2026 PA Super 250

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
DANIEL BERNARD MANCHAS III	:	
Appellant	:	No. 233 WDA 2026

Appeal from the PCRA Order Entered January 20, 2026
In the Court of Common Pleas of Fayette County Criminal Division at No(s): CP-26-CR-0000749-2001

BEFORE: OLSON, J., NICHOLS, J., and FORD ELLIOTT, P.J.E.*

OPINION BY FORD ELLIOTT, P.J.E.: **FILED: November 5, 2026**

Appellant, Daniel Bernard Manchas III, appeals from the order of the Court of Common Pleas of Fayette County that dismissed, as untimely, his second petition filed under the Post Conviction Relief Act, 42 Pa.C.S. §§ 9541-9546 ("PCRA"). We agree with the PCRA court that Appellant failed to prove the applicability of an exception to the PCRA's jurisdictional time-bar. Accordingly, we affirm.

On direct review, we offered the following summary of the facts of this case:

> [O]n the evening of February 3, 2001, [A]ppellant met with the victim, [Robert Cumberland, Sr.,] Catherine McKenna[,] and George Simon for the purpose of selling cocaine to the victim. When the victim allegedly shorted [A]ppellant by $20, [A]ppellant became enraged and threw the money to the ground. The victim then picked up the money and told [A]ppellant [that] he intended to keep both the money and the cocaine. Simon testified that[,]

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* Retired Senior Judge assigned to the Superior Court.

> as the victim and his two associates drove away, [A]ppellant followed the trio and threatened Simon [that] he would "get his boys and come and see [Simon] and shoot [Simon], or shoot [them.]"
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> Later that same evening, [A]ppellant went to the home of Robert Cumberland, Jr., screaming that Cumberland, Sr., and his friends had "ripped him off on a drug deal." Cumberland, Jr., then telephoned Simon at his home and allowed [A]ppellant to speak with him. Appellant advised Simon that he and Cumberland, Jr., intended to come to [Simon's] home and[] there was "going to be a bad scene."
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> In the wee hours of the morning, [A]ppellant drove to Simon's home, accompanied by Cumberland, Jr., and toting a scoped rifle owned by same. Appellant fired a bullet through the lighted window of Simon's home, striking [the] victim in the head and killing him instantly. Appellant then drove past Simon's home, turned around, drove back, stopped in front of the home, got out of the car[,] and fired a second shot into the home.

Commonwealth v. Manchas, 2025 WDA 2001, slip mem. at 1-2 (Pa. Super., filed Aug. 14, 2002) (non-precedential decision) (record citations and footnote omitted).

On February 23, 2001, the police asked an associate of Appellant to telephone page Appellant and, when he responded, Appellant twice hung up the phone on a state police corporal who told Appellant that he needed to speak with him. ***See*** N.T. Trial, 10/10/01, 135-38; R.R. 258a-261a. The police were unable to locate Appellant until February 25, 2001, at which time they arrested him. ***See*** N.T. Trial, 10/10/01, 161-62, 167; R.R. 284a-285a, 291a.

On October 9, 2001, Appellant proceeded to be tried by a jury. The Commonwealth presented testimony from Simon, Cumberland, Jr.,[1] McKenna, police witnesses (Trooper Robert A. Liebhart, Corporal John Joseph Tobin, and Trooper Douglas E. Urey), an expert in the field of fingerprinting and forensic evaluations (Paul T. McCommons), and a forensic pathologist who performed an autopsy on the victim (Dr. Cyril H. Wecht). Appellant also testified. The Commonwealth presented rebuttal testimony from a juvenile probation officer who addressed a prior juvenile adjudication of Appellant for robbery, theft, and receiving stolen property (Debra Mallicone).

The factual summary presented above was predominantly derived from the testimony of Simon and Cumberland, Jr. ***See*** N.T. Trial, 10/9/01, 22-28 (Simon testifying to the circumstances of the cocaine transaction incident and Appellant's subsequent threat); ***id.*** at 30 (Simon testifying about the telephone call in which Appellant made the "bad scene" threat); ***id.*** at 34-35 (Simon testifying about the two gunshots at his mobile home); ***id.*** at 55-56 (Cumberland, Jr., testifying about Appellant yelling that Cumberland, Sr., and his friends had "ripped him off"); ***id.*** at 58 (Cumberland, Jr., testifying about Appellant's phone conversation with Simon during which Appellant said "that he was coming there with his boys to kill [Simon]"); ***id.*** at 59-63 (Cumberland,

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[1] Cumberland, Jr., acknowledged in his testimony that he was charged with homicide and related charges with respect to Appellant's fatal shooting of his father and that he entered a negotiated guilty plea to conspiracy to commit third-degree murder in that matter that included an agreement to testify in Appellant's criminal matter. ***See*** N.T. Trial, 10/9/01, 65; R.R. 188a.

Jr., testifying about going to Simon's residence with his scoped rifle along with Appellant and Appellant's use of the rifle to fire the two shots at Simon's residence); R.R. 145a-151a, 153a, 157a-158a, 178a-179a, 181a-186a.

As for the sequence of the events of the shooting, McKenna testified that, when she heard the first shot, Cumberland, Sr., was looking out the window of the trailer. ***See*** N.T. Trial, 10/10/01, 92; R.R. 215a. She testified that he fell to the floor after that shot. ***See id.***; ***see also*** N.T. Trial, 10/10/01, 94 ("[H]e just got up, looked out the window, the gunshot went off and he fell to the floor."); R.R. 217a. She asserted that she then "dialed 911" and the "second shot came through" while she was making that call. N.T. Trial, 10/10/01, 92; R.R. 215a. She described that the second shot "went above" her as she was on the floor "talking to the guy at 911." N.T. Trial, 10/10/01, 93; R.R. 216a.

