fact that some of [a petitioner's] claims are couched in terms of ineffectiveness[ ] will [not] save [a] petition from application of [S]ection 9545"); ***Commonwealth v. Pursell***, 749 A.2d 911, 915 (Pa. 2000) (finding that, a claim of ineffective assistance of counsel does not overcome the jurisdictional time-bar, and a petitioner is still required to plead and prove one of the enumerated exceptions provided in Section 9545(b)(1)(i – iii) based on the ineffectiveness claim); ***Commonwealth v. Miller***, 2023 WL 6378154, at *3 (Pa. Super. filed Sept. 29, 2023) (non-precedential decision) (analyzing Miller's ineffectiveness claim within the legal framework of the PCRA's established exceptions to the jurisdictional time-bar rather than as a claim that automatically overcame the jurisdictional time-bar). Thus, ***Bradley*** expanded the opportunities afforded a petitioner to raise ineffectiveness claims, albeit still requiring that the petitioner satisfy the jurisdictional one-year time-bar requirement.

Commonwealth v. Branthafer, 315 A.3d 113, 122–123 (Pa. Super. 2024), *appeal denied*, 333 A.3d 1266 (Pa. 2025). Here, Appellant neither pled nor proved the application of a timeliness exception that would permit him to proceed with his ineffectiveness claims. Moreover, Appellant cannot overcome the PCRA's one-year time bar by forwarding claims that trial and prior PCRA counsel were ineffective. As such, we conclude that Appellant's ineffective assistance of counsel claims are untimely and not subject to exception.

Order affirmed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/12/2026

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

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
SHAQUILLE M. HENDERSON	:	
Appellant	:	No. 216 EDA 2026

Appeal from the PCRA Order Entered December 11, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at No(s): CP-51-CR-0009598-2013

BEFORE: BOWES, J., OLSON, J., and STEVENS, P.J.E.*

MEMORANDUM BY OLSON, J.: **FILED NOVEMBER 12, 2026**

Appellant, Shaquille M. Henderson, appeals *pro se* from the order entered on December 11, 2025, dismissing as untimely his second petition filed pursuant to the Post Conviction Relief Act (PCRA), 42 Pa.C.S.A. §§ 9541-9546. We affirm.

This Court has previously summarized the facts of this case:

> In March 2013, police responded to a shooting [along West] Butler Street in Philadelphia[, Pennsylvania]. A witness [] called 9-1-1 after hearing several gunshots at a boarding home where the witness, the victim, and [Appellant] lived. The witness found the victim unresponsive on the floor of a room on the third floor of the boarding home. Upon their arrival, officers observed the victim lying in the hallway suffering from multiple gunshot wounds.
>
> The victim was pronounced dead at the scene; an autopsy revealed that he had been shot nine times, suffering three independent[ly] fatal wounds—one to the left side of the head, one near the base of the neck, and one directly to the heart.

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* Former Justice specially assigned to the Superior Court.

> Among other things, police recovered an empty firearm lock box for a Glock pistol in one of the third-floor bedrooms, and nine fired cartridge casings on the steps leading from the second floor to the third-floor hallway of the boarding house.
>
> [Appellant] was able to elude capture until April 25, 2013. On that date, officers observed [Appellant] sitting on a bench outside a Starbucks on Temple University's campus. Knowing there was an outstanding warrant for [Appellant's] arrest on an unrelated case, the officers approached him. [Appellant] fled as soon as he saw the officers. During their pursuit of [Appellant], officers observed him discard a weapon into a nearby alleyway. [Appellant was arrested and found to be in possession of several grams of crack cocaine.] The weapon, a police-issued Glock 17 pistol, was later recovered and determined to be the murder weapon in the March 2013 Butler Street shooting. The gun had been reported stolen from an apartment on September 13, 2012, during a burglary.

Commonwealth v. Henderson, 279 A.3d 1255, at *1 (Pa. Super. 2022) (non-precedential decision) (original footnote incorporated).

