

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
LANDON WILEY THOMAS	:	
	:	
Appellant	:	No. 602 MDA 2026

Appeal from the PCRA Order Entered March 26, 2026
In the Court of Common Pleas of Dauphin County Criminal Division at
No(s): CP-22-CR-0000135-2014

BEFORE: PANELLA, P.J.E., DUBOW, J., and SULLIVAN, J.

MEMORANDUM BY PANELLA, P.J.E.:

FILED: OCTOBER 13, 2026

Landon Wiley Thomas appeals *pro se* from the order dismissing as untimely and meritless his fifth petition for Post-Conviction Collateral Relief¹ ("PCRA"). After careful review, we affirm.

The PCRA court set forth the relevant factual and procedural history:

The Commonwealth charged Thomas with 13 robberies involving gas stations, convenience stores, and banks. Thomas filed a pre-trial motion challenging, among other things, the legality of the search of the apartment where he was found. That motion was denied. [] On May [11,] 2015, Thomas pleaded guilty to 9 counts of robbery pursuant to a negotiated plea agreement for an aggregate sentence of 12 ½ to 25 years['] imprisonment with a consecutive 5-year term of probation. He filed no post-sentence motion or appeal.

[] [I]n August 2015, Thomas commenced a series of post-conviction challenges, many of which involved ancillary filings and serial addendums to his [PCRA] petitions. None of these filings

¹ 42 Pa.C.S.A. §§ 9541-9546.

had any merit, as the claims were untimely, previously litigated, or waived by virtue of Thomas'[s] guilty plea.

Notice of Intent to Dismiss, 3/3/26, at 1-2 (citations omitted).

The instant PCRA petition, Thomas's fifth, was filed on October 9, 2025.² Within his petition, Thomas alleged he met a timeliness exception, specifically the government interference exception. The PCRA court issued a Rule 907 notice of intent to dismiss on March 3, 2026, finding that Thomas failed to establish the PCRA petition met a timeliness exception. **See** Pa.R.Crim.P. 907. Thomas filed objections to the notice of intent to dismiss on March 23, 2026. On March 26, 2026, the PCRA court dismissed Thomas's PCRA petition.

Thomas filed a timely notice of appeal. Although not ordered by the court, Thomas filed a Rule 1925(b) statement with his notice of appeal. **See** Pa.R.A.P. 1925(b). The court authored a Rule 1925(a) opinion referring this Court to its notice of intent to dismiss and opinion and order dismissing Thomas's PCRA petition. **See** Pa.R.A.P. 1925(a).

Thomas raises two questions for our review:

1. Did Mr. Thomas show "cause" for prejudice when the reason for his default in state-court proceedings was caused by the intentional concealment of relevant evidence that was material for **Brady**^[3] purposes?

² We refer to this Court's memorandum decision filed August 7, 2023, for the procedural history of the first four PCRA petitions. **See Commonwealth v. Thomas**, 304 A.3d 728, *1-2 (Pa. Super. filed Aug. 7, 2023).

³ **Brady v. Maryland**, 373 U.S. 83 (1963).

2. Under the totality of the circumstances, was Mr. Thomas induced into an involuntary, unknowing, and unintelligent guilty plea?

Appellant's Brief, at 4 (suggested answers and unnecessary capitalization omitted).

Before we may address the merits of Thomas's claims, we must determine if we have jurisdiction to hear them. "The timeliness requirement for PCRA petitions is mandatory and jurisdictional in nature, and the court may not ignore it in order to reach the merits of the petition." ***Commonwealth v. Giles***, 357 A.3d 555, 559 (Pa. Super. 2026) (citation and internal quotation marks omitted). We begin with the standards surrounding an untimely PCRA petition:

The timeliness of a PCRA petition is a question of law, and therefore our standard of review is *de novo* and our scope of review is plenary.