Counsel stipulated to the admission of McKenna's 911 call. ***See*** N.T. Trial, 10/9/01, 19-20; R.R. 142a-143a. The police recovered the rifle, identified at trial by Cumberland, Jr., from a spare room of the residence of Cumberland, Jr. ***See*** N.T. Trial, 10/09/01, 59, 63-64; N.T. Trial, 10/10/01, 165-66; R.R. 182a, 186a-187a, 288a-289a. The police recovered a bullet fragment and a bullet jacket from the interior of Simon's residence. ***See*** N.T. Trial, 10/9/01, 110-11; R.R. 233a-234a. A window at the living room of Simon's residence featured a hole … from a bullet" and a "larger portion of the pane that was busted outwards." N.T. Trial, 10/10/01, 158; R.R. 281a. The police observed broken glass from the window on the exterior and interior of

the trailer. ***See*** N.T. 10/10/01, 158-59; R.R. 281a-282a. On the front of the trailer, apart from that window, "there was another bullet hole going in." N.T. Trial, 10/10/01, 158; R.R. 281a. Appellant made post-arrest statements to police that "he was there" and that the police "would not find his fingerprints on the weapon." N.T. Trial, 10/10/01, 163-64; R.R. 286a-287a. Sufficient fingerprints could not be recovered from the rifle owned by Cumberland, Jr. ***See*** N.T. Trial, 10/10/01, 146; R.R. 269a.

Appellant testified that he went to the home of Cumberland, Jr., and told Cumberland, Jr., about being "ripped … off," and that Cumberland, Jr., told him that Simon owed Cumberland, Jr., money from a car sale. N.T. Trial, 10/11/01, 193; R.R. 316a. He claimed that Cumberland, Jr., brought his rifle out of a closet and they later proceeded to Simon's residence. ***See*** N.T. Trial, 10/11/01, 195-99; R.R. 318a-322a. He asserted that Cumberland, Jr., talked to him about wanting to shoot Simon's dogs. ***See*** N.T. Trial, 10/11/01, 201; R.R. 324a. He claimed that he offered to "do it," and, while driving at a low speed toward Simon's trailer, Cumberland, Jr., handed him the rifle, which he pointed out their car window and "fired over toward the truck into the trailer." N.T. Trial, 10/11/01, 203-04; R.R. 326a-327a. He later clarified that he pointed the rifle between a truck and the trailer. ***See*** N.T. Trial, 10/11/01, 209; R.R. 332a. He testified that he drove away but turned around and then Cumberland, Jr., fired a second shot into the trailer. ***See*** N.T. Trial, 10/11/01, 204; R.R. 327a. He alleged that, afterwards, they returned to the home of

Cumberland, Jr., and Cumberland, Jr., took the rifle back to his house. ***See id.***

Appellant agreed that he recalled later "talking to a police officer" after he received a telephone page. N.T. Trial, 10/11/01, 205; R.R. 328a. He acknowledged making some statements to the police but denied making the statement, "You won't find my fingerprints on the gun." N.T. Trial, 10/11/01, 206; R.R. 329a. Instead, he alleged that he asked the officer, "You didn't find my fingerprints on the weapon; did you?" N.T. Trial, 10/11/01, 207; R.R. 330a. He agreed that he told the officer that he was "there." ***Id.*** He denied that he intended to kill anyone or that he had any idea that there were any "human being[s] in that trailer." ***Id.*** He agreed that he had been "hiding from the police" in the weeks after the shooting incident. N.T. Trial, 10/11/01, 208; R.R. 331a. While he alleged that he did not know that anyone was in the mobile home, he testified that there was "one light on in the rear of the trailer." N.T. Trial, 10/11/01, 210-12; R.R. 333a-335a.

On October 12, 2001, the jury found Appellant guilty of single counts of murder of the first degree, aggravated assault, and criminal conspiracy, and six counts of recklessly endangering another person.[2] ***See*** N.T. Trial, 10/12/01, 267-68; R.R. 390a-391a. On October 19, 2001, the trial court sentenced Appellant to life imprisonment, to be followed by an aggregate term

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[2] 18 Pa.C.S. §§ 2502(a), 2702(a), 903(a)(1), and 2705, respectively.

of six to twelve years' imprisonment. ***See Manchas***, 2025 WDA 2001, slip mem. at 1.

On direct review, Appellant challenged the denial of an objection he made to the prosecutor's closing argument, the sufficiency of the evidence, and the admission of the evidence of the drug transaction. ***See Manchas***, 2025 WDA 2001, slip mem. at 3. On August 14, 2002, we affirmed the judgment of sentence. ***See Commonwealth v. Manchas***, 809 A.2d 960 (Pa. Super. 2002) (table) (2025 WDA 2001). On December 24, 2002, our Supreme Court denied Appellant's petition for allowance of appeal. ***See Commonwealth v. Manchas***, 813 A.2d 839 (Pa. 2002) (table) (492 WAL 2002).

On April 30, 2003, Appellant timely filed a *pro se* PCRA petition. The PCRA court appointed counsel who filed an amended PCRA petition. Appellant privately retained a new attorney who filed a second amended PCRA petition. Following a hearing on May 11, 2004, the PCRA court denied the petition on September 17, 2004. On March 1, 2006, we affirmed the dismissal.[3] ***See***

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[3] In that appeal, Appellant claimed that trial counsel was ineffective for: (1) failing to present trial testimony from a forensic expert; (2) failing to present trial testimony from a crime scene investigator; (3) failing to interview and call George Simon's brother who was present in the trailer, Chad Simon, as a witness at trial; (4) failing to introduce and present argument at trial about the prior criminal record of Cumberland, Jr.; (5) failing to inform Appellant that his juvenile record could be introduced into evidence at trial if he testified; (5) allowing their attorney/client relationship to breakdown; (6) filing an appeal against Appellant's wishes; (7) failing to cross-examine the Commonwealth's witnesses regarding "where the first shot originated"; (8) *(Footnote Continued Next Page)*

Commonwealth v. Manchas, 898 A.2d 1130 (Pa. Super. 2006) (table) (2181 WDA 2004). On January 22, 2007, our Supreme Court denied Appellant's petition for allowance of appeal. ***See Commonwealth v. Manchas***, 916 A.2d 1102 (Pa. 2007) (table) (189 WAL 2006).

Appellant subsequently filed a petition for writ of *habeas corpus* with the United States District Court for the Middle District of Pennsylvania in 2007, which was thereafter transferred to the district court for the Western District. ***See Manchas v. Superintendent of SCI Huntington***, 2009 WL 1606854, *5-6 (W.D.Pa. 2009). He attached to that petition an expert report from a person named Robert Hicks, who was a self-described "Investigative Forensic Reporter and Publisher" who was affiliated with a group identified as the "Legal Researcher Exhibit News." ***Id.*** at *5, 10. A federal magistrate judge described the report as one that "opined in support of [Appellant's] theory of the case." ***Id.*** at *5.

