

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
LYNDEL JOHNSON	:	
	:	
Appellant	:	No. 2291 EDA 2025

Appeal from the PCRA Order Entered July 11, 2024
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0010310-2011

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

MEMORANDUM BY STEVENS, P.J.E.:

FILED SEPTEMBER 9, 2026

Appellant, Lyndel Johnson, appeals *nunc pro tunc* from the order entered in the Court of Common Pleas of Philadelphia County dismissing his second petition filed under the Post Conviction Relief Act ("PCRA"), 42 Pa.C.S.A. §§ 9541-9546. After our careful review, we affirm.

The relevant facts underlying this appeal are as follows:

[S.R.], the fifteen-year-old niece of the decedent, [Shane McCreery,] had, shortly before the August 2, 2011[,] shooting that is the subject of this case, sold [Appellant] a pit bull for \$175, only \$60 of which was paid up front. [S.R.] unsuccessfully brought the debt up with [Appellant] twice during the week prior to the shooting.

On August 1, 2011[,] before midnight, [S.R.] and her friend, Saleem Johnson, [who is Appellant's] brother, went to the Chinese store, where she told Saleem about the debt, saying that if she did not get the money, she would have her uncles come and get

* Former Justice specially assigned to the Superior Court.

it for her. [S.R.] and [Saleem] walked to [an address on] W. Tioga Street and sat on the front porch with [Saleem's] sister, Alexis, for approximately [thirty minutes]. At some point, [Saleem] went inside, saw [Appellant], and told him what [S.R.] had said about her uncles. [Appellant] came out onto the porch and told [S.R.] that he would pistol-whip her if she did not leave the property. [S.R.] left, accompanied by [Saleem], and walked to her house, which is one block north on Marvine Street. On the way there, she called her stepfather and told him she had been threatened. [S.R.'s stepfather] called [Mr. McCreery], who arrived at [S.R.'s] house ten minutes later, accompanied by his brother, Isaac Mercado, and his cousin, Julio Rodriguez. [S.R.'s stepfather] arrived ten minutes after that.

[S.R.], her mother, her two uncles, her cousin, and [her stepfather], then walked south on Marvine Street toward the northeast corner of Marvine and W. Tioga Streets. [Appellant] approached the group on the east side of Marvine Street a little north of the intersection, at which point [S.R.'s stepfather] and [Mr. McCreery] confronted [Appellant] about the money. [Appellant] went into his house at *** W. Tioga Street and came out with the money, which he gave to [S.R.'s stepfather]. [Mr. McCreery] and [Appellant] argued briefly. Then, [S.R.'s stepfather] punched [Appellant] in the head or chest....[Appellant] was knocked back approximately ten feet.

[Appellant] then turned back toward the group, pulled out a gun, and began shooting at them from about ten feet away, standing in the middle of the street between the northern corners of Marvine and W. Tioga Streets. [S.R.] and [Mr. Mercado] ran east on W. Tioga Street, and [S.R.'s stepfather], [Mr. McCreery], and Mr. Rodriguez ran north on Marvine Street toward [S.R.'s] house. [Appellant] fired shots at the latter group, following them up Marvine Street and fatally wounding [Mr. McCreery]. [S.R.'s mother] remained standing in the middle of Marvine Street. [S.R.] doubled back to Marvine Street and observed the incident from behind a car. After running approximately forty-five feet up Marvine Street, Mr. Rodriguez pulled out a handgun and gave it to [S.R.'s stepfather], who aimed it at [Appellant] and fired three times. When [Appellant] finished shooting, he ran back toward the corner of Marvine and W. Tioga Streets and headed west on W. Tioga Street. [Appellant] was then arrested and charged in connection with the shooting.]

Represented by counsel, Appellant proceeded to a jury trial, and the jury convicted Appellant of murder of the third degree, two counts of aggravated assault, reckless endangerment, and firearms not to be carried without a license. **See** 18 Pa.C.S.A. §§ 2502(c), 2702(a), 2705, and 6106(a)(1). On October 5, 2012, the trial court sentenced Appellant to an aggregate of 18½ to 37 years in prison, and the trial court denied Appellant's timely filed post-sentence motion.

Appellant filed a timely direct appeal presenting weight and sufficiency of the evidence claims, and after rejecting the claims, this Court affirmed Appellant's judgment of sentence. **See *Commonwealth v. Johnson***, No. 3119 EDA 2012 (Pa.Super. filed 11/1/13) (unpublished memorandum). The Pennsylvania Supreme Court reinstated Appellant's right to file a petition for allowance of appeal and denied the petition on December 17, 2015. Appellant did not seek review in the United States Supreme Court.