Procedurally, the case progressed as follows:

> A five-day jury trial was held in October 2014. On October 31, 2014, [Appellant] was found guilty of first-degree murder and related offenses and sentenced to a mandatory term of life in prison without the possibility of parole. [Appellant] timely filed post-sentence motions that were denied by operation of law. [Appellant] filed a timely notice of appeal; our Court affirmed his judgment of sentence. ***Commonwealth v. Henderson***, No. 870 EDA 2015 (Pa. Super. filed April 28, 2017) (non-precedential decision). The Pennsylvania Supreme Court denied [Appellant's] petition for allowance of appeal on August 9, 2017. ***See Commonwealth v. Henderson***, No. 236 EAL 2017 (Pa. filed Aug. 9, 2018) (order).
>
> On May 16 2018, [Appellant] filed a *pro se* PCRA petition. The [PCRA] court appointed counsel, who filed an amended PCRA petition on September 15, 2019. The [PCRA] court issued [a] Pa.R.Crim.P. 907 notice of its intent to dismiss [Appellant's] petition without a hearing on September 23, 2020. [Appellant] filed a Rule 907 response on October 6, 2020. On November 10, 2020, the [PCRA] court dismissed the petition.

Henderson, 279 A.3d 1255 at *2 (footnotes omitted). On May 16, 2022, this Court affirmed the dismissal of Appellant's first PCRA petition. ***Id.*** at *4. Our Supreme Court denied further review. ***See Commonwealth v. Henderson***, 286 A.3d 707 (Pa. 2022).

Most recently, on May 17, 2023, Appellant filed a *pro se* PCRA petition.[1] On September 25, 2025, the PCRA court issued notice of its intent to dismiss Appellant's petition without a hearing pursuant to Pa.R.Crim.P. 907. On October 3, 2025, Appellant filed a *pro se* response to the PCRA court's Rule 907 notice. On October 30, 2025, the PCRA court issued a second notice of its intent to dismiss pursuant to Rule 907. Appellant responded *pro se* on November 13, 2025. By order entered on December 11, 2025, the PCRA court dismissed Appellant's 2023 PCRA petition as untimely and not subject to an exception. This *pro se* appeal followed in which Appellant claims that the PCRA court erred in dismissing his most recent PCRA petition as untimely.

Our standard of review is well-settled:

> Our standard of review of the denial of a PCRA petition is limited to examining whether the evidence of record supports the court's determination and whether its decision is free of legal error. This Court grants great deference to the factual findings of the PCRA court if the record contains any support for those findings. We review the court's legal conclusions *de novo*.

Commonwealth v. Sargent, 359 A.3d 441, 447 (Pa. Super. 2026) (internal citations, quotations and brackets omitted).

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[1] Appellant filed amended *pro se* PCRA petitions on August 14, 2023, January 16, 2024, May 21, 2025, May 26, 2025, and August 20, 2025.

No court in Pennsylvania has jurisdiction to reach the merits of an untimely petition where an exception to the PCRA time bar has not been established. ***See Commonwealth v. Edmiston***, 65 A.3d 339, 346 (Pa. Super. 2013). Thus, we begin our review by assessing whether Appellant's petition was timely and, if not, whether it was subject to a timeliness exception. Our Supreme Court has determined:

> A PCRA petition is timely if it is filed within one year of the date the judgment of sentence becomes final. A judgment of sentence 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.

Commonwealth v. Brown, 350 A.3d 12, 18 (Pa. 2026) (internal citations, quotations, and footnotes omitted).

Here, there is no dispute that Appellant's judgment of sentence became final in November 2017. ***See*** 42 Pa.C.S.A. § 9545(b)(3) (Judgment of sentence becomes final at the conclusion of direct review or at the expiration of the time for seeking review). Therefore, Appellant had until November 2018 to file a timely PCRA petition. ***See*** 42 Pa.C.S.A. § 9545(b)(1) ("Any petition under [the PCRA], including a second or subsequent petition, shall be filed within one year of the date the judgment becomes final, unless the petition alleges and the petitioner proves [an exception]."). As such, Appellant's most recent PCRA petition, filed on May 17, 2023, was patently untimely.