The federal magistrate judge concluded that it was "barred from considering" Appellant's proffer of the Hicks report because he "failed to

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allowing a former employee of the District Attorney's Office to remain on the jury; and (9) allowing the jury to be charged on a theory of transferred intent. ***Commonwealth v. Manchas***, 2181 WDA 2004, slip. mem. at 3-4 (Pa. Super., filed Mar. 1, 2006) (non-precedential decision). In the same appeal, he claimed that PCRA counsel was ineffective for: (1) failing to obtain or request the appointment of an expert regarding the point of entry of the first bullet; (2) failing to adequately communicate with Appellant; and (3) failing to preserve ineffective assistance of counsel issues regarding the failure to seek the suppression of evidence, present character witnesses at trial, and withdraw from representation to allow the appointment of new counsel. ***See id.*** at 4, 6-9.

adduce this report or a similar one in the PCRA hearing, and so he failed to develop in the [s]tate [c]ourts the factual underpinning of his ineffectiveness claim which was based on trial counsel's alleged failure to obtain and/or utilize a forensic expert." ***Manchas***, 2009 WL 1606854 at *10. The federal district court, upon dismissing the petition and adopting the report and recommendations of the magistrate judge, agreed that it was "not at liberty to consider" the Hicks report and noted that "the financial inability to pay for the report while the PCRA hearing was proceeding [wa]s not cause for excusing [Appellant's] failure to pursue and develop the same or a similar argument/claim [based on the report] before the PCRA court." ***Id.*** at *1. The Third Circuit Court of Appeals granted a certificate of appealability but ultimately affirmed the district court's dismissal of the petition. ***See Manchas v. Superintendent of SCI Huntingdon***, 428 Fed.Appx. 184, 186, 191-92 (3d Cir. 2011). That Court concluded, *inter alia*, that Appellant failed to proffer evidence before the PCRA court to support his trial counsel ineffective assistance claim concerning the failure to consult with or retain a forensic investigator and that the district court correctly concluded that the Hicks report could not be considered on federal *habeas* review where it was never presented to the PCRA court. ***See id.*** at 188-89. On November 28, 2011, the United States Supreme Court denied *certiorari*. ***See Manchas v. Bickell***, 565 U.S. 1060 (2011).

On July 29, 2022, Appellant filed the *pro se* second PCRA petition which is the focus of this appeal. Therein, he alleged that his family contacted a

forensic expert, Michael Knox, in November 2021, and Knox provided his family with a report on February 21, 2022, which "unquestionably undermine[d] the physical evidence" in this case. *Pro Se* Second PCRA Petition, 7/29/22, ¶¶ 17-18; R.R. 481a. He cited the following conclusions from the report:

1. Robert Cumberland, Sr., was struck in the head by a rifle bullet that perforated the north wall of the trailer.

2. Robert Cumberland, Sr., was not looking out the living room window when the bullet perforated the window. Cumberland, Sr., was standing to the left (south side) of the window and was near the entrance to the hallway at the moment the bullet struck him in the head.

    a. The lines of convergence on the west wall indicated that Cumberland, Sr., was to the left side of the window.

    b. The impact spatter on the ceiling indicated that Cumberland, Sr., was south (left) of the window.

    c. There was no impact spatter patterns on the window or blinds.

    d. There was no embedded glass or shrapnel fragments found on Cumberland's face.

    e. Cumberland's body was not lying in front of the window.

3. The bullet fragmented after striking Cumberland, Sr.

    a. Two fragments were found near Cumberland's body, one on the couch and one on the floor.

    b. Some of the bullet fragments likely damaged the glass window pane.

Id. at 46 (reference to a report appendix omitted); R.R. 487a-488a. Appellant claimed that the Commonwealth could not sustain its burden of proving him guilty of murder of the first degree, based on the findings of the Knox report, because it was "factually and scientifically impossible to prove that the fatal shot [to] the victim came through the window when[,] in fact, the fatal shot came from 'the north kitchen wall of the trailer.'" ***Id.*** at ¶ 53; R.R. 489a.

Appellant asserted that the Knox report contained "several newly[-] discovered facts" for purposes of establishing an exception to the PCRA's jurisdictional time-bar. *Pro Se* Second PCRA Petition, 7/29/22,¶¶ 48-51; R.R. 488a-489a. Based on his conclusion that the Knox report constituted a basis for a PCRA time-bar exception, Appellant asserted substantive claims that: (1) trial counsel was ineffective for failing to investigate and obtain an expert witness to testify on his behalf; (2) PCRA counsel was ineffective for failing to investigate and present evidence "that was material to his underlying claim regarding trial counsel's failures to investigate and obtain an expert" to testify at trial; and (3) "the Commonwealth violated ***Napue v. Illinois***, 360 U.S. 264 (1959)[,] and ***Commonwealth v. Romansky***, 702 A.2d 1064 (Pa. Super. 1997)[,] when they presented false and misleading testimony which was not corrected and was material to an element of the most serious offense." *Pro Se* Second PCRA Petition, 7/29/22, ¶¶ 58-84 (unnecessary capitalization omitted); R.R. 492a-500a.

On August 8, 2022, the PCRA court issued notice of its intent to dismiss the petition without a hearing pursuant to Pennsylvania Rule of Criminal

Procedure 907. Appellant subsequently retained counsel, who requested leave of court to file an amended PCRA petition. The PCRA court granted that request and multiple extensions of time for filing an amended petition.

On February 1, 2023, Appellant filed a counseled amended PCRA petition, restating the time-bar exception claim based on the Knox report. ***See*** Amended Second PCRA Petition, 2/1/23, ¶¶ 41-42; R.R. 576a-577a. The counseled petition raised substantive claims that: (1) trial counsel was ineffective for not objecting to Corporal Tobin's testimony about the sequence or trajectory of the gunshots; (2) direct appeal and PCRA counsel were ineffective for failing to assert the ineffectiveness of trial counsel with respect to the alleged failure to object to Corporal Tobin's testimony; (3) all of his prior counsel were ineffective for failing to or refusing to seek out or make a reasonable effort "to obtain an expert on the issue of the crime scene and/or the gunshot sequence/trajectory"; and (4) trial counsel was ineffective for failing to raise a hearsay objection to McKenna's testimony "that the fatal shot came through the living room window." ***Id.*** at ¶ 43(c)-(m); R.R. 578a-579a. The counseled petition also informed that Appellant's proposed expert, Knox, had passed away in May of 2022, but that Appellant was proffering a report from an associate of Knox, Michael F. LaForte, who drew conclusions like those made by Knox. ***See id.*** at ¶¶ 51-53; R.R. 580a.