Appellant filed a timely *pro se* PCRA petition on March 28, 2016, and the PCRA court appointed counsel, who filed an amended PCRA petition on September 18, 2016, raising three claims of trial counsel's ineffectiveness.¹ On December 5, 2016, the PCRA court issued a Pennsylvania Rule of Criminal Procedure 907 notice of its intent to dismiss Appellant's amended petition.

¹ Specifically, Appellant alleged trial counsel was ineffective for failing to introduce the *crimen falsi* of a witness, failing to object to the lack of a preliminary hearing on the charge of third-degree murder, and failing to object to the Commonwealth's improper reference to his pretrial incarceration.

Appellant did not file a response, and on January 13, 2017, the PCRA court denied Appellant's first PCRA petition. Appellant filed a timely notice of appeal, and concluding Appellant was not entitled to relief on his claims of ineffective assistance of counsel, we affirmed the PCRA court's January 13, 2017, order denying Appellant's first PCRA petition. Appellant filed a petition for allowance of appeal, which our Supreme Court denied on April 17, 2018.

On November 30, 2023, Appellant filed a second PCRA petition with the assistance of counsel, Todd Michael Mosser, Esquire, who then amended the petition on March 20, 2024. On July 11, 2024, after an evidentiary hearing, the PCRA court dismissed Appellant's second PCRA petition. Specifically, the PCRA court found Appellant's second PCRA petition was untimely filed and, although he sought to invoke the newly discovered facts and governmental interference exceptions, he failed to demonstrate his entitlement to relief.

Attorney Mosser filed a timely notice of appeal on behalf of Appellant; however, on November 27, 2024, this Court dismissed Appellant's appeal because Attorney Mosser failed to file a docketing statement as required by Pennsylvania Rule of Appellate Procedure 3517.

On or about August 6, 2025, Appellant filed a *pro se* third PCRA petition. Therein, Appellant contended that Attorney Mosser abandoned him on appeal from the dismissal of his second PCRA petition, and, thus, he was *per se* ineffective. Appellant suggested that he first learned of Attorney Mosser's abandonment in a letter, dated July 31, 2025, wherein Attorney Mosser

advised Appellant that he failed to file a docketing statement resulting in this Court dismissing his appeal. Accordingly, Appellant sought the reinstatement of his right to appeal from the dismissal of his second PCRA petition *nunc pro tunc*.

By order entered on August 15, 2025, the PCRA court granted Appellant's third PCRA petition and specifically directed that Appellant's appeal rights from the PCRA court's July 11, 2024, order, which dismissed Appellant's second PCRA petition, were reinstated *nunc pro tunc*. Further, the PCRA court appointed new counsel, Gina A. Amoriello, Esquire, and on August 28, 2025, Attorney Amoriello filed a counseled notice of appeal on behalf of Appellant.² Thereafter, Appellant retained Attorney Mosser, who filed an appellate brief on behalf of Appellant.

On appeal, Appellant presents the following issues in his "Statement of the Questions Involved" (verbatim):

1. Did the lower court err in denying Appellant's [second] PCRA petition as untimely on the basis that Appellant's newly discovered evidence claim was not timely filed within one year of Appellant having discovered it?
2. Did the lower court err in dismissing Appellant's [second] PCRA petition as untimely on the basis that Appellant's governmental interference claim did not satisfy the requirements of 42 Pa.C.S. § 9545(b)(1)(i) because Appellant did not prove that the Commonwealth actually suppressed the exculpatory statement that Saleem Johnson made to homicide detectives on August 3, 2011?

² The PCRA court did not direct Appellant to file a Pa.R.A.P. 1925(b) statement, and consequently, no such statement was filed.

Appellant's Brief at 2-3 (suggested answers omitted).

Initially, we note:

On appeal from the denial of PCRA relief, our standard of review calls for us to determine whether the ruling of the PCRA court is supported by the record and free of legal error. The PCRA court's findings will not be disturbed unless there is no support for the findings in the certified record. The PCRA court's factual determinations are entitled to deference, but its legal determinations are subject to our plenary review.

Commonwealth v. Nero, 58 A.3d 802, 805 (Pa.Super. 2012) (quotation marks and quotations omitted).

