

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
RAYMONT WALKER	:	
	:	
Appellant	:	No. 1250 WDA 2025

Appeal from the PCRA Order Entered September 18, 2025
In the Court of Common Pleas of Allegheny County Criminal Division at
No(s): CP-02-CR-0006204-2007

BEFORE: BOWES, J., OLSON, J., and MURRAY, J.

MEMORANDUM BY MURRAY, J.: **FILED: September 25, 2026**

Raymont Walker (Appellant) appeals, *pro se*, from the order dismissing his serial petition filed pursuant to the Post Conviction Relief Act (PCRA), 42 Pa.C.S.A. §§ 9541-9546. After careful review, we affirm.

In May 2020, a jury convicted Appellant of first-degree murder, criminal conspiracy, and related offenses in connection with the shooting death of Kevin Harrison (Harrison).¹ Appellant was 15 years old at the time of the shooting. On August 2, 2010, the trial court sentenced Appellant to an aggregate term of life imprisonment without the possibility of parole. This Court subsequently affirmed Appellant's judgment of sentence. **See *Commonwealth v. Walker***, 48 A.3d 490, 1667 WDA 2010 (Pa. Super. 2012)

¹ Appellant was tried jointly with his co-defendant, Jerrill Hicks (Hicks). The jury convicted Hicks of similar charges.

(unpublished memorandum). Appellant did not seek allowance of appeal in our Supreme Court.

On July 30, 2012, Appellant, *pro se*, filed his first PCRA petition. Court-appointed PCRA counsel subsequently filed an amended PCRA petition challenging, *inter alia*, the legality of Appellant's sentence based on the United States Supreme Court's decision in **Miller v. Alabama**, 567 U.S. 460, 465 (2012) (holding that sentences of "mandatory life without parole for those under the age of 18 at the time of their crimes violates the Eighth Amendment's prohibition on 'cruel and unusual punishments.'"). The PCRA court conducted a hearing. On November 25, 2013, the PCRA court denied Appellant's PCRA petition. This Court affirmed the denial of PCRA relief. **See Commonwealth v. Walker**, 125 A.3d 460, 2019 WDA 2013 (Pa. Super. 2015) (unpublished memorandum).

Appellant petitioned for allowance of appeal to the Pennsylvania Supreme Court. On February 24, 2016, our Supreme Court granted the appeal as to Appellant's sentencing claim; vacated the Superior Court's order; and remanded the case for further proceedings in light of the United States Supreme Court's decision in **Montgomery v. Louisiana**, 577 U.S. 190, 212 (2016) (holding that **Miller** announced a substantive rule of constitutional law

which must be applied retroactively by the States). **See Commonwealth v. Walker**, 132 A.3d 980 (Pa. 2016).²

Upon remand, this Court reversed the PCRA court's order denying relief; vacated Appellant's judgment of sentence; and remanded for resentencing in accordance with **Miller, Montgomery**, and **Commonwealth v. Batts**, 66 A.3d 286, 296-97 (Pa. 2013) (reiterating that **Miller** prohibits mandatory life without parole sentences as applied to juveniles, and "requires only that there be judicial consideration of the appropriate age-related factors set forth in that decision prior to the imposition of a sentence of life imprisonment without parole on a juvenile;" and detailing appropriate age-related factors a court must consider before resentencing a juvenile). **See Commonwealth v.**

² On December 22, 2015, while his discretionary appeal remained pending, Appellant filed *pro se* correspondence, which the PCRA court treated as a second PCRA petition. Appellant attached thereto a letter he sent to PCRA counsel requesting that counsel file a second PCRA petition on his behalf. In the letter, Appellant raised an after-discovered evidence claim and averred Hicks had recently been resentenced, pursuant to **Miller** and **Montgomery**, to 45 years to life in prison. **See** Prisoner Correspondence, 12/22/15. PCRA counsel filed an amended PCRA petition on February 2, 2016, clarifying that Hicks had been resentenced to 47½ years to life imprisonment. Amended PCRA Petition, 2/2/16, ¶ 12. Additionally, counsel emphasized that, during his first resentencing hearing, Hicks admitted to firing the shots that killed Harrison. **Id.**

Appellant filed an additional *pro se* PCRA petition on February 29, 2016, again advancing a sentencing claim under **Miller** and **Montgomery**. PCRA counsel subsequently filed a petition to consolidate the various PCRA petitions, which the PCRA court granted. The Commonwealth filed an answer to the PCRA petitions.

