NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
GLENN ANTHONY HOLDER	:	
Appellant	:	No. 286 MDA 2026

Appeal from the PCRA Order Entered January 15, 2026
In the Court of Common Pleas of York County Criminal Division at No(s): CP-67-CR-0004274-1998

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

MEMORANDUM BY LANE, J.: **FILED: NOVEMBER 17, 2026**

Glenn Anthony Holder ("Holder") appeals *pro se* from the order denying his ninth petition filed pursuant to the Post Conviction Relief Act ("PCRA").[1] We affirm.

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* Retired Senior Judge assigned to the Superior Court.

[1] ***See*** 42 Pa.C.S.A. §§ 9541-9546.

As this Court has dealt with numerous prior appeals filed by Holder stemming from the same underlying convictions, we incorporate our most recent summary of the factual and procedural history of these matters, as follows:

> [Holder] was convicted [at the above dockets] on March 3, 1999, of rape, involuntary deviate sexual intercourse ("IDSI"), indecent assault, criminal solicitation to commit rape, criminal solicitation to commit IDSI, criminal solicitation to commit statutory sexual assault, four counts of corruption of minors, and two counts of endangering the welfare of children.[2] On May 24, 1999, the trial court sentenced Holder to an aggregate term of [thirty-one and one-half] to [sixty-three] years' imprisonment. This Court affirmed [Holder's] judgment[s] of sentence on September 22, 2000. [***See Commonwealth v. Holder***, 766 A.2d 887 (Pa. Super. 2000) (unpublished memorandum). Holder] did not file a petition for allowance of appeal with the Pennsylvania Supreme Court.
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> On January 10, 2001, [Holder] filed a PCRA petition, which the PCRA court dismissed . . .. This Court affirmed the dismissal [order], and the Supreme Court denied allocator. [***See Commonwealth v. Holder***, 813 A.2d 903 (Pa. Super. 2002) (unpublished memorandum), *appeal denied*, 825 A.2d 637 (Pa. 2003).]
>
> Thereafter, [in] 2005, [Holder] filed his second PCRA petition, which was again dismissed by the PCRA court. This Court affirmed the dismissal [order], and the Supreme Court denied the petition for allowance of appeal. [***See Commonwealth v. Holder***, 924 A.2d 692 (Pa. Super. 2007) (unpublished memorandum), *appeal denied*, 928 A.3d 1289 (Pa. 2007).]

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[2] Because Holder's criminal actions directly affected his then-paramour's two minor children, the Commonwealth originally purported to charge him at two separate dockets — one for each minor child. However, given the interrelated nature of these crimes, the Commonwealth ultimately consolidated the cases for trial. ***See*** Notice of Consolidation, 10/8/98.

> [Holder] filed a third PCRA petition [in] 2008, which the PCRA court dismissed as untimely . . .. This Court affirmed the dismissal [order], and the Supreme Court denied review on July 19, 2010. [***See Commonwealth v. Holder***, 990 A.2d 46 (Pa. Super. 2009) (unpublished memorandum), *appeal denied*, 998 A.2d 959 (Pa. 2010).]
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> [In] 2012, [Holder] filed his fourth PCRA petition. The PCRA court dismissed [Holder's] petition as untimely[, and t]his Court affirmed the dismissal [order] on April 8, 2013. [***See Commonwealth v. Holder***, 75 A.3d 548 (Pa. Super. 2013) (unpublished memorandum).]
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> [Holder's] fifth petition, filed [in] 2014, was dismissed as untimely. This Court affirmed the dismissal [order] on May 15, 2015. [***See Commonwealth v. Holder***, 122 A.3d 451 (Pa. Super. 2015) (unpublished memorandum).]
>
> Less than two months later, [Holder] filed a document entitled "Petition of Actual Innocence." The PCRA court treated the document as [Holder's] sixth PCRA petition, and once again dismissed the petition as untimely. [This Court then] affirmed the PCRA court's [dismissal of Holder's] sixth PCRA petition. [***See Commonwealth v. Holder***, 159 A.3d 579 (unpublished memorandum)].
>
> [Holder] filed his seventh PCRA petition [in] 2019[, and again, the PCRA court dismissed the petition [as untimely. Holder] did not file a notice of appeal.

Commonwealth v. Holder, 303 A.3d 766 (Pa. Super. 2023) (unpublished memorandum at *1) (reformatted, citations omitted, footnote added), *appeal denied*, 311 A.3d 547 (Pa. 2024).