Pennsylvania law makes clear no court has jurisdiction to hear an untimely PCRA petition. The most recent amendments to the PCRA, effective January 16, 1996, provide a PCRA petition, including a second or subsequent petition, shall be filed within one year of the date the underlying judgment becomes final. 42 Pa.C.S.A. § 9545(b)(1). A judgment is deemed 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." 42 Pa.C.S.A. § 9545(b)(3).

Commonwealth v. Monaco, 996 A.2d 1076, 1079 (Pa.Super. 2010) (citations omitted).

[There are] three statutory exceptions to the timeliness provisions in the PCRA [that] allow for the very limited circumstances under which the late filing of a petition will be excused. 42 Pa.C.S.A. § 9545(b)(1). To invoke an exception, a petitioner must allege and prove:

(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.

Id. at 1079-80 (citing 42 Pa.C.S.A. § 9545(b)(1)(i)-(iii)).

Any petition invoking a timeliness exception must be filed within one year of the date the claim could have been presented.³ 42 Pa.C.S.A. § 9545(b)(2). “We emphasize that it is the petitioner who bears the burden to allege and prove that one of the timeliness exceptions applies.” ***Commonwealth v. Marshall***, 947 A.2d 714, 719 (Pa. 2008) (citation omitted). Lastly, there is “no generalized equitable exception to the jurisdictional one-year time bar pertaining to post-conviction petitions.” ***Commonwealth v. Brown***, 943 A.2d 264, 267 (Pa. 2008).

Here, Appellant filed a timely direct appeal, and this Court affirmed Appellant’s judgment of sentence. The Pennsylvania Supreme Court reinstated Appellant’s right to file a petition for allowance of appeal and denied the petition on December 17, 2015. Appellant did not file a petition for a writ of

³ On October 24, 2018, the General Assembly amended Subsection 9545(b)(2) and extended the time for filing a petition from sixty days to one year from the date the claim could have been presented. **See** 2018 Pa.Legis.Serv.Act 2018-146 (S.B. 915), effective December 24, 2018. This amendment applies only to claims arising one year before the effective date of this section, December 24, 2017, or thereafter.

certiorari with the United States Supreme Court, and, thus, his judgment of sentence became final ninety days thereafter, on March 16, 2016. **See** U.S. Sup.Ct. Rule 13; 42 Pa.C.S.A. § 9545(b)(3).

With these precepts in mind, we initially examine whether the PCRA court had jurisdiction to reinstate Appellant's appeal rights from the July 11, 2024, order, which dismissed Appellant's second PCRA petition. That is, we must determine whether the PCRA court had jurisdiction to grant Appellant's third PCRA petition limited to the issue of reinstating Appellant's appeal rights *nunc pro tunc* relative to the dismissal of his second PCRA petition. **Commonwealth v. James**, 69 A.3d 180 (Pa. 2013) (holding the appellate courts may *sua sponte* consider whether the courts have jurisdiction).

There is no dispute that Appellant's third PCRA petition, which he filed on or about August 6, 2025, was filed more than one year from when his judgment of sentence became final. Consequently, Appellant's third PCRA petition was patently untimely, and accordingly, the PCRA court did not have jurisdiction to grant Appellant relief thereunder unless he met one of the timeliness exceptions set forth *supra*. Pursuant to **Commonwealth v. Bennett**, 930 A.2d 1264 (Pa. 2007), we conclude Appellant met one of the exceptions, and, thus, the PCRA court had jurisdiction to grant Appellant's third PCRA petition (which reinstated his appeal rights from the dismissal of his second PCRA petition).

In ***Bennett, supra***, our Supreme Court held that, while “PCRA counsel’s ineffectiveness cannot be advanced as a newly discovered ‘fact’ for purposes of application of the Subsection 9545(b)(1)(ii) exception to the PCRA’s one-year time bar, [it] has no application in cases where PCRA counsel’s ineffectiveness *per se* completely forecloses review of collateral claims.” ***Id.*** at 1130. **See** 42 Pa.C.S.A. § 9545(b)(1)(ii). Thus, in ***Bennett***, our Supreme Court concluded that, since counsel had abandoned the appellant by failing to file an appellate brief in his first collateral appeal, the claim of counsel’s abandonment fell within the ambit of Subsection 9545(b)(1)(ii).