A PCRA petition, including a second or subsequent petition, must be filed within one year of the date that judgment of sentence becomes final. A judgment becomes final for purposes of the PCRA 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. The period for filing a PCRA petition is not subject to the doctrine of equitable tolling; instead, the time for filing a PCRA petition can be extended only if the PCRA permits it to be extended, *i.e.*, by operation of one of the statutorily enumerated exceptions to the PCRA time-bar. Additionally, for a second or subsequent PCRA petition, the petitioner must make a strong *prima facie* showing that a miscarriage of justice may have occurred.

If a PCRA petition is untimely filed, the jurisdictional time-bar can only be overcome if the petitioner alleges and proves one of the three statutory exceptions, set forth in 42 Pa.C.S.A. § 9545(b)(1). The statutory exceptions are colloquially known as exceptions for governmental interference, a newly-discovered fact, or a newly-recognized constitutional right which applies retroactively. Moreover, [an a]ppellant [must] plead and prove that he filed his petition within one year of the date any claims for application of the statutory time-bar exceptions could have been presented. We emphasize that it is the petitioner who bears the burden to allege and prove that one of the timeliness exceptions applies.

Id. at 559-60 (citations and quotation marks omitted).

Thomas's judgment of sentence became final on June 10, 2015, after the expiration of time for him to file an appeal with this Court. **See** Pa.R.A.P. 903(a). Therefore, Thomas's fifth PCRA petition filed on October 9, 2025, was untimely filed.

Thomas raised the government interference timeliness exception below. However, Thomas has not raised that claim within his brief, although he conceded the PCRA court dismissed his petition as untimely. **See** Appellant's Brief, at 6, 8-23. Thomas merely argues that the Commonwealth violated **Brady** by failing to turn over witness Marie Gascot's criminal history. **See id.** at 9-10.

This Court has held that a **Brady** violation must be raised in a timely PCRA petition:

Even assuming the failure to disclose [a witness's] statement constituted a **Brady** violation, Appellant is not entitled to an indefinite period to raise that claim by invocation of the government interference exception. Although a **Brady** violation may fall within the governmental interference exception, the petitioner must plead and prove that the failure to previously raise

these claims was the result of interference by government officials, and that the information could not have been obtained earlier with the exercise of due diligence.

Commonwealth v. Smith, 194 A.3d 126, 133 (Pa. Super. 2018) (quotation marks and citation omitted).

“Although this court is willing to construe liberally materials filed by a *pro se* litigant, a *pro se* appellant enjoys no special benefit. ... This Court will not act as counsel and will not develop arguments on behalf of an appellant.”

Commonwealth v. Tchirkow, 160 A.3d 798, 804 (Pa. Super. 2017) (internal quotation marks and citations omitted). Thomas does not provide us with the date when he discovered Gascot had a criminal history, and furthermore he fails to demonstrate that he obtained the information with the exercise of due diligence. Thomas does not argue he meets any of the three timeliness exceptions within his brief. We therefore cannot address the merits of his claims as this Court, and the PCRA court, lacked jurisdiction to hear them. ***See Giles***, 357 A.3d at 559.

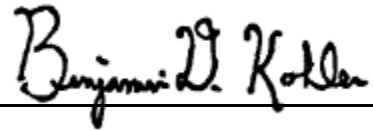
Furthermore, Thomas filed his first PCRA petition in August 2015. This Court affirmed the PCRA court’s dismissal of that petition on May 2, 2018. ***See Commonwealth v. Thomas***, 1202 MDA 2017 (Pa. Super. filed May 2, 2018). Therein, Thomas raised substantially similar claims to those he raises now. Thomas asserted counsel was ineffective for “failing to investigate Marie Gascot’s bail status, criminal history, and charges pending[.]” ***Id.*** at *4. Clearly, then, Thomas’ current claim is untimely as he knew about the

information he now alleges qualifies as a **Brady** violation in as early as 2015. Therefore, even if Thomas fully briefed the government interference exception, he would be unable to establish the requisite elements.

Thomas has failed to establish a timeliness exception to the PCRA and the PCRA court correctly dismissed the untimely petition. As such, we affirm the order of the PCRA court.

Order affirmed.

Judgment Entered.

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

Benjamin D. Kohler, Esq.
Prothonotary

Date: 10/13/2026