Walker, 145 A.3d 782, 2019 EDA 2013 (Pa. Super. 2016) (unpublished memorandum).

This Court previously described what next transpired as follows:

Upon motion by the Commonwealth, Appellant's two PCRA petitions were consolidated into one evidentiary hearing, which was held on February 9, 2018. At the hearing, Hicks reiterated the testimony from his own resentencing hearing, that he was the shooter and Appellant was not involved in the murder. The court found Hicks's testimony to be incredible and denied Appellant's after-discovered evidence claim. The trial court also conducted a resentencing hearing, imposing a new aggregate sentence of thirty years to life in prison.

Commonwealth v. Walker, 227 A.3d 426, 1025 WDA 2018 (Pa. Super. 2020) (unpublished memorandum at 5). This Court affirmed both the PCRA court's denial of Appellant's after-discovered evidence claim and Appellant's judgment of sentence. **Id.** Our Supreme Court denied allowance of appeal. **Commonwealth v. Walker**, 240 A.3d 1216 (Pa. 2020).

Thereafter, Appellant unsuccessfully litigated his next two *pro se* PCRA petitions. After the PCRA court dismissed Appellant's third and fourth petitions, this Court affirmed the dismissals, and our Supreme Court denied allowance of appeal. **See Commonwealth v. Walker**, 289 A.3d 93, 110 WDA 2022 (Pa. Super. 2022) (unpublished memorandum) (affirming dismissal of Appellant's third PCRA petition), **appeal denied**, 300 A.3d 320 (Pa. 2023); **see also Commonwealth v. Walker**, 329 A.3d 645, 1203 WDA 2023 (Pa. Super. 2024) (unpublished memorandum) (affirming dismissal of Appellant's fourth PCRA petition), **appeal denied**, 341 A.3d 57 (Pa. 2025).

On July 29, 2025, Appellant, *pro se*, filed the instant PCRA petition, his fifth.³ Appellant invoked the newly-discovered fact timeliness exception. In particular, Appellant averred the following:

19. On 02/28/2025, [Appellant] was approached by a fellow inmate at SCI-Fayette with the idea of both [Appellant] and [Hicks] taking polygraph examinations to prove their innocence.

...

20. [Appellant] asked his family to make arrangements for him and [Hicks] to take polygraph examinations.

21. On 04/21/2025, [Appellant] notified ... Hicks[] that they were going to take [] polygraph examinations.

22. On 05/23/2025, [Appellant] took a polygraph examination (lie detector test) under the company Aletheian Polygraph, LLC[,] by Examiner Julian Brown

....

26. [Appellant] answered **no** to the following questions during the polygraph examination:

(1) Were you present when [] Harrison was shot?

(2) Did you see the shooting of [] Harrison when it happened?

(3) Were you there the day [] Harrison was shot?

(4) Did you observe [] Harrison being shot on the day it occurred[?] **See** Exhibit B.

27. The examiner concluded that [Appellant] answered the above questions with **"NO SIGNIFICANT REACTIONS INDICATIVE OF DECEPTION."** ...

³ We note that Hicks filed a substantially similar PCRA petition on the same date. The PCRA court dismissed Hicks's PCRA petition as untimely filed, and Hicks filed an appeal. That appeal, which is docketed in this Court at 1392 WDA 2025, is also listed before this panel.

