

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
RONALD WALKER	:	
	:	
Appellant	:	No. 3065 EDA 2025

Appeal from the PCRA Order Entered October 31, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0005393-2019

BEFORE: McLAUGHLIN, J., KING, J., and BECK, J.

MEMORANDUM BY BECK, J.:

FILED OCTOBER 2, 2026

Ronald Walker ("Walker") appeals from the order entered by the Philadelphia County Court of Common Pleas dismissing his petition filed pursuant to the Post Conviction Relief Act ("PCRA").¹ Walker raises claims of ineffective assistance of trial and appellate counsel, contends his conviction under 18 Pa.C.S. § 6105 was unconstitutional, and argues the PCRA court erred in denying his petition without a hearing. After review, we affirm.

This Court set forth the relevant underlying factual and procedural history:

On December 19, 2018, Tory Brown [("Brown")] wanted to buy some marijuana. Brown contacted Walker, believing he could buy marijuana from him. Walker told him where to meet him for the purchase. Brown drove to the location provided by Walker. Walker was not there, so Brown called him. Walker told Brown to

¹ 42 Pa.C.S. §§ 9541-9545.

drive to another location, 60th Street and Angora Terrace, in the city of Philadelphia. Brown had known Walker for approximately 15 years and knows him as either "Don" or "Dubes." He trusted Walker and did not believe there would be any issue even though recently Brown had been conversing with a woman, Michelle, that has a child with Walker.

Walker walked up to Brown, still seated in the driver's seat of his car near 60th Street and Angora Terrace. Walker leaned into the open driver's window and immediately asked Brown "what's up with Michelle?" N.T.[], 3/29/[20]21, at 36. Brown tried to explain, but Walker started shooting at Brown. Even though he was hit, Brown was able to put his car in drive and get away. He pulled into a gas station and started screaming for help. A woman called police for him. Police arrived and transported Brown to the hospital in the back of their cruiser.

While in the cruiser on the way to the hospital, Officer Steven Nelson asked Brown who shot him. Brown told Officer Nelson Don shot him and explained Don is in his phone as Dubes. Brown also provided a description of Don. The entire ride to the hospital, Brown kept saying he was going to die, while quivering and screaming. Brown also explained to Officer Nelson that he met with Don to buy weed, but Don brought up Michelle and then shot him. Brown later provided the police Walker's Instagram name of "Dudda 7200" and subsequently identified Walker from a photograph.

Brown was treated at the hospital for 15 gunshot wounds, had three surgeries, and multiple blood transfusions. He continues to suffer constant pain and has restricted movement in both his left arm and left leg, which drags as he walks.

Walker proceeded to a bifurcated bench trial on March 29, 2021, and April 1, 2021. ...

The trial court convicted Walker of all charges. On December 1, 2021, the trial court sentenced Walker to an aggregated sentence of 15 to 30 years' incarceration. Walker filed a timely post-sentence motion on December 9, 2021. The motion was denied by operation of law on April 18, 2022.

Commonwealth v. Walker, 321 A.3d 921, **1-2 (Pa. Super. 2024) (non-precedential decision).

Walker filed a notice of appeal, raising a single claim that the trial court abused its discretion in admitting a police officer's testimony about the victim's statements following the shooting. This Court rejected Walker's claim and affirmed the judgment of sentence. ***See id.*** at **2-3.

On September 25, 2024, Walker filed a timely pro se PCRA petition. The PCRA court appointed Walker counsel, who filed a supplemental PCRA petition. The PCRA court issued a notice of intent to dismiss the petition without a hearing pursuant to Pa.R.Crim.P. 907. Thereafter, the PCRA court dismissed the PCRA petition. This timely appeal followed.

On appeal, Walker raises the following issues for our review:

1. Whether the PCRA court erred by dismissing the PCRA petition when clear and convincing evidence was presented to establish that trial counsel was ineffective for failing to file a motion to dismiss pursuant to Rule 600, failing to file a written response to the Commonwealth's motion in limine, and failing to present testimony and a report from a ballistics expert to counter the testimony of the Commonwealth's ballistics expert.
2. Whether the PCRA court erred by dismissing the PCRA petition when clear and convincing evidence was presented to establish that appellate counsel was ineffective for failing to raise and preserve all appropriate issues on direct appeal.
3. Whether the PCRA court erred by dismissing the PCRA petition when clear and convincing evidence was presented to establish violations of [Walker's] constitutional rights under the United States and Pennsylvania Constitutions based on trial counsel's ineffective representation, the violation of appellant's speedy trial rights, and an unlawful restriction upon appellant's Second Amendment rights.

4. Whether the PCRA court erred by dismissing [Walker's] petition for post-conviction relief without an evidentiary hearing.

Walker's Brief at 8.

Standard of Review

In reviewing an order dismissing a PCRA petition, we must determine "whether the PCRA court's factual determinations are supported by the record and are free of legal error." ***Commonwealth v. Beatty***, 335 A.3d 1236, 1240 (Pa. Super. 2025