Our Supreme Court has said:

> To be considered timely, a PCRA petition filed beyond the one-year time limit must meet at least one of three 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.
>
> Further, any petition invoking an exception … shall be filed within one year of the date the claim could have been presented. If a PCRA petitioner establishes one of these exceptions, the petition will be considered as if it had been filed within one year of the date the claim could have been presented.

Commonwealth v. Brown, 350 A.3d 12, 18–19 (Pa. 2026) (internal citations, quotations, and footnotes omitted).

> Moreover,
>
> Section 9545(b)(1)(ii) requires that a petitioner "allege" and "prove" that "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. [Our Supreme] Court has held that Section 9545(b)(1)(ii) is not satisfied when a petitioner merely relies upon a new source for previously known facts. Whether a petitioner meets the requirements of the newly discovered facts exception ultimately turns on the petitioner's knowledge of previously unknown facts, not new evidence of a known fact, related to his claim.

Id. at 25–26 (citations and original brackets omitted).

Our Supreme Court has further explained:

> Under Section 9545(b)(1), a petition filed beyond a year of the date that the judgment becomes final is untimely unless the petition alleges and the petitioner proves the existence of a timeliness exception. These requirements are applicable to all three of the PCRA's timeliness exceptions. By its plain language, the PCRA initially imposes upon a petitioner only the burden to "allege," *i.e.*, to assert something as true before there has been an opportunity to prove that it is true. Proof through evidence comes later. At the petition stage, the petitioner can only make factual allegations which, if proven, would establish a timeliness exception. This is done through making assertions in the petition and supporting these assertions with affidavits, declarations, statements, documentary evidence, or anything else that supports the invocation of a timeliness exception. At this point, admissibility of evidence is not at issue. The petitioner only must demonstrate, through allegations and documentary support, how the petitioner will prove the applicability of the timeliness exception.
>
> ***
>
> [Our Supreme Court has] described the timeliness exception at Section 9545(b)(1)(ii) as having two components: 1) the facts upon which the claim was predicated were unknown to the petitioner and 2) could not have been ascertained by the exercise of due diligence. If the petitioner alleges and proves these components, then the PCRA court has jurisdiction over the claim under this subsection.

Id. at 29–31 (citations, footnotes, and most quotations omitted).

Appellant claims that he pled and proved the discovery of new facts which permitted him to assert claims alleging that the Commonwealth improperly withheld exculpatory evidence under ***Brady v. Maryland***, 373 U.S. 83 (1963).[2] First, Appellant alleges that he discovered certain crime

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[2] With regard to discovery, our Supreme Court has determined:

(Footnote Continued Next Page)

scene photographs which established that the Commonwealth withheld other photographs that showed an obstructed view from an eyewitness' bedroom. Appellant's Brief, at *10.[3] Appellant reasons that the photographs suppressed by the Commonwealth would establish that the witness could not see Appellant fleeing the scene of the shooting and, therefore, she lied at trial. ***See id*.** Next, Appellant alleges that he discovered misconduct reports that

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Order affirmed.

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Date: 11/12/2026

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

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
SHAQUILLE M. HENDERSON	:	
Appellant	:	No. 216 EDA 2026

Appeal from the PCRA Order Entered December 11, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at No(s): CP-51-CR-0009598-2013

BEFORE: BOWES, J., OLSON, J., and STEVENS, P.J.E.*

MEMORANDUM BY OLSON, J.: **FILED NOVEMBER 12, 2026**

Appellant, Shaquille M. Henderson, appeals *pro se* from the order entered on December 11, 2025, dismissing as untimely his second petition filed pursuant to the Post Conviction Relief Act (PCRA), 42 Pa.C.S.A. §§ 9541-9546. We affirm.