PCRA Petition, 7/29/25, ¶¶ 19-27 (emphasis in original). According to Appellant, the polygraph examination results establish that (1) he is innocent of all charges, and (2) his sentence is illegal.

The PCRA court issued Rule 907 notice of its intent to dismiss Appellant's petition as untimely filed, reasoning that Appellant failed to demonstrate that a polygraph examination was not previously available to him. Rule 907 Notice, 8/4/25. The PCRA court also opined that the results of the polygraph examination would not be admissible. ***Id.*** Appellant filed a *pro se* response, in which he requested additional time to amend his PCRA petition. The PCRA court granted Appellant's request. Appellant subsequently filed an amended PCRA petition, raising substantially the same claims, and responding to the PCRA court's statement that the polygraph examination results would not be admissible in court.

On September 18, 2025, the PCRA court dismissed Appellant's fifth PCRA petition as untimely filed. In the dismissal order, the PCRA court again explained that Appellant did not establish the newly-discovered fact exception to the PCRA's jurisdictional time-bar.⁴ Order, 9/18/25. The PCRA court also

⁴ We note that the PCRA court incorrectly refers to after-discovered evidence rather than newly-discovered facts. ***See generally Commonwealth v. Burton***, 158 A.3d 618, 629 (Pa. 2017) (emphasizing that "the newly-discovered facts exception to the time limitations of the PCRA, as set forth in subsection 9545(b)(1)(ii), is distinct from the after-discovered evidence basis for relief delineated in 42 Pa.C.S.A. § 9543(a)(2)."); ***see also id.*** (detailing
(Footnote Continued Next Page)

stated that Appellant failed to establish the polygraph examination results would be admissible. ***Id.***

This timely appeal followed. Appellant and the PCRA court have complied with Pa.R.A.P. 1925.

On appeal, Appellant raises the following issues for review:

I. Did [the] PCRA court err[] when it ruled Appellant could have previously obtained polygraph evaluations and dismissed the instant PCRA petition that proved his innocence[?]

II. Did [the] PCRA court err[] when it ruled Appellant's polygraph evaluations were inadmissible in PCRA proceedings and dismissed the instant PCRA petition that proved his innocence[?]

III. Did [the] PCRA court err[] when it ruled Appellant's polygraph evaluations were inadmissible in [the] resentencing hearing and dismissed the instant PCRA petition that proved his innocence[?]

Appellant's Brief at 5.

When reviewing the dismissal of a PCRA petition, we examine "whether the PCRA court's ruling is supported by the record and free of legal error." ***Commonwealth v. Hereford***, 334 A.3d 903, 907 (Pa. Super. 2025) (*en banc*) (citation omitted). The scope of our review "is limited to the findings of the PCRA court and the evidence of record, viewed in the light most favorable to the prevailing party at the PCRA court level." ***Commonwealth v. Conforti***, 303 A.3d 715, 725 (Pa. 2023) (citations omitted); ***see also***

the requirements of an after-discovered evidence claim "**where a petition is otherwise timely**" (emphasis added)). Nevertheless, our review of the PCRA court's Rule 1925(a) opinion confirms its correct application of the newly-discovered fact timeliness exception.

Commonwealth v. Diaz, 183 A.3d 417, 421 (Pa. Super. 2018) (stating that appellate courts “grant great deference to the PCRA court’s findings that are supported in the record.” (citation omitted)).

Initially, pursuant to the PCRA, any petition, “including a second or subsequent petition, shall be filed within one year of the date the judgment becomes final....” 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 the United States and the Supreme Court of Pennsylvania, or at the expiration of time for seeking the review.” **Id.** § 9545(b)(3). Neither the PCRA court nor this Court can address the merits of an untimely PCRA petition because the untimeliness deprives the courts of jurisdiction. **Commonwealth v. Rienzi**, 827 A.2d 369, 371 (Pa. 2003).