In 2022, Holder filed his eighth PCRA petition, which the PCRA court dismissed as untimely. This Court affirmed the PCRA court's dismissal order, and on January 9, 2024, our Supreme Court denied allocatur. ***See id***. Holder did not seek further review by the United States Supreme Court.

On June 3, 2025, Holder filed the instant *pro se* PCRA petition, his ninth. Therein, he acknowledged the untimeliness of his petition, but purported to invoke the newly-discovered fact exception to the PCRA's statutory one-year time bar. Specifically, Holder claimed that his petition was timely due to his recent discovery of the United States Supreme Court's holding in ***Glossip v. Oklahoma***, 604 U.S. 226, 242-45 (2025), whereby that Court, relying on its prior holding in ***Napue v. People of State of Illinois***, 360 U.S. 264 (1959),[3] remanded for a new trial upon finding that the prosecution had violated the defendant's constitutional due process rights by knowingly failing to correct its witness' false and prejudicial testimony at trial. The PCRA court issued a Pa.R.Crim.P. 907 notice of its intent to dismiss the petition without a hearing, and Holder filed a response to the Rule 907 notice.[4] The PCRA court then denied Holder's petition, reasoning that it was untimely. Holder filed a timely notice of appeal, and both he and the PCRA court complied with Pa.R.A.P. 1925.

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[3] For added clarity, the ***Napue*** decision provided the initial ruling that a defendant's due process rights are violated where an important witness for the state proffers false testimony, the state knows the testimony is false, the state allowed the testimony "to go uncorrected when it appear[ed,]" and the false testimony "may have had an effect on the outcome of the trial." ***Napue***, 360 U.S. at 269, 272. Accordingly, when the ***Glossip*** Court likewise found that the prosecution failed to correct a witness' testimony in this manner, it referred to this refrainment as a "***Napue*** violation." ***See generally***, ***Glossip***, 360 U.S. at 242-46.

[4] Holder additionally filed a notice of appeal, which this Court quashed as premature.

Holder raises the following issues for our review:

> (1) Whether [the PCRA court] err[ed] in dismissing [Holder's] petition as untimely and no merit;
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> (2) Whether claims submitted [within the] petition rise to a constitutional lever to overcome [the PCRA's] time-bar for a new trial;
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> (3) Whether the trial court violated due process and ***Brady***, when preventing the presentation of exculpatory evidence to [the] jury at trial, which was reviewed in discovery;
>
> (4) Whether [Holder's] due process rights were violated, when prosecution knowingly allowed their witness[]es to testify falsely, contrar[il]y[,] and inconsistent[ly] to their prior written statements, reviewed in discovery.

Holder's Brief at 3 (issues reordered, unnecessary capitalization omitted).

Our standard of review of an order denying a PCRA petition is well-settled:

> We review an order [denying] a petition under the PCRA in the light most favorable to the prevailing party at the PCRA level. This review is limited to the findings of the PCRA court and the evidence of record. We will not disturb a PCRA court's ruling if it is supported by evidence of record and is free of legal error. This Court may affirm a PCRA court's decision on any grounds if the record supports it. Further, we grant great deference to the factual findings of the PCRA court and will not disturb those findings unless they have no support in the record. However, we afford no such deference to its legal conclusions. Where the petitioner raises questions of law, our standard of review is *de novo* and our scope of review plenary.

Commonwealth v. Ford, 44 A.3d 1190, 1194 (Pa. Super. 2012) (citations omitted).

Under the PCRA, any petition, including a second or subsequent petition, must be filed within one year of the date the judgment of sentence becomes

final. ***See*** 42 Pa.C.S.A. § 9545(b)(1). A judgment of sentence becomes final at the conclusion of direct review, including discretionary review in the Supreme Court of Pennsylvania, or the expiration of time for seeking such review. ***See*** 42 Pa.C.S.A. § 9545(b)(3). The PCRA's timeliness requirements are jurisdictional in nature, and a court may not address the merits of the issues raised if the PCRA petition was not timely filed. ***See Commonwealth v. Albrecht***, 994 A.2d 1091, 1093 (Pa. 2010).

Instantly, we reiterate that this Court affirmed Holder's judgment of sentence on September 22, 2000. ***See Holder***, 766 A.2d at 887. Thus, because Holder did not thereafter petition the Pennsylvania Supreme Court for further review, his judgment of sentence became final thirty days later, on October 23, 2000. ***See*** 42 Pa.C.S.A. § 9545(b)(3). Holder therefore had one year from that date, until October 23, 2001, to timely file a PCRA petition. ***See*** 42 Pa.C.S.A. § 9545(b)(1). Consequently, Holder's underlying petition filed on June 3, 2025, is facially untimely.