This Court has previously summarized the facts of this case:

> In March 2013, police responded to a shooting [along West] Butler Street in Philadelphia[, Pennsylvania]. A witness [] called 9-1-1 after hearing several gunshots at a boarding home where the witness, the victim, and [Appellant] lived. The witness found the victim unresponsive on the floor of a room on the third floor of the boarding home. Upon their arrival, officers observed the victim lying in the hallway suffering from multiple gunshot wounds.
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> The victim was pronounced dead at the scene; an autopsy revealed that he had been shot nine times, suffering three independent[ly] fatal wounds—one to the left side of the head, one near the base of the neck, and one directly to the heart.

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* Former Justice specially assigned to the Superior Court.

> Among other things, police recovered an empty firearm lock box for a Glock pistol in one of the third-floor bedrooms, and nine fired cartridge casings on the steps leading from the second floor to the third-floor hallway of the boarding house.
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> [Appellant] was able to elude capture until April 25, 2013. On that date, officers observed [Appellant] sitting on a bench outside a Starbucks on Temple University's campus. Knowing there was an outstanding warrant for [Appellant's] arrest on an unrelated case, the officers approached him. [Appellant] fled as soon as he saw the officers. During their pursuit of [Appellant], officers observed him discard a weapon into a nearby alleyway. [Appellant was arrested and found to be in possession of several grams of crack cocaine.] The weapon, a police-issued Glock 17 pistol, was later recovered and determined to be the murder weapon in the March 2013 Butler Street shooting. The gun had been reported stolen from an apartment on September 13, 2012, during a burglary.

Commonwealth v. Henderson, 279 A.3d 1255, at *1 (Pa. Super. 2022) (non-precedential decision) (original footnote incorporated).

Procedurally, the case progressed as follows:

> A five-day jury trial was held in October 2014. On October 31, 2014, [Appellant] was found guilty of first-degree murder and related offenses and sentenced to a mandatory term of life in prison without the possibility of parole. [Appellant] timely filed post-sentence motions that were denied by operation of law. [Appellant] filed a timely notice of appeal; our Court affirmed his judgment of sentence. ***Commonwealth v. Henderson***, No. 870 EDA 2015 (Pa. Super. filed April 28, 2017) (non-precedential decision). The Pennsylvania Supreme Court denied [Appellant's] petition for allowance of appeal on August 9, 2017. ***See Commonwealth v. Henderson***, No. 236 EAL 2017 (Pa. filed Aug. 9, 2018) (order).
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> On May 16 2018, [Appellant] filed a *pro se* PCRA petition. The [PCRA] court appointed counsel, who filed an amended PCRA petition on September 15, 2019. The [PCRA] court issued [a] Pa.R.Crim.P. 907 notice of its intent to dismiss [Appellant's] petition without a hearing on September 23, 2020. [Appellant] filed a Rule 907 response on October 6, 2020. On November 10, 2020, the [PCRA] court dismissed the petition.

Henderson, 279 A.3d 1255 at *2 (footnotes omitted). On May 16, 2022, this Court affirmed the dismissal of Appellant's first PCRA petition. ***Id.*** at *4. Our Supreme Court denied further review. ***See Commonwealth v. Henderson***, 286 A.3d 707 (Pa. 2022).

Most recently, on May 17, 2023, Appellant filed a *pro se* PCRA petition.[1] On September 25, 2025, the PCRA court issued notice of its intent to dismiss Appellant's petition without a hearing pursuant to Pa.R.Crim.P. 907. On October 3, 2025, Appellant filed a *pro se* response to the PCRA court's Rule 907 notice. On October 30, 2025, the PCRA court issued a second notice of its intent to dismiss pursuant to Rule 907. Appellant responded *pro se* on November 13, 2025. By order entered on December 11, 2025, the PCRA court dismissed Appellant's 2023 PCRA petition as untimely and not subject to an exception. This *pro se* appeal followed in which Appellant claims that the PCRA court erred in dismissing his most recent PCRA petition as untimely.