Appellant subsequently retained new counsel[4] and, on September 18, 2023, filed a counseled supplemental amended PCRA petition. Therein, Appellant claimed that both the Knox and LaForte reports presented newly-discovered facts for purposes of the PCRA's time-bar, and after-discovered evidence that "refuted the Commonwealth's theory that the victim was looking out the living room window and could be seen by [Appellant] and was struck by a bullet fired through the window by [Appellant]." Supplemental Amended PCRA Petition, 9/18/23, ¶¶ 35-36, 41-42; R.R. 661a-662a. Appellant requested an evidentiary hearing based on his proffer of the Knox and LaForte reports and requested a new trial. ***See id.*** at ¶¶ 38; R.R. 661a.

In the event that his newly-discovered facts claim was not accepted as timely raised, Appellant asserted an as-applied constitutional challenge to the PCRA's time-bar, alleging that, "as a matter of original intent," the statutory time-bar "was not intended to be jurisdictional," and claimed that the caselaw declaring the time-bar to be jurisdictional is "erroneously decided." ***See*** Supplemental Amended PCRA Petition, 9/18/23, ¶¶ 52-66; R.R. 664a-666a. He additionally claimed that a review of an ineffective assistance of counsel claim concerning his initial PCRA counsel's failure to present expert forensic evidence was necessary to ensure a due process right to effective collateral review counsel. ***See id.*** at ¶¶ 67-86; R.R. 666a-670a. In conclusion, he

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[4] Former PCRA counsel in the interim "accepted a position in the Fayette County District Attorney's Office." Supplemental Amended PCRA Petition, 9/18/23, ¶ 37; R.R. 661a.

argued that the Knox and LaForte reports were after-discovered evidence that entitled him to a new trial and that he was entitled to an evidentiary hearing to address genuine issues of material fact. ***See id.*** at ¶¶ 97-117; R.R. 673a-677a.

On November 15, 2023, the Office of the Attorney General ("OAG") filed an answer to the supplemental amended PCRA petition for the Commonwealth.[5] The OAG argued that Appellant was incapable of establishing the applicability of the PCRA time-bar exception for newly-discovered facts based on the Knox and LaForte reports because the Hicks report that Appellant proffered along with his 2007 federal *habeas* petition averred the same conclusions reached by the Knox and LaForte reports. ***See*** Commonwealth's Answer, 11/15/23, 11-12; R.R. 749a-750a. The OAG reasoned that Appellant could not satisfy his due diligence requirement for establishing the applicability of the time-bar exception based on the Knox and LaForte reports because, given his earlier proffer of the Hicks report, Appellant "not only could have obtained the new information earlier through the exercise of reasonable diligence, but actually had the key information in his possession for years prior to[] bringing it to th[e PCRA c]ourt's attention." ***Id.*** at 12; R.R. 750a (footnote omitted). The OAG additionally argued that Appellant's constitutional challenge to the PCRA time-bar was meritless under decisions

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[5] The OAG's involvement was necessitated by the conflict of interest created when the Office of the District Attorney of Fayette County hired Appellant's former PCRA counsel to its staff. ***See*** Commonwealth's Answer, 11/15/23, 7; R.R. 745a.

of our Supreme Court, finding the time-bar to be "constitutionally sound." ***Id.*** at 14-15 (citing ***Commonwealth v. Reid***, 235 A.3d 1124, 1167 (Pa. 2020)); R.R. 752a-753a.

On December 4, 2023, Appellant filed a counseled reply to the Commonwealth's answer. Therein, he argued that he was entitled to an evidentiary hearing to establish his diligence in timely raising his claim for an exception to the PCRA's time-bar and to determine that "Robert Hicks was not a legitimate expert who was willing or available to testify in [s]tate [c]ourt." ***See*** Appellant's Reply to Commonwealth's Answer, 12/4/23, 4-7; R.R. 820a-823a. He reasoned that the Hicks report was not merely a prior source of the same conclusions of the Knox and LaForte reports because his claim "was dependent on being able to obtain an expert report from a legitimate expert willing to testify in [s]tate [c]ourt" and that Hicks did not "meet that criteria" because he was supposedly "a charlatan … who duped" Appellant.[6] ***Id.*** at 5; R.R. 821a. He alleged that a hearing should have been afforded to him because "questions of fact exist[ed] as to [his] diligence and why he could not pursue a PCRA petition with Robert Hicks in 2007." ***Id.*** at 6; R.R. 822a. He also argued that he could not have previously raised an ineffective assistance

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[6] PCRA counsel asserted that he was unable to locate any information concerning the legitimacy of Hicks, Appellant's prior federal *habeas* review counsel had no recollection of any interaction with Hicks, a Facebook page for the "Legal Researcher Exhibit News" did not contain "meaningful information," and that Appellant's attempts to contact Hicks during the litigation of his federal *habeas* petition "proved unsuccessful." Appellant's Reply to Commonwealth's Answer, 12/4/23, 4-5 nn. 5-6; R.R. 820a-821a.

of counsel claim concerning the Hicks report because stand-alone ineffective assistance of counsel claims do not independently establish an exception to the PCRA time-bar. ***See id.*** at 7-8; R.R. 823a-824a.

Appellant subsequently filed requests for the scheduling of a status conference and, along with one of those requests, he proffered a certification for a proposed witness, Jeremy Gibson of Advanced Courtroom Graphics who had prepared a 3-D computer generated animation of the shooting incident based on a review of the police reports, the LaForte report, and photographs of Simon's mobile home. ***See*** Renewed Request for Schedule Status Conference, 5/1/25, ¶¶ 11-12; R.R. 838a-839a.