Here, Appellant’s post-**Miller** judgment of sentence became final in February 2021,⁵ when the time for filing a petition for writ of *certiorari* in the

⁵ This Court has explained that

a successful first PCRA petition does not “reset the clock” for the calculation of the finality of the judgment of sentence for purposes of the PCRA where the relief granted in the first petition neither restored a petitioner’s direct appeal rights nor disturbed his conviction, but, rather, affected his sentence only.

Commonwealth v. McKeever, 947 A.2d 782, 785 (Pa. Super. 2008); **see also Commonwealth v. Lesko**, 15 A.3d 345, 366, 374 (Pa. 2011) (explaining that when a defendant is granted a new sentencing hearing, the defendant’s original judgment of sentence is final for PCRA timeliness purposes except for the matters relating to the resentencing). Thus, (Footnote Continued Next Page)

United States Supreme Court expired. **See** U.S. SUP. CT. R. 13. Because Appellant filed the instant PCRA petition in 2025, the petition is patently untimely.

However, Pennsylvania courts may still exercise jurisdiction over an untimely PCRA petition if the petitioner can plead and prove that:

(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 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 invoking one of these exceptions “shall be filed within one year of the date the claim could have been presented.” **Id.** § 9545(b)(2). The petitioner bears the burden of alleging and proving that a timeliness exception applies. **Commonwealth v. Spatz**, 171 A.3d 675, 678 (Pa. 2017).

regardless of whether Appellant’s claims relate to trial error or his resentencing, Appellant raised his claims in a facially untimely petition. **See McKeever**, 947 A.2d at 785; **see also generally Walker**, 289 A.3d 93 (unpublished memorandum at 8-12) (in a prior appeal following Appellant’s November 2021 PCRA petition, clarifying that Appellant’s new judgment of sentence became final in February 2021, and his original judgment of sentence became final in May 2012; thus, only those claims related to Appellant’s resentencing hearing were timely for PCRA purposes).

In his first issue, Appellant claims the polygraph examination results constitute newly-discovered facts under 42 Pa.C.S.A. § 95445(b)(1)(ii). **See** Appellant's Brief at 16-18. Appellant challenges the PCRA court's determination that he failed to establish his inability to complete a polygraph examination within the timeliness requirements of the PCRA. **Id.** at 16. Appellant asserts he was previously unaware that polygraph examinations can be admitted in nonjury proceedings. **Id.** at 17. Additionally, Appellant claims he lacked the financial means to procure a polygraph examination prior to 2025. **Id.** at 17-18.

To invoke the newly-discovered fact exception, and thus establish the PCRA court's jurisdiction, the petitioner bears the burden of pleading and proving that "(1) the facts upon which the claim was predicated were unknown and (2) they could not have been ascertained by the exercise of due diligence." **Commonwealth v. Mickeals**, 335 A.3d 13, 21 (Pa. Super. 2025) (citation omitted). "[T]he focus of this exception is on the newly discovered facts, not on a newly discovered or newly willing source for previously known facts." **Commonwealth v. Brown**, 111 A.3d 171, 176 (Pa. Super. 2015) (citation omitted). Further, "[d]ue diligence demands that the petitioner take reasonable steps to protect his own interests; a petitioner must explain why he could not have learned the new facts earlier with the exercise of due diligence." **Mickeals**, 335 A.3d at 21 (citation omitted).

Instantly, the PCRA court concluded that Appellant failed to plead and prove the newly-discovered fact exception because Appellant offered “no explanation as to why the polygraph examination could not be procured before 2025.” PCRA Court Opinion, 2/3/26, at 6. We agree with the PCRA court that Appellant failed to explain why he could not have completed a polygraph examination previously with the exercise of due diligence.

Further, Appellant offers the results of the polygraph examination as a new “fact” supporting his claim of innocence.⁶ However, as he acknowledged in his PCRA petition, Appellant “has always and will continue to maintain his innocence....” PCRA Petition, 7/29/25, ¶ 35. At best, the polygraph results are a new source for the previously known “fact” of Appellant’s innocence, which is insufficient to meet the exception. **See Brown**, 111 A.3d at 176. Appellant therefore failed to plead and prove the newly-discovered fact exception at subsection 9545(b)(1)(ii).

