NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
ELIJAH MOORER, JR.	:	
Appellant	:	No. 924 MDA 2026

Appeal from the PCRA Order Entered May 20, 2026
In the Court of Common Pleas of Centre County
Criminal Division at No(s): CP-14-CR-0000532-2013

BEFORE: BOWES, J., DUBOW, J., and SULLIVAN, J.

MEMORANDUM BY BOWES, J.: **FILED: NOVEMBER 25, 2026**

Elijah Moorer, Jr. appeals *pro se* from the order that dismissed as untimely his serial petition filed pursuant to the Post Conviction Relief Act ("PCRA").[1] We affirm.

In 2014, Appellant was sentenced to an aggregate term of imprisonment of thirty-six to seventy-two years of imprisonment, including several for which our legislature had enacted mandatory minimum sentencing statutes, after he pled guilty to thirty-seven offenses. Appellant obtained PCRA relief in the form of reinstatement of his post-sentence motion and direct appeal rights. In his

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[1] A PCRA petition must be filed within one year of the date that the petitioner's judgment of sentence became final unless he pleads and offers to prove one of the three enumerated timeliness exceptions. ***See*** 42 Pa.C.S. § 9545(b)(1) (providing exceptions in certain instances of governmental interference, newly-discovered facts, and newly-recognized constitutional rights).

nunc pro tunc post-sentence motion, Appellant argued that the mandatory minimum sentences were illegal pursuant to ***Apprendi v. New Jersey***, 530 U.S. 466 (2000), and ***Alleyne v. United States***, 570 U.S. 99 (2013). The trial court agreed and resentenced him in 2015 on those counts to lesser terms of incarceration without consideration of the unconstitutional statutes. Given the existence of the multitude of other consecutively-imposed sentences comprising the aggregate, Appellant's overall term of incarceration was unchanged.[2] This Court affirmed his new judgment of sentence on February 10, 2016. ***See Commonwealth v. Moorer***, 141 A.3d 591, 2016 WL 591737 (Pa.Super. 2016) (unpublished memorandum). Since Appellant did not seek discretionary review by our Supreme Court, his judgment of sentence became final on March 11, 2016.

Appellant subsequently filed myriad petitions and motions collaterally attacking his sentence and convictions, none of which resulted in relief. ***See Commonwealth v. Moorer***, 311 A.3d 597, 2023 WL 8804870 (Pa.Super. 2023) (non-precedential decision) (cataloguing prior appeals and affirming dismissal of a February 2023 PCRA petition as untimely, noting the inadequacy of his bald invocation of the governmental interference exception to the PCRA's one-year time bar). Most recently, in December 2024 this Court affirmed the denial of Appellant's "Motion to Modify Sentence *Nunc Pro Tunc*

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[2] The bulk of the term flows from consecutive two-to-four-year sentences for many separate instances of delivery of heroin and cocaine.

Reduction of Sentence," despite his arguments "that his convictions and sentences are unconstitutional and illegal under ***Apprendi***, ***Alleyne***, and their progeny." ***Commonwealth v. Moorer***, 333 A.3d 6, 2024 WL 4969880, at *2 (Pa.Super. 2024) (non-precedential decision).

Appellant filed the PCRA petition at issue in the instant appeal in March 2026, more than ten years after his judgment of sentence became final. Therein, he asserted that his sentence is still illegal because the seventy-two-year maximum, created by the aggregation of his various consecutively-imposed sentences, exceeds the statutory maximum term allowed for each count. ***See*** PCRA Petition, 3/18/26, at 12, 19 (pagination supplied). Appellant also complained that the drug quantities possessed were elements of the possessory offenses that were not submitted to the jury as required by ***Apprendi***. ***Id***. at 12-14. Further, he posited that his double jeopardy rights were violated by punishing him eleven times for the same firearms offense of persons not to possess.[3] ***Id***. at 21.

Regarding the timeliness of his petition, Appellant invoked the governmental interference exception codified at 42 Pa.C.S. § 9545(b)(1)(i). He argued that the court's failure to vacate additional mandatory minimum sentences when it resentenced him in 2015, despite the fact that "the ***Apprendi*** claim was preserved in the first PCRA [petition] and [Pa.R.A.P.]

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[3] Of note, the information filed by the Commonwealth identified a different firearm for each count.

1925(b) timely filed in 2014 beside his ***Alleyne*** claim[,]" was proof of governmental interference. ***Id***. at 2 (some capitalization altered).

The PCRA court issued Pa.R.Crim.P. 907 notice of its intent to dismiss Appellant's petition without a hearing, indicating that the timeliness exception was inapplicable. ***See*** Order, 3/27/26. Appellant responded, again asserting that the court's failure to acknowledge or correct the ***Apprendi*** or double jeopardy violations equated to governmental interference that established jurisdiction over his petition. Unpersuaded, the court dismissed Appellant's petition on May 20, 2026.