On July 16, 2025, Appellant filed a counseled brief, restating his existing claims before the PCRA court. ***See*** Brief in Support of PCRA Petition, 7/16/25, 1-40; R.R. 846a-885a. On January 20, 2026, the PCRA court issued an order and opinion dismissing the petition. ***See*** PCRA Court Opinion, 1/20/26, 1-8; R.R. 927a-934a. The court denied the 2022 petition for lack of jurisdiction because it concluded the Knox and LaForte reports did not establish newly-discovered facts for time-bar purposes where they were merely new sources of the same previously known facts that were included in the Hicks report that Appellant proffered with his 2007 federal *habeas corpus* petition. ***See id.*** at 6; R.R. 932a. The court also rejected Appellant's constitutional challenge to the PCRA time-bar. ***See id.*** at 6-8; R.R. 932a-934a.

Appellant timely filed a notice of appeal. ***See*** Notice of Appeal, 2/13/26, 1; R.R. 902a. Appellant and the PCRA court subsequently complied with

Pennsylvania Rule of Appellate Procedure 1925. ***See*** Order (Rule 1925), 2/24/26, 1; R.R. 905a; Rule 1925(b) Statement, 3/16/26, 1-2; R.R. 907a-908a; PCRA Court Opinion, 5/8/26, 1-16; R.R. 911a-926a.

Appellant presents the following questions for our review:

> I. [Did t]he PCRA court err[] in denying an evidentiary hearing, [where it found] no genuine issues of fact existed and [Appellant's] petition did not meet the newly-discovered fact exception to the PCRA time-bar because [Appellant] earlier obtained a purported expert report from an unavailable and fraudulent witness during federal *habeas* review, and [Appellant] provided both a[] legitimate expert report (and computer generated animation) to show that the forensic evidence demonstrated that the victim was not shot through the window as claimed by the Commonwealth[?]
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> II. [Did t]he PCRA court err[] in failing to consider and/or inadequately considering [Appellant's] reply to [the] Commonwealth['s] answer to [his] supplemental amended PCRA petition[,] filed on December 4, 2023[,] and [his] brief in support of [the] PCRA petition[,] filed on July 16, 2025, and that disputed issues of fact existed[?]
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> III. [Did t]he PCRA court err[] in declining to find that [the] construction of the PCRA time-bar as jurisdictional was constitutional as-applied under the specific facts of this case where:
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> A. prior PCRA counsel was ineffective in failing to adequately present forensic expert reports and testimony during [Appellant's] original PCRA proceedings causing the claim to be dismissed for failing to produce an expert;
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> B. prior PCRA counsel failed to litigate trial counsel's ineffectiveness in failing to object to Corporal Tobin's improper "expert" testimony and [his] reading of his police report related to the timing of the shots and the shot that killed the victim; [and]

> C. the Commonwealth violated ***Napue v. Illinois***, 360 U.S. 264 (1959)[,] and ***Commonwealth v. Romansky***, 702 A.2d 1064 (Pa. Super. 1997)[,] when it presented false and misleading testimony which was not corrected and was material to an element of the most serious offense and prior counsel were ineffective in failing to litigate this issue[?]

Appellant's Brief, 9 (questions renumbered; unnecessary capitalization omitted).

Upon reviewing the dismissal of a post-conviction collateral review petition, we apply the following standard of review:

> Our standard of review of the denial of a PCRA petition is limited to examining whether the evidence of record supports the [PCRA] 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, quotation marks, and brackets omitted).

Prior to reaching the merits of Appellant's substantive claims challenging, *inter alia,* the effectiveness of his prior counsel and asserting prosecutorial misconduct, we must first consider the timeliness of his petition because it implicates the jurisdiction of this Court and the PCRA court. ***See Commonwealth v. Miller***, 102 A.3d 988, 992 (Pa. Super. 2014) ("Before we may address the merits of Appellant's arguments, we must first consider the timeliness of Appellant's PCRA petition because it implicates the jurisdiction of this Court and the PCRA court.").

> A PCRA petition, including a second or subsequent one, must be filed within one year of the date the petitioner's judgment of sentence becomes final, unless he pleads and proves one of the three exceptions outlined in 42 Pa.C.S. § 9545(b)(1). A judgment of sentence becomes final at the conclusion of direct review by this Court or the United States Supreme Court, or at the expiration of the time for seeking such review. The PCRA's timeliness requirements are jurisdictional; therefore, a court may not address the merits of the issues raised if the petition was not timely filed. The timeliness requirements apply to all PCRA petitions, regardless of the nature of the individual claims raised therein. The PCRA squarely places upon the petitioner the burden of proving an untimely petition fits within one of the three exceptions.

Commonwealth v. Jones, 54 A.3d 14, 16-17 (Pa. 2012) (internal citations and footnote omitted).

Here, Appellant was sentenced on October 19, 2001, and timely appealed, resulting in this Court affirming the judgment of sentence on August 14, 2002, and our Supreme Court denying a timely petition for allowance of appeal on December 24, 2002. His judgment of sentence thereafter became final on March 24, 2003, upon the expiration of the ninety-day deadline for filing a petition for writ of *certiorari* with the United States Supreme Court. ***See*** 42 Pa.C.S. § 9545(b)(3) (a judgment of sentence becomes final at the conclusion of direct review or the expiration of time for seeking further review); U.S.Sup.Ct.R. 13(1) (setting the deadline for seeking *certiorari*). Appellant thus had until March 24, 2004, to file a timely PCRA petition. ***See*** 42 Pa.C.S. § 9545(b)(1). He did not file his instant PCRA petition until July 29, 2022.

To obtain review of his untimely PCRA petition, Appellant was required to plead and prove the applicability of one of three statutory exceptions that are found at 42 Pa.C.S. § 9545(b)(1)(i)-(iii). Moreover, he needed to plead and prove that the petition was filed within one year of the date his claims for time-bar exceptions "could have been presented." 42 Pa.C.S. § 9545(b)(2).

In his 2022 PCRA petition and its subsequent amendments, Appellant relied on his proffer of the Knox report and, after the passing of the author of the Knox Report, the LaForte report as stating facts that permitted the application of the time-bar exception at 42 Pa.C.S. § 9545(b)(1)(ii). Under that exception, Appellant had the burden to 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." 42 Pa.C.S. 9545(b)(1)(ii).