Similarly, in the case *sub judice*, where Appellant’s counsel failed to file a necessary docketing statement, thus completely foreclosing Appellant from obtaining review of the collateral claims set forth in his second PCRA petition, we conclude Subsection 9545(b)(1)(ii)’s exception applies.⁴ Thus, the PCRA court did not err in reinstating Appellant’s appeal rights, and we turn to an examination of Appellant’s second PCRA petition.

⁴ Further, inasmuch as Appellant filed his third PCRA petition seeking the restoration of his collateral appeal rights within one year of this Court’s dismissal of the appeal relative to his second PCRA petition, we find Appellant met the requirement of raising the exception within one year of the date the claim could have been presented. **See** 42 Pa.C.S.A. § 9545(b)(2). Our conclusion is further supported by Appellant’s averment, which the PCRA court deemed credible, that he learned about the dismissal via counsel’s letter dated July 31, 2025, and he then filed his third PCRA petition on or about August 6, 2025.

Appellant's second PCRA petition, which he filed with the assistance of counsel on November 30, 2023, is patently untimely since it was filed more than a year from when his judgment of sentence became final on March 16, 2016. 42 Pa.C.S.A. § 9545(b)(1). Thus, we cannot address the merits of Appellant's second PCRA petition unless he has met one of the timeliness exceptions set forth *supra*.

Appellant first suggests that he is entitled to the newly discovered facts exception set forth in Subsection 9545(b)(1)(ii). Generally, to qualify for the newly discovered facts exception, petitioners must prove that the facts upon which their claim is based were unknown and could not have been discovered previously through the exercise of due diligence. 42 Pa.C.S.A. § 9545(b)(1)(ii).

"Due diligence does not require perfect vigilance and punctilious care, but merely a showing the party [] put forth reasonable effort to obtain the information upon which a claim is based." ***Commonwealth v. Cox***, 146 A.3d 221, 230 (Pa. 2016) (quotation marks and quotation omitted). The petitioner must offer "evidence that he exercised due diligence in obtaining facts upon which his claim was based." ***Id.*** at 227 (citation omitted). The question of whether a petitioner, based upon the circumstances of a particular case, would have been unable to discover the newly discovered fact notwithstanding the exercise of due diligence is a question that requires fact-finding, and the PCRA court, as the fact-finder, should determine whether a petitioner demonstrated

this requirement of the exception. **Bennett, supra.** Additionally, the focus of this exception is on the newly discovered facts, not on a newly discovered or newly willing source for previously known facts. **Id.**

Here, in invoking Subsection 9545(b)(1)(ii), Appellant claims his newly discovered fact is attributed to an affidavit from Saleem, wherein he recanted his trial testimony. To place this claim in context, we note that, at Appellant's jury trial, Saleem testified that Appellant threatened to pistol-whip S.R. N.T., 8/21/12, 145. He further testified that, when S.R.'s family arrived on the scene, Appellant walked to the other side of the street, cocked his gun, and put the gun in his pocket. **Id.** at 154. He testified that one of S.R.'s uncles approached Appellant, and the uncle lifted his shirt to show Appellant that he did not have a gun on him. **Id.** at 157. Saleem confirmed S.R.'s stepfather punched Appellant. **Id.** at 163. He testified Appellant then reached in his pocket and fired a shot or two. **Id.** at 166. S.R. and her family started running away, and Saleem then saw S.R.'s stepfather shoot at Appellant. **Id.** at 169-70.

Additionally, Saleem testified at trial that, after the incident, he went to the police station, he filled out a description of the events "the best he could," and he identified Appellant from a photo. **Id.** at 176. He admitted he signed a "Statement of Adoption and Attestation" as to his statement. **Id.** at 177.

However, in the notarized affidavit, which Saleem signed over ten years later on December 1, 2022, and Appellant attached to his second PCRA petition, Saleem averred:

On August 3, 2011, I was questioned several times by more than three detectives concerning the shooting death of [Mr.] McCreery. I told the detectives the absolute truth in my first statement about what occurred on August 3, 2011. The detectives told me that they didn't believe me because I was trying to protect my brother. The detectives threatened to arrest me for helping my brother, [Appellant], commit the murder. I told the detectives that I wanted my parents with me so that they could get me a lawyer. The detectives told me that they would let me go home if I signed a statement implicating [Appellant] as the initial aggressor. I [was] just seventeen years old at that time. I was scared, and I didn't want to go to prison so I signed the statement that the detective produced.