In his second and third claims, which we address simultaneously, Appellant argues the PCRA court improperly concluded the polygraph examination results would be inadmissible in PCRA proceedings. **See** Appellant’s Brief at 19-26. Appellant emphasizes that he sought to admit the polygraph examination results only to the PCRA court, rather than to a jury.

⁶ Additionally, in the argument section related to his third claim, Appellant argues the polygraph examination results revealed the “previously unknown facts that he didn’t ambush and locate the victim for Hicks to shoot.” Appellant’s Brief at 26.

Id. at 20, 25; **see also id.** at 19 (arguing the “PCRA [c]ourt wasn’t bound by the rules of evidence when it functioned as the fact-finder in his PCRA proceeding pursuant to Pa.R.E. 104(a)(1).”).^{7, 8}

Preliminarily, we observe that Appellant does not attempt to invoke one of the PCRA’s timeliness exceptions in support of his claims. Rather, the admissibility of polygraph examination results relates to the merits of a substantive after-discovered evidence claim. **See Commonwealth v. Griffin**, 137 A.3d 605, 608 (Pa. Super. 2016) (setting forth the four requirements of an after-discovered evidence claim, and stating that “[t]he proposed new evidence must be producible and admissible.”) (emphasis added; citation omitted). As we have concluded that Appellant did

⁷ Rule 104(a) requires a trial court to “decide any preliminary question about whether a witness is qualified, a privilege exists, or evidence is admissible. In so deciding, the court is not bound by evidence rules, except those on privilege.” Pa.R.E. 104(a). Rule 104 contains no subsection “(a)(1).”

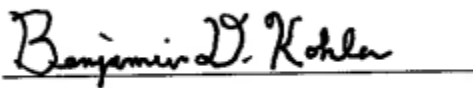
⁸ Appellant cites to **Commonwealth v. A.R.**, 80 A.3d 1180 (Pa. 2013), wherein our Supreme Court upheld the admission of the appellant’s therapeutic polygraph results during his revocation of probation hearing “because the results were offered not as evidence of appellant’s probation violation, but as background evidence to explain the actions taken” by staff members of the appellant’s sex offender treatment program. **Id.** at 1183 (emphasis added). While Appellant suggests that **A.R.** permits the admission of polygraph examination results in any hearing in which the court acts as the fact-finder, we find no support for such an application of the **A.R.** decision. Rather, the **A.R.** Court repeatedly emphasized that the polygraph results at issue “were proffered not for their accuracy, but to help explain the actions of others involved.” **Id.** at 1184. In this case, because Appellant offered his own polygraph examination results for their accuracy, *i.e.*, to establish his lack of involvement in the shooting, his reliance on **A.R.** is inapposite.

not plead and prove the newly-discovered fact exception, we lack jurisdiction to address the merits of Appellant's substantive after-discovered evidence claim. **See *Commonwealth v. Cox***, 146 A.3d 221, 227-28 (Pa. 2016) ("Once jurisdiction has been properly invoked (by establishing either that the petition was filed within one year of the date judgment became final or by establishing one of the three exceptions to the PCRA's time-bar), the relevant inquiry becomes whether the claim is cognizable under the PCRA."); **see also *Commonwealth v. Fears***, 250 A.3d 1180, 1189 (Pa. 2021) ("Without jurisdiction, [a] court does not have the legal authority to address substantive claims.").

Because Appellant's serial petition is untimely, and he fails to establish an exception to the PCRA's timeliness requirement, the PCRA court properly dismissed Appellant's petition as untimely filed.

Order affirmed.

Judgment Entered.

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

Benjamin D. Kohler, Esq.
Prothonotary

DATE: 09/25/2026