Nevertheless, Pennsylvania courts may consider an untimely PCRA petition if the petitioner explicitly pleads and proves one of three exceptions set forth under section 9545(b)(1). These exceptions are as follows:

> (i) the failure to raise the claim previously was the result of interference by government officials with the presentation of the claim in violation of the Constitution or laws of this Commonwealth or the Constitution or laws of the United States;
>
> (ii) the facts upon which the claim is predicated were unknown to the petitioner and could not have been ascertained by the exercise of due diligence; or

> (iii) the right asserted is a constitutional right that was recognized by the Supreme Court of the United States or the Supreme Court of Pennsylvania after the time period provided in this section and has been held by that court to apply retroactively.

42 Pa.C.S.A. § 9545(b)(1)(i)-(iii). Any petition attempting to invoke one of these exceptions "shall be filed within one year of the date the claim could have been presented." 42 Pa.C.S.A. § 9545(b)(2). Our Supreme Court has emphasized 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). As it specifically pertains to the second-enumerated, newly-discovered fact exception, our Supreme Court has relevantly explained that judicial opinions do not constitute previously unknown facts upon which a petitioner may revive his PCRA claims. ***See Commonwealth v. Watt***, 23 A.3d 980, 987 (Pa. 2011) (holding "that subsequent decisional law does not amount to a new 'fact' under section 9545(b)(1)(ii) of the PCRA").

Preliminarily, we must address the untimeliness of Holder's ninth petition and determine whether he satisfied any exception to the PCRA's one-year time bar. In his first issue, Holder argues that his PCRA petition satisfied the newly-discovered fact exception due to his recent discovery of ***Glossip*** on

May 18, 2025.[5] Holder contends that because he filed the instant petition invoking this exception within thirty days of this discovery, on June 3, 2025, the PCRA court should not have denied his petition as untimely. In evaluating such an argument, however, our case law is clear that judicial opinions such as ***Glossip*** or ***Napue***, no matter how recently authored or discovered, cannot constitute previously unknown facts for purposes of satisfying the newly-discovered fact exception. ***See Watt***, 23 A.3d at 987. Hence, because Holder failed to satisfy the newly-discovered fact exception, the PCRA court lacked jurisdiction to consider his petition. ***See Albrecht***, 994 A.2d at 1093.

Accordingly, because Holder's petition is untimely and he failed to successfully invoke any timeliness exception, we lack jurisdiction to reach the merits of his remaining issues on appeal. ***See id***.; ***see also*** Pa.R.A.P. 302(a).[6] Thus, we affirm the PCRA court's order denying relief.

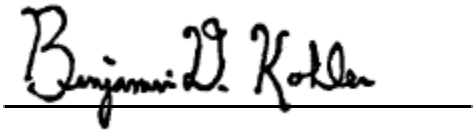
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[5] Within this same issue, Holder additionally argues that the section 9545(b)(1)(i) governmental-interference exception similarly applies pursuant to the Supreme Court's holdings in ***Glossip*** and ***Napue***. However, because Holder did not raise this exception within his underlying PCRA petition, we are constrained to find it waived. ***See*** Pa.R.A.P. 302(a) (stating "[i]ssues not raised in the [lower] court are waived and cannot be raised for the first time on appeal"); ***see also Marshall***, 947 A.2d at 719.

[6] Moreover, we note that even if this Court did have jurisdiction to reach Holder's remaining due process claims, such claims would nevertheless still fail to merit any relief under the PCRA given that both this Court and the PCRA court have ruled on them previously. ***See*** 42 Pa.C.S.A. § 9543(a)(3) (instructing that to be eligible for PCRA relief, a petitioner must establish that his allegations have not been previously litigated or waived); ***see also*** 42 Pa.C.S.A. § 9544(a)(2) (stating that an issue is deemed previously litigated
(Footnote Continued Next Page)

Order affirmed.

Judgment Entered.



Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/17/2026

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for purposes of the PCRA if "the highest appellate court in which the petitioner could have had review as a matter of right has ruled on the merits of the issue"); ***Holder***, 303 A.3d at 766 (affirming the denial of Holder's eighth PCRA petition as untimely where he raised identical due process claims absent any invocation of the PCRA's enumerated timeliness exceptions); ***Holder***, 990 A.2d at 46 (affirming the denial of Holder's third PCRA petition where he failed "to invoke the after discovered fact exception to the PCRA time bar by asserting that 'the use of hearsay testimony and the knowing use of false testimony' [by the Commonwealth] at his trial, resulted in his conviction").