Appellant notes that the conclusions of the Knox and LaForte reports are as follows:

> a. The victim was struck in the head by a bullet that entered through the north kitchen wall of the home;
>
> b. The victim was not looking out the living room window when he was shot;
>
> c. The victim was standing to the left (south side of the living room window near the entrance to the hallway when he was struck in the head with the bullet that caused his death [i.e. not in front of the window];
>
> d. There was no impact spatter on the living room or blinds;

e. There was no embedded glass or shrapnel fragments found on Cumberland's face;

f. The impact spatter on the ceiling indicated that the victim was left (south) of the living room window when he was shot.

Appellant Brief, 14-15. Appellant asserts that these reports "directly refuted the Commonwealth's trial theory that the victim was looking out a living room window and could be seen by [Appellant] and was struck by a bullet fired through the window by [Appellant]." ***Id.*** at 15, ***compare with*** N.T. Trial, 10/10/01, 92 (McKenna's trial testimony that the victim, Cumberland, Sr., was felled by the first shot while looking out the window of the trailer); R.R. 215a.

The PCRA court rejected Appellant's use of the Knox and LaForte reports as the basis for a time-bar exception for his 2022 PCRA petition because it reasoned that the conclusions in the Knox and LaForte reports were the same conclusions included in the Hicks report that Appellant proffered in support of his 2007 federal *habeas corpus* petition. ***See*** PCRA Court Opinion, 2/25/26, 6. Accordingly, the PCRA court concluded the Knox and LaForte reports did not advance newly-discovered facts for purposes of a time-bar exception:

> [Appellant] failed to mention the Hicks report in his *pro se* second PCRA petition, his [a]mended PCRA [petition], and the [s]upplemental [a]mended petition. As a result, his filings appear to assert that he first came into possession of a report challenging the Commonwealth's theory in 2022 when he mentions the Knox report. This is incorrect. [Appellant] has possessed this information since he obtained the Hicks report in 2007. The conclusion in the Hicks report is the same one reached in the Knox/L[a]Forte report that [Appellant] claims undermines the Commonwealth's theory.

> It is clear from [Appellant's] court filings that he has been in possession of this information since 2007. He could have raised the claim in 2007, that an expert witness could establish that the victim was not shot while looking out the living room window. In his brief to the Third Circuit, he asserted that such expert testimony was readily available, and that his trial counsel could have obtained it with minimal effort.
>
> Since [Appellant] was in possession of this information in 2007, under the PCRA in effect at that time, he only had sixty (60) days after receipt of the information to file his PCRA petition. Even with the extended deadline, he should have filed within one year. He failed to file the claim. [Appellant] filed his second PCRA [petition] in 2022, nearly fifteen years late, but failed to include any information about the Hicks report. There is no basis to find that his current claim of newly-discovered evidence fits within any exception to the PCRA's jurisdictional filing deadline. [Appellant's] claim is untimely.

See id. (emphasis in original)

Appellant asserts that the PCRA court erred by concluding that he could have asserted a similar claim in a 2007 petition because he reasons that he was unable to do so where his claim required testimony from a "legitimate expert," and he now agrees that Hicks could not qualify as an expert. ***See*** Appellant's Brief, 27. He notes that, if he had advanced an earlier petition as suggested by the PCRA court, it would have "failed due to the lack of expert testimony." ***Id.*** at 28. In making this argument for PCRA court error, Appellant improperly conflates the burden for proving entitlement to relief under merits analysis for a substantive after-discovered evidence claim with the burden for proving the application of the newly-discovered facts time-bar exception.

Regarding the newly-discovered facts exception under Section 9545(b)(1)(ii), we have noted:

> "The newly-discovered facts exception [] does not require any merits analysis of the underlying claim, and application of the time-bar exception, therefore, does not necessitate proof of the elements of a claim of after-discovered evidence." ***Commonwealth v. Small***, 238 A.3d 1267, 1286 (Pa. 2020) (original quotation marks omitted) (noting that, the newly-discovered facts exception to the jurisdictional time-bar is distinct from an after-discovered evidence claim, which is the substantive basis for relief pursuant to 42 Pa.C.S.[] § 9543(a)(2)(iv)); ***see also Commonwealth v. Fears***, 250 A.3d 1180, 1189 (Pa. 2021) (stating, an analysis pertaining to whether a petitioner has sufficiently pleaded and proven the newly-discovered facts exception to the jurisdictional time-bar prohibits a merits analysis of the underlying claim). For purposes of the newly-discovered facts exception, a determination that the facts were unknown to the petitioner is circumstance-dependent and requires an analysis of the petitioner's knowledge. [***See***] ***Small***, 238 A.3d at 1283.

Commonwealth v. Branthafer, 315 A.3d 113, 128 (Pa. Super. 2024) (brackets omitted; some citations modified). "Rather, to establish jurisdiction under Section 9545(b)(1)(ii), a petitioner must allege and prove[:] (a) the existence of facts that were unknown to him[;] and (b) his exercise of due diligence in discovering those facts." ***Commonwealth v. Brown***, 111 A.3d 171, 179 (Pa. Super. 2015).

The focus on the applicability of the Section 9545(b)(1)(ii) exception is the discovery of new, previously unknown facts. Here, the alleged new facts were supposed conclusions underlying Appellant's expert reports—not the expert reports themselves—that constituted the newly-discovered facts under Section 9545(b)(1)(ii). ***See Commonwealth v. Brensinger***, 218 A.3d 440,

455 (Pa. Super. 2019) (*en banc*) (where Brensinger filed a 2015 PCRA petition asserting the Section 9545(b)(1)(ii) exception based on expert reports relying on scientific principles from various studies, papers, and statements published between 1934 and 2013 to form their expert opinions, the PCRA court was required to analyze which scientific principles constituted the "facts," whether the facts existed in the public domain prior to the expert's use of the principles forming their opinions at trial, and, if so, when the principles entered in the public domain). In this case, the Hicks report, dated June 15, 2007, allegedly provided new information to Appellant that he could have advanced as the basis for a time-bar exception under Section 9545(b)(1)(ii) in 2007. While a time-bar exception claim based on the Hicks report may have failed for a lack of due diligence, Appellant had to file a petition in 2007 within sixty days of learning the information from the Hicks report in order to assert a time-bar exception claim based on the information in that report consistent with a former version of 42 Pa.C.S. § 9545(b)(2) effective at that time. [7]

Appellant does not contest that the information, conclusions, or principles advanced in the conclusions of the Knox or LaForte reports were not the same as the information, conclusions, or principles advanced in the Hicks report. Instead, he suggests that he could wait until he had the evidence

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[7] On October 24, 2018, the General Assembly amended Section 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. The amendment applies only to claims arising on December 24, 2017, or thereafter.

necessary to prevail on a substantive after-discovered evidence claim before raising his time-bar exception claim. This analysis does not comport with the statutory time-bar exception where the merits analysis necessary for relief on a substantive after-discovered evidence is separate and distinct from the analysis for applying the newly-discovered facts exception to the time-bar. Where all of the reports proffered in this case advanced the same information, conclusions, and principles, the Knox and LaForte reports were nothing more than new sources for previously known facts to Appellant. Under controlling precedent, however, "Section 9545(b)(1)(ii) is not satisfied when a petitioner merely relies upon a new source for previously known facts." ***Commonwealth v. Brown***, 350 A.3d 12, 25 (Pa. 2026).