Our standard of review is well-settled:

> Our standard of review of the denial of a PCRA petition is limited to examining whether the evidence of record supports the court's determination and whether its decision is free of legal error. This Court grants great deference to the factual findings of the PCRA court if the record contains any support for those findings. We review the court's legal conclusions *de novo*.

Commonwealth v. Sargent, 359 A.3d 441, 447 (Pa. Super. 2026) (internal citations, quotations and brackets omitted).

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[1] Appellant filed amended *pro se* PCRA petitions on August 14, 2023, January 16, 2024, May 21, 2025, May 26, 2025, and August 20, 2025.

No court in Pennsylvania has jurisdiction to reach the merits of an untimely petition where an exception to the PCRA time bar has not been established. ***See Commonwealth v. Edmiston***, 65 A.3d 339, 346 (Pa. Super. 2013). Thus, we begin our review by assessing whether Appellant's petition was timely and, if not, whether it was subject to a timeliness exception. Our Supreme Court has determined:

> A PCRA petition is timely if it is filed within one year of the date the judgment of sentence becomes final. A judgment of sentence 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.

Commonwealth v. Brown, 350 A.3d 12, 18 (Pa. 2026) (internal citations, quotations, and footnotes omitted).

Here, there is no dispute that Appellant's judgment of sentence became final in November 2017. ***See*** 42 Pa.C.S.A. § 9545(b)(3) (Judgment of sentence becomes final at the conclusion of direct review or at the expiration of the time for seeking review). Therefore, Appellant had until November 2018 to file a timely PCRA petition. ***See*** 42 Pa.C.S.A. § 9545(b)(1) ("Any petition under [the PCRA], including a second or subsequent petition, shall be filed within one year of the date the judgment becomes final, unless the petition alleges and the petitioner proves [an exception]."). As such, Appellant's most recent PCRA petition, filed on May 17, 2023, was patently untimely.

Our Supreme Court has said:

> To be considered timely, a PCRA petition filed beyond the one-year time limit must meet at least one of three exceptions:
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> > (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;
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> > (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.
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> Further, any petition invoking an exception … shall be filed within one year of the date the claim could have been presented. If a PCRA petitioner establishes one of these exceptions, the petition will be considered as if it had been filed within one year of the date the claim could have been presented.

Commonwealth v. Brown, 350 A.3d 12, 18–19 (Pa. 2026) (internal citations, quotations, and footnotes omitted).

> Moreover,
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> Section 9545(b)(1)(ii) requires that a petitioner "allege" and "prove" that "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. [Our Supreme] Court has held that Section 9545(b)(1)(ii) is not satisfied when a petitioner merely relies upon a new source for previously known facts. Whether a petitioner meets the requirements of the newly discovered facts exception ultimately turns on the petitioner's knowledge of previously unknown facts, not new evidence of a known fact, related to his claim.

Id. at 25–26 (citations and original brackets omitted).

Our Supreme Court has further explained:

> Under Section 9545(b)(1), a petition filed beyond a year of the date that the judgment becomes final is untimely unless the petition alleges and the petitioner proves the existence of a timeliness exception. These requirements are applicable to all three of the PCRA's timeliness exceptions. By its plain language, the PCRA initially imposes upon a petitioner only the burden to "allege," *i.e.*, to assert something as true before there has been an opportunity to prove that it is true. Proof through evidence comes later. At the petition stage, the petitioner can only make factual allegations which, if proven, would establish a timeliness exception. This is done through making assertions in the petition and supporting these assertions with affidavits, declarations, statements, documentary evidence, or anything else that supports the invocation of a timeliness exception. At this point, admissibility of evidence is not at issue. The petitioner only must demonstrate, through allegations and documentary support, how the petitioner will prove the applicability of the timeliness exception.
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> [Our Supreme Court has] described the timeliness exception at Section 9545(b)(1)(ii) as having two components: 1) the facts upon which the claim was predicated were unknown to the petitioner and 2) could not have been ascertained by the exercise of due diligence. If the petitioner alleges and proves these components, then the PCRA court has jurisdiction over the claim under this subsection.