My brother, [Appellant], never threatened to pistol-whip [S.R.] prior to the incident on August 3, 2011. [Appellant] never cocked his pistol back. When [Appellant] paid [S.R.] the money that he owed her, her [step]father sucker punched [Appellant]. [Appellant] attempted to run away after he was punched but somebody yelled out, "kill that bitch ass nigger." As soon as that was yelled out is when [S.R.'s] family started shooting at [Appellant]. As [Appellant] was running away trying to take cover behind a parked car, he returned one shot as he was running. My second statement and testimony were coerced and coached by the detectives who questioned me on August 3, 2011.

Saleem Johnson's Affidavit, signed 12/1/22, at 1.

Thereafter, at the PCRA evidentiary hearing on May 14, 2024, Saleem testified the detectives threatened to charge him if he didn't implicate his brother. N.T., 5/14/24, at 37. Saleem testified that the first time he told anyone that his trial testimony was coerced was in late November of 2022, when he told his father. ***Id.*** at 42.

Appellant's father, Lyndell Johnson, Sr., testified that, after Appellant was sentenced and in jail, Saleem told him that his trial testimony was coerced. ***Id.*** at 44. Specifically, Mr. Johnson, Sr., testified that, "at least five years" before Saleem signed the affidavit on December 1, 2022, Saleem told him that his trial testimony was untrue. ***Id.*** at 47. The relevant exchange occurred between Appellant's father, Mr. Johnson, Sr., and the ADA on cross-examination:

Q: So, after [Appellant] was sentenced but quite some years before 2022, Saleem confesses that he made a horrible error or whatever you want to call it. But without getting into the wording, you had a conversation about that statement and the testimony being false; is that correct?

A: Yes, ma'am.

Q: And then—

A: It was only a couple months later.

Q: Around that same time but a little later, you had a conversation with [Appellant] about it; is that correct?

A: Yes.

Q: And so that would be a couple months after the sentence was imposed but some years before 2022?

A: Yes.

Q: What did [Appellant] say? I mean, that must have been an intense conversation?

A: Well, it was pretty much on me. Because I was pretty much like, Pop, you should have been there. Like, when they took Saleem to take the statement, I should have been there. I was like, it was nothing I could do; they took him out of the house. If he didn't go and testify, they were going to lock him up.

Id. at 49-50.

Appellant testified on his own behalf at the PCRA evidentiary hearing. He testified that he had no contact with Saleem after his trial. *Id.* at 54. He testified that he had no idea Saleem planned to recant his trial testimony, and he first learned of it when he received the affidavit in the mail after Thanksgiving of 2022. *Id.* He denied his father ever told him that Saleem reported he had lied or his trial testimony was coerced. *Id.* Appellant admitted that he remained in contact with his siblings, and in an email dated May 16, 2020, he sent an email directed to one of his brothers indicating that he might forgive Saleem. *Id.* at 59-60. Also, he admitted that he sent an email to his sister on August 3, 2020, wherein he acknowledged he was talking to another relative on the telephone when he heard Saleem in the background. *Id.* at 61.

Based on the aforementioned, in finding Appellant did not meet his burden under Subsection 9545(b)(1)(ii), the PCRA court indicated the following:

To qualify for the exception, a petitioner needs to establish that the facts forming the basis of the claim were unknown to him and could not have been obtained by the exercise of due diligence. The focus of this exception is on the newly discovered facts, not on a newly discovered or newly willing source for previously known facts.

[Appellant's] claims that the facts supporting the instant petition were unknown to him and could not have been discovered through the exercise of due diligence are patently false. Lyndell Johnson, Sr., shared the information with [Appellant] multiple years prior, and [Appellant] failed to raise the claim within one year of discovering the information. Saleem's unwillingness to publicly recant his testimony [in an affidavit] until 2022 is, at most, a newly available source of information, rather than newly

discovered evidence. [Appellant] further did not establish sufficient due diligence as he did not claim that he attempted to contact Saleem at any point since trial.

PCRA Court Opinion, filed 7/11/24, at 7-8 (citations omitted).