This timely appeal followed. Thereafter, both Appellant and the PCRA court complied with their respective Pa.R.A.P. 1925 obligations. Appellant presents ten questions for our consideration. However, since the timeliness of Appellant's petition impacts our jurisdiction to grant relief on his substantive claims, we begin with his sole question addressing that issue. ***See Commonwealth v. Fantauzzi***, 275 A.3d 986, 994 (Pa.Super. 2022) ("[I]f [a PCRA] petition is untimely, courts lack jurisdiction over the petition and cannot grant relief."). In that vein, Appellant asserts:

> The unconstitutional sentence can be raised at anytime[.] There is no time bar on [an] illegal and unconstitutional sentence even though [Appellant] raised his ***Apprendi*** claim the same time he raised his ***Alleyne*** claim which he got four sentences vacated counts 20, 21, 23, 25, the maximum sentence was never litigated when he raised it timely, but it still remains unconstitutional and must be corrected[. Appellant] meets the time bar exception.

Appellant's brief at 6c.[4]

This Court reviews "an order dismissing or denying a PCRA petition as to whether the findings of the PCRA court are supported by the record and are free from legal error." ***Commonwealth v. Howard***, 285 A.3d 652, 657 (Pa.Super. 2022) (cleaned up). "It is an appellant's burden to persuade us that the PCRA court erred and that relief is due." ***Commonwealth v. Stansbury***, 219 A.3d 157, 161 (Pa.Super. 2019) (cleaned up).

The PCRA court explained its timeliness ruling thusly:

> The court found that said petition was filed well in excess of the one-year period afforded by statute and that [Appellant] failed to sufficiently plead any exception to the timeliness requirement. The court found further that the arguments raised in Appellant's PCRA petition were essentially the same as were raised in Appellant's motion for a sentence reduction, filed by Appellant on or about August 11, 2025, which motion was denied by this court. That motion for sentence reduction was, itself, a renewal of issues raised in an earlier motion to modify sentence *nunc pro tunc*, filed by Appellant on or about April 5, 2024, which motion was denied by this court on or about May 3, 2024, which denial was affirmed by the Superior Court . . . .
>
> The court respectfully submits that Appellant's PCRA petition was properly dismissed as untimely.

PCRA Court Opinion, 7/17/26 (cleaned up).

Upon review, we discern no error by the PCRA court. Our Supreme Court has elucidated as follows concerning § 9545(b)(1)(i):

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[4] Appellant inserted his three-page Rule 1925(b) statement into his brief between pages six and seven as his statement of questions presented. We label those as pages 6a-6c.

> The governmental interference exception permits an otherwise untimely PCRA petition to be filed if it pleads and proves that 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. In other words, [the petitioner] is required to show that [due to] the interference of a government actor he could not have filed his claim earlier.

Commonwealth v. Staton, 184 A.3d 949, 955 (Pa. 2018) (cleaned up).

Here, the PCRA court's ruling, supported by the certified record, reflects no indication that a government actor prevented Appellant from asserting his claims earlier than in the PCRA petition *sub judice*. As the Commonwealth aptly argues:

> The voluminous record for the instant case reveals the opposite: as this Court stated, [Appellant] has filed innumerable *pro se* petitions and amended petitions, where he sought relief from his judgment of sentence. Government officials did not prevent [Appellant] from raising his facially untimely PCRA claims years earlier, particularly where he references and complains about sentencing-related events that occurred over [ten] years [ago] and are based on dated, available documents, such as his sentencing order, sentencing proceedings/transcript, and ***Apprendi*** (issued 2000), ***Alleyne*** (issued 2013), and their progeny. The PCRA court did not err where [Appellant] did not explain how he was prevented from raising his serial PCRA claims because of the actions of government officials.

Commonwealth's brief at 10 (cleaned up).

We agree. The fact that Appellant did not obtain the relief on his claim that he desired, or even to which he may have been entitled, is not indicative of the government preventing him from raising it. The certified record reflects that Appellant has raised his challenges repeatedly in prior petitions, and reveals nothing establishing that the government prevented him from

pleading or presenting them in their present form years before he did. As such, § 9545(b)(1)(i) cannot serve to establish jurisdiction to grant relief on his petition.

To the extent that Appellant contends that illegal sentences may be corrected at any time despite the PCRA's time bar, he is legally incorrect. It is well-settled that, "[a]lthough legality of sentence is always subject to review within the PCRA, claims must still first satisfy the PCRA's time limits or one of the exceptions thereto." ***Commonwealth v. Fahy***, 737 A.2d 214, 223 (Pa. 1999); ***see also Commonwealth v. Miller***, 102 A.3d 988, 995 (Pa.Super. 2014) ("[T]hough not technically waivable, a legality of sentence claim may nevertheless be lost should it be raised in an untimely PCRA petition for which no time-bar exception applies, thus depriving the court of jurisdiction over the claim." (cleaned up)).

Since Appellant's PCRA petition is untimely and he has failed to establish that an exception applies, the PCRA court properly dismissed his petition. Therefore, we affirm the order doing so.

Order affirmed.

Judgment Entered.



Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/25/2026