Id. at 29–31 (citations, footnotes, and most quotations omitted).

Appellant claims that he pled and proved the discovery of new facts which permitted him to assert claims alleging that the Commonwealth improperly withheld exculpatory evidence under ***Brady v. Maryland***, 373 U.S. 83 (1963).[2] First, Appellant alleges that he discovered certain crime

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[2] With regard to discovery, our Supreme Court has determined:

(Footnote Continued Next Page)

scene photographs which established that the Commonwealth withheld other photographs that showed an obstructed view from an eyewitness' bedroom. Appellant's Brief, at *10.[3] Appellant reasons that the photographs suppressed by the Commonwealth would establish that the witness could not see Appellant fleeing the scene of the shooting and, therefore, she lied at trial. ***See id*.** Next, Appellant alleges that he discovered misconduct reports that

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> In ***Brady***, the U.S. Supreme Court held that the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution. The duty to disclose may encompass impeachment evidence as well as directly exculpatory evidence. […Moreover, t]he prosecution's duty when faced with a ***Brady*** request extends to exculpatory evidence in the files of police agencies of the same government prosecuting the case. With regard to the issue of materiality, evidence is material if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the trial would have been different. [***See***] ***Commonwealth v. Collins***, 888 A.2d 564, 577–578 (Pa. 2005) (to establish ***Brady*** violation, defendant "must establish that there has been a suppression by the prosecution of either exculpatory or impeachment evidence that was favorable to the accused, and that the omission of such evidence prejudiced the defendant"). However, the mere possibility that an item of undisclosed information might have helped the defense, or might have affected the outcome of the trial, does not establish materiality in the constitutional sense.

Commonwealth v. Lesko, 15 A.3d 345, 370–371 (Pa. 2011) (quotations and most internal citations omitted). "The burden rests with [an a]ppellant to '**prove, by reference to the record**, that evidence was withheld or suppressed by the prosecution.'" ***Commonwealth v. Sneed***, 45 A.3d 1096, 1116 (Pa. 2012) (citation omitted; emphasis in original). "[B]ald assertions are insufficient to establish a viable ***Brady*** claim." ***Id.***

[3] Appellant's *pro se* brief is unpaginated. For ease of discussion, we have provided page numbers, beginning immediately following the cover sheet.

pertained to one of the detectives who investigated his case and one of the crime scene investigators who assisted in the investigation. Appellant asserts that the misconduct reports would have enabled him to better confront and discredit the testimony of these two Commonwealth witnesses. We shall address the timeliness of these claims and, if the claims validly invoke a timeliness exception, we shall then address the merits of the claim.

First, with regard to the timeliness of Appellant's claim related to the crime scene photographs, we note that Appellant fails to allege when he discovered the allegedly exculpatory evidence that was suppressed by the Commonwealth. Multiple crime scene photographs were introduced as exhibits at trial, including a photograph that showed a tree in front of the eyewitness' bedroom, as taken from outside and facing the residence. At trial, the Commonwealth entered a photograph of the tree at issue as Commonwealth's Exhibit 7. The eyewitness testified that she had a "clear view" through the tree. N.T., 10/29/2014, at 108. Appellant also attached several crime scene photographs to his timely *pro se* petition in 2018. As such, any reliance on these facts or crime scene photographs would not constitute new facts under the PCRA. Appellant has also failed to show that he has presented his current claim within one year of the date the claim could have been presented. Moreover, while Appellant suggests that photographic evidence of the eyewitness' view from her room may have impeached her credibility and helped his defense at trial, he has not pled or proven that such

photographs actually exist or that the police or Commonwealth agency ever took photographs of the witness' bedroom or the view from her window. Appellant's bald assertions are wholly speculative and materially insufficient to warrant an evidentiary hearing or to establish a viable ***Brady*** claim. ***See Commonwealth v. Roney***, 79 A.3d 595, 605 (Pa. 2013) (an evidentiary hearing "is not meant to function as a fishing expedition for any possible evidence that may support some speculative claim[.]"). For all of the foregoing reasons, Appellant's claim regarding the crime scene photographs is untimely and meritless.