We find no abuse of discretion. The PCRA court found credible Mr. Johnson, Sr.'s testimony that, at least five years prior to Saleem's December 1, 2022, affidavit, he told Appellant that Saleem had admitted to him that his trial testimony was coerced. Still, Appellant took no action based on this information. Appellant made no claim, and, in fact, he denied at the PCRA evidentiary hearing that he attempted to contact Saleem at any point since trial to determine whether Saleem had any additional information or would admit that his trial testimony was allegedly coerced. ***See Commonwealth v. Brown***, 111 A.3d 171 (Pa.Super. 2015) (holding witness's reluctance to come forward sooner with purported new information did not explain why the appellant was unable to discover the information earlier with the exercise of due diligence). The fact Saleem did not provide Appellant with an affidavit sooner does not explain why Appellant, with the exercise of due diligence, could not have raised a claim regarding Saleem's recantation or otherwise have discovered information contained in Saleem's affidavit sooner. ***See id.*** Accordingly, we agree with the PCRA court that Appellant is not entitled to the newly discovered facts exception on this basis.

Appellant next contends that he is entitled to the governmental interference exception under Subsection 9545(b)(1)(i). Specifically, Appellant

claims that, at the PCRA evidentiary hearing, Saleem testified that he told a detective on August 3, 2011, that he saw S.R.'s stepfather hit Appellant in the face and, as Appellant retreated, one of S.R.'s relatives fired a shot at him first. N.T., 5/13/24, at 11-13. Saleem further testified that a detective wrote a statement that stated the opposite—that Appellant was the aggressor—and threatened to charge Saleem if he did not sign it. Appellant claims that, in violation of **Brady v. Maryland**, 373 U.S. 83, 83 S.Ct. 1194 (1963), the Commonwealth did not make him aware of this exculpatory evidence, *i.e.*, Saleem's original statement to the police and the police's misconduct in failing to report the statement. Thus, Appellant avers that he proved his entitlement to the governmental interference exception.

Section 9545(b)(1)(i) provides an exception to the one year time bar when there has been an unconstitutional interference by government officials, *i.e.*, a **Brady** claim. Our Supreme Court has explained:

[A] **Brady** violation may fall within the governmental interference exception[. T]he petitioner must plead and prove the failure to previously raise the claim was the result of interference by government officials, and the information could not have been obtained earlier with the exercise of due diligence[.]

Commonwealth v. Abu-Jamal, 941 A.2d 1263, 1268 (Pa. 2008) (citations omitted); **Commonwealth v. Howard**, 788 A.2d 351, 355 (Pa. 2002) (“[W]here a petitioner alleges that a District Attorney’s failure to produce documents amounts to governmental interference, then that petitioner must

identify a specific claim that he was unable to discover or develop due to the District Attorney's conduct.").

Accordingly, to satisfy the governmental interference exception, the petitioner must demonstrate (1) that interference by governmental officials prevented him from discovering and bringing his **Brady** claim sooner, and (2) that he could not have known of the governmental interference earlier through the exercise of reasonable diligence. **Abu-Jamal**, 941 A.2d at 1268.

Here, in concluding Appellant did not meet the governmental interference exception, the PCRA court explained as follows:

[Appellant's] claim does not qualify for the governmental interference exception as no illegal or unconstitutional government action resulted in delay of the claim. Even if [Appellant's] claims of police misconduct were true, he still cannot satisfy the timeliness exceptions as he did not bring forth the claim within a year of learning the information. Lyndell Johnson, Sr., knew of Saleem's recantation and allegations against the police within a few months after trial, and he shared that information with [Appellant] around the same time. While Lyndell Johnson, Sr., could not recall the date of when he told [Appellant] about Saleem's allegations, he confirmed it was [at least five years before Saleem signed the affidavit on December 1, 2022].

PCRA Court Opinion, filed 7/11/24, at 7.

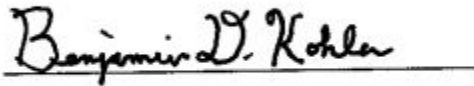
We agree with the PCRA court's sound analysis. Simply put, given that the PCRA court found credible Appellant's father's testimony establishing that Appellant was informed, at least five years prior to December 1, 2022, of the alleged detective's misconduct, which formed the basis for Appellant's **Brady** claim, Appellant has failed to demonstrate that any interference by government officials prevented him from discovering and bringing his **Brady**

claim sooner. ***Abu-Jamal***, 941 A.2d at 1268. Notwithstanding, he also has not demonstrated that he could not have known of the alleged governmental interference earlier through the exercise of reasonable diligence. ***See id.***

For all of the foregoing reasons, we conclude the PCRA court properly found Appellant's second PCRA petition was untimely, and he did not meet any of the timeliness exceptions. Accordingly, we affirm.

Order affirmed.

Judgment Entered.

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

Benjamin D. Kohler, Esq.
Prothonotary

Date: 9/09/2026