Appellant's time-bar exception claim incorrectly relied on evidence of previously known facts. "[W]hether 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." ***Brown***, 350 A.3d at 25-26 (footnote omitted). For time-bar purposes, Appellant could not wait fifteen years searching for an expert to advance his substantive after-discovered evidence before filing his petition in 2022 where the jurisdictional basis for his claim originated in facts that he learned in the report that he received in 2007. ***See id.*** at 34 ("A petitioner's satisfaction of the newly discovered facts exception does not in any way depend upon the merits of the underlying claim.") (footnote omitted). Appellant's admitted lack of evidence to support a substantive after-

discovered evidence claim in 2007 did not toll the time-limits for presenting a time-bar exception claim based on the facts that he learned from the Hicks report. On this basis, we find no error with the PCRA court's rejection of his time-bar exception claim based on the Knox and LaForte reports.

Appellant alleges that "[n]o Pennsylvania case holds that [a PCRA petitioner] must bring forward a claim on an expert opinion without having an actual expert to provide that opinion." Appellant's Brief, 26. His argument entirely confuses the analysis necessary for the application of the time-bar exception for newly-discovered facts with the analysis necessary for assessing the merits of a substantive after-discovered evidence claim. The application of the time-bar exception does not require a petitioner to instantaneously demonstrate an ability to satisfy the evidentiary burden to support a related after-discovered evidence claim. As our Supreme Court has recently noted,

> The function of the timeliness exception is to open the courthouse door to post-conviction petitioners and to afford them the opportunity to prove that they are actually innocent or are serving illegal sentences. The bar to open the door is not the same as the bar to obtain relief. Once the petitioner alleges and proves that there is a previously unknown fact upon which a claim is predicated and that that fact could not have been obtained earlier, the door to the courthouse opens and the petitioner has the opportunity to establish the elements of the underlying claim.

Brown, 350 A.3d at 35 (footnote omitted). Here, Appellant failed to timely "open the door" of the courthouse when the PCRA permitted him to do so. ***Id.***

In the absence of Appellant pleading and proving the applicability of a time-bar exception, we are unable to proceed with review of the majority of

his underlying substantive claims, including his as-applied constitutional challenge to the application of the PCRA time-bar. ***See Commonwealth v. Derrickson***, 923 A.2d 466, 468 (Pa. Super. 2007) (where a PCRA petition is untimely, and the petitioner has not pleaded and proved an applicable time-bar exception, "neither this Court nor the [PCRA] court has jurisdiction over the petition"); ***see also Commonwealth v. Keys***, 328 A.3d 1141, 1146 (Pa. Super. 2024) (explaining to "embark on substantive review on [the appellant's] as-applied constitutional challenge to the time-bar, without satisfaction of [the appellant's] burden to plead and prove the applicability of a statutory time-bar exception, would improperly permit the establishment of an equitable exception to the time-bar"). Consistent with ***Keys***, we cannot reach the merits of Appellant's ineffective assistance of counsel and prosecutorial misconduct claims simply because Appellant asserts an entitlement to relief on those claims on due process grounds and couches those claims within an overarching as-applied constitutional challenge; doing so would result in the engagement of substantive review in the absence of jurisdiction and essentially sanction an equitable exception to the PCRA time-bar, which we are barred from fashioning.[8] ***See Commonwealth v. Laird***,

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[8] Appellant correctly points out that our Supreme Court in ***Commonwealth v. Brown***, 943 A.2d 264, 268 n.4 (Pa. 2008), "recognized that there may be situations in which the time-bar is unconstitutional as-applied." Appellant's Brief, 44; ***see Brown***, 943 A.2d at 268 n.4 ("This Court, however, has recognized the potential availability of an as-applied constitutional challenge to the application of the PCRA's time restrictions"). However, the ***Brown***
(Footnote Continued Next Page)

331 A.3d 579, 598-99 (Pa. 2025) (our Supreme Court noting that it has "no authority to fashion equitable exceptions" to the PCRA's statutory time-bar).

At the same time, however, we may address Appellant's facial constitutional challenge to PCRA's statutory time-bar as we have done so in past instances. ***See Branthafer***, 315 A.3d at 120-23 (considering the petitioner's attack on the constitutionality to the PCRA's timeliness requirements in addition to concluding that the underlying petition was untimely). In that claim, Appellant asserts that: (1) "the interpretation of the PCRA time-bar as jurisdictional has no sound legal basis in the statutory text" where "[t]he time limit provision … does not mention the word 'jurisdiction' at all"; (2) our Supreme Court "has never undertaken any serious statutory interpretation analysis [of Section 9545], and only in cursory fashion ruled

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Court did not address the application of that principle to the case then at bar because the petitioner failed to present any argument to that effect. ***See id.*** ***Brown*** cited ***Commonwealth v. Abdul-Salaam***, 812 A.2d 497, 501 (2002), and ***Commonwealth v. Bennett***, 930 A.2d 1264, 1273 (Pa. 2007), with respect to its point about the potential for as-applied constitutional challenges to the PCRA time-bar, but in neither of those cases did our Supreme Court establish any basis for evaluating constitutional claims raised without regard for the PCRA's jurisdictional requirements. Our Supreme Court in ***Bennett*** addressed a claim of counsel abandonment but reached the merits of that claim by finding that the petitioner's claim, if proven, fell within the plain language of the Section 9545(b)(1)(ii) time-bar exception. ***See Bennett***, 930 A.2d at 1272. In ***Abdul-Salaam***, our Supreme Court did not grant relief on an as-applied constitutional challenge upon reviewing an emergency motion for a stay of an execution or the establishment of expedited briefing, and, instead, based its lengthy analysis upon the newly-recognized constitutional right exception at Section 9545(b)(1)(iii), rather than leaving the confines of the PCRA entirely for purposes of the constitutional argument presented. ***Abdul-Salaam***, 812 A.2d at 499-502.

that the time-bar was jurisdictional in ***Commonwealth v. Peterkin***, 722 A.2d 638 (Pa. 1998)"; and (3) "the decisional law declaring the PCRA time-bar as jurisdictional are erroneous and that the statutory time provision was originally intended to be a statute of limitations." ***See*** Appellant's Brief, 44-45.