Appellant next alleges that he discovered misconduct reports that pertained to one of the detectives who investigated his case, Detective James Crone, and one of the crime scene investigators who assisted in the investigation, Officer Edward Fidler. Appellant's Brief at 9. First, Appellant argues that "Lead Detective James Crone" received a misconduct report which could have been used to impeach the detective's credibility at trial. ***Id.*** at 8-10; 12. Upon further review of the record, however, the Commonwealth provided Appellant with discovery pertaining to Detective Crone's misconduct in response to Appellant's first PCRA petition. ***See*** Commonwealth's Motion to Dismiss, 5/3/2020, at 19 n.4. This information was provided by the Commonwealth while Appellant's first PCRA petition was pending in 2020, but Appellant waited and raised the purported discovery violation in a subsequent,

untimely PCRA petition in 2023. Accordingly, Appellant's claim related to Detective Crone is untimely.

In his related claim, Appellant also posits that Officer Fidler received a misconduct report which could have been used to impeach the officer's credibility at trial and may have led to suppression of the evidence. Appellant's Brief at 12; ***see also id.*** at 13 ("The misconduct report could have been used to impeach the credibility of the crime scene unit and [t]o successfully suppress the evidence seized."). Here, Appellant argues that he did not receive Officer Fidler's misconduct report until 2023 and that he filed his current PCRA petition on May 17, 2023, within one-year of its discovery. ***Id.*** at 6. For this reason, we find the claim was presented timely. ***See*** 42 Pa.C.S.A. § 9545(b)(2) ("Any petition invoking an exception [under the PCRA] shall be filed within one year of the date the claim could have been presented."). The PCRA court, however, recognized that the proffered misconduct reports pertaining to both Officer Fidler and Detective Crone "concerned the [o]fficers' involvement in cases unrelated to [Appellant's trial]." PCRA Court Opinion, 12/26/2025, at *4 (unpaginated). This Court has held that "the Commonwealth ha[s] no obligation under ***Brady*** to disclose to the defense evidence of misconduct committed by the subject officers in cases wholly unrelated to [the a]ppellant" and "[an a]ppellant fail[s] to establish the materiality of such evidence absent some proof that the subject officers committed misconduct in [the a]ppellant's case." ***Commonwealth***

v. Jordan, 358 A.3d 647, at *9 (Pa. Super. 2026) (non-precedential decision), *citing* ***Commonwealth v. Rahman***, 309 A.3d 1071, 2023 WL 8244825, at *15 (Pa. Super. 2023) (non-precedential decision) (upholding PCRA court's rejection of Rahman's ***Brady*** claim based on evidence of police misconduct, where Rahman failed to demonstrate that evidence of police misconduct "in wholly unrelated cases was material to [the a]ppellant's case or the PCRA proceedings, such that its omission resulted in prejudice to [the a]ppellant.").[4] Here, upon review of the certified record, the misconduct reports at issue do not contain proof that the subject police officers committed misconduct in this case, Appellant does not suggest otherwise, and, therefore, the Commonwealth was under no obligation to provide the misconduct reports in discovery under ***Brady***. For all of the foregoing reasons, Appellant's claim regarding purported discovery violations is meritless.

Finally, Appellant argues that trial counsel provided ineffective assistance of counsel by failing to: (1) file a second suppression motion and request another evidentiary hearing after successfully litigating a suppression issue on direct appeal; (2) object to evidence illegally obtained by the Philadelphia police; (3) object to direct examination of a witness who testified about a separate, unrelated crime purportedly committed by Appellant; and (4) object to the eyewitness' purported false testimony pertaining to her

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[4] ***See*** Pa.R.A.P. 126(b) (Non-precedential decisions filed after May 1, 2019, may be cited for their persuasive value).

vantage point. Appellant's Brief at 20-21, 22, 24, and 26-27, respectively. Appellant argues that originally appointed PCRA counsel was also ineffective for failing to raise his aforementioned ineffective assistance of trial counsel claims in his first PCRA petition. ***Id.*** at 30.

"It is well-established that an allegation of ineffectiveness is, typically, not sufficient to overcome an otherwise untimely PCRA petition. ***Commonwealth v. Branthafer***, 315 A.3d 113, 136 (Pa. Super. 2024), *appeal denied*, 333 A.3d 1266 (Pa. 2025), *citing* ***Commonwealth v. Gamboa-Taylor***, 753 A.2d 780, 785 (Pa. 2000) (holding that, an ineffective assistance of PCRA counsel claim layered on top of a claim involving trial counsel's ineffectiveness does not satisfy the newly-discovered facts exception to the PCRA jurisdictional time-bar); ***see also Commonwealth v. Robinson***, 139 A.3d 178, 186 (Pa. 2016) (stating that, couching a petitioner's claim in terms of ineffectiveness will not save an otherwise untimely petition under any one of the three exceptions enumerated in Section 9545(b)(1)).

In ***Branthafer***, we further explained that

> our Supreme Court recently held, in ***Commonwealth v. Bradley***, 261 A.3d 381 (Pa. 2021), that a petitioner may raise an ineffective assistance of initial-PCRA counsel claim at the first opportunity to do so, either *via* new PCRA counsel or *pro se*, even if raised for the first time on appeal. ***Bradley***, 261 A.3d at 401. In so holding, however, our Supreme Court did not overrule the well-established principle that a claim of ineffective assistance of initial-PCRA counsel does not automatically overcome the PCRA jurisdictional one-year time-bar. ***Id.***; ***see also Commonwealth v. Yarris***, 731 A.2d 581, 586 (Pa. 1999) (stating, "an untimely petition will not be addressed simply because it is couched in terms of ineffectiveness"); ***Commonwealth v. Beasley***, 741 A.2d 1258,

> 1286 (Pa. 1999) (stating that, "the fact that some of [a petitioner's] claims are couched in terms of ineffectiveness[ ] will [not] save [a] petition from application of [S]ection 9545"); ***Commonwealth v. Pursell***, 749 A.2d 911, 915 (Pa. 2000) (finding that, a claim of ineffective assistance of counsel does not overcome the jurisdictional time-bar, and a petitioner is still required to plead and prove one of the enumerated exceptions provided in Section 9545(b)(1)(i – iii) based on the ineffectiveness claim); ***Commonwealth v. Miller***, 2023 WL 6378154, at *3 (Pa. Super. filed Sept. 29, 2023) (non-precedential decision) (analyzing Miller's ineffectiveness claim within the legal framework of the PCRA's established exceptions to the jurisdictional time-bar rather than as a claim that automatically overcame the jurisdictional time-bar). Thus, ***Bradley*** expanded the opportunities afforded a petitioner to raise ineffectiveness claims, albeit still requiring that the petitioner satisfy the jurisdictional one-year time-bar requirement.

Commonwealth v. Branthafer, 315 A.3d 113, 122–123 (Pa. Super. 2024), *appeal denied*, 333 A.3d 1266 (Pa. 2025). Here, Appellant neither pled nor proved the application of a timeliness exception that would permit him to proceed with his ineffectiveness claims. Moreover, Appellant cannot overcome the PCRA's one-year time bar by forwarding claims that trial and prior PCRA counsel were ineffective. As such, we conclude that Appellant's ineffective assistance of counsel claims are untimely and not subject to exception.

Order affirmed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/12/2026