Before addressing this claim, we proceed cognizant that our Supreme Court has directed that "we must presume that statutes are constitutional and require those challenging the constitutionality of a statute to demonstrate that it clearly, plainly, and palpably violates the constitution." ***Commonwealth v. Berry***, 167 A.3d 100, 104 (Pa. Super. 2017) (citation omitted). Moreover, "the party challenging a statute's constitutionality bears a heavy burden of persuasion." ***Commonwealth v. Pitt***, 313 A.3d 287, 295 (Pa. Super. 2024) (citation omitted). A defendant "can succeed in a facial challenge to the constitutionality of a statute only by establishing that no set of circumstances exists under which the challenged statute would be valid, *i.e.*, that the law is unconstitutional in all of its applications[.]" ***Berry***, 167 A.3d at 104 (citation omitted). Upon review of the arguments made by Appellant, we find that they are meritless based on our prior opinion in ***Branthafer***.

The petitioner in ***Branthafer*** raised identical arguments to ones made by the Appellant in this case. As for the assertion that our jurisdictional interpretation of the PCRA time-bar has "no sound legal basis in the statutory text," Appellant's Brief at 44, Branthafer argued that a supposed lack of original intent for the time-bar to serve as "a jurisdiction hurdle" was

evidenced "by the fact that Section 9545(b)(1) never utilizes the word 'jurisdiction.'" ***Branthafer***, 315 A.3d at 120. As for Appellant's remaining assertions, Branthafer alleged that our Supreme Court's "decisional law declaring the PCRA deadlines … as jurisdictional was erroneously decided," that the PCRA time-bar "was intended to be a statute of limitations," and that our Supreme Court's holdings as to a jurisdictional interpretation of the time-bar was akin to the creation of a "Gordian [K]not" of our High Court's "own making." ***Id.*** at 121.

Faced with identical arguments to the ones being made here, our Court did not shy away from appreciating the precedential value of our Supreme Court's decision first finding the time-bar to be jurisdictional in ***Peterkin***. ***See Branthafer***, 315 A.3d at 121. We referred to ***Peterkin*** as a "seminal case" and treated it as starting point for more than two decades of consistent caselaw that remains binding on this Court, consistent with our Supreme Court's more recent opinion in ***Reid***:

> In the seminal case, ***Commonwealth v. Peterkin***, our Supreme Court, for the first time, declared that the PCRA one-year time-bar under Section 9545(b)(1) was jurisdictional in nature. [***See***] ***Commonwealth v. Peterkin***, 722 A.2d 638, 641 (Pa. 1998); ***see also Reid***, 235 A.3d at 1167. The ***Peterkin*** Court further rejected the argument that the jurisdictional nature of the one-year time-bar was unconstitutional, finding no due process violation, as the time for filing a petition is reasonable, and no *ex post facto* violation existed because the time limitation "is procedural in nature and does not fall within the categories of retrospective laws prohibited by the *ex post facto* clause." ***Peterkin***, 722 A.2d at 642-43, n.8 (stating, the PCRA time limitation "strikes a reasonable balance between society's need for finality in criminal cases and the convicted person's need to

> demonstrate that there has been an error in the proceedings that resulted in his[, or her,] conviction"). For more than two decades, Pennsylvania courts have steadfastly held to the view that the PCRA one-year time-bar was jurisdictional in nature and constitutionally sound. ***See Reid***, 235 A.3d at 1167 (collecting cases that have held to the principles that the PCRA time limitation is jurisdictional in nature and constitutional).
>
> Recently, our Supreme Court, in ***Reid***, ***supra***, roundedly rejected a call for "fine-tuning" the precedent first announced in ***Peterkin***. ***Reid***, 235 A.3d at 1168 (rejecting the argument that a court's inability to afford a petitioner relief based on lack of jurisdiction means the PCRA failed to afford sufficient due process and the statute is, therefore, constitutionally infirm). Finding "no present need" to abandon decades-old PCRA jurisprudence, the ***Reid*** Court further remarked that the doctrine of *stare decisis* required continued adherence to the well-enshrined principle first set forth in ***Peterkin***. [***Reid***, 235 A.3d] at 1169. Thus, bound by the decisions of our Supreme Court, we continue to adhere to the principle that the PCRA time limitation is jurisdictional in nature. ***See Reid***, 235 A.3d at 1159 (stating, "[i]t is elementary that unless the United States Supreme Court reverses a decision of [our Supreme Court], or [our Supreme Court] overrules its prior decision, the law emanating from the decision remains law" (citation and original quotation marks omitted)).

Branthafer, 315 A.3d at 121-22 (some citations modified; footnote omitted).

Appellant's facial constitutional challenge to the PCRA time-bar merely restates the same arguments that we rejected in ***Branthafer***. In the absence of a more recent opinion from our Supreme Court revisiting its multi-decade adherence to an interpretation of the time-bar as jurisdictional, this Court is duty-bound to reject Appellant's facial constitutional challenge to the PCRA time-bar for the same reasons stated in ***Branthafer***, which effectuated our Supreme Court's decisional law in ***Peterkin***, ***Reid***, and various opinions in between those cases. ***See Commonwealth v. Seskey***, 170 A.3d 1105, 1109 (Pa. Super. 2017) ("[T]his Court is duty-bound to effectuate our Supreme

Court's decisional law."). As in ***Branthafer***, "we continue to adhere to the principle that the PCRA time limitation is constitutionally sound and, therefore, does not violate Appellant's constitutional rights." ***Branthafer***, 315 A.3d at 123.

Order affirmed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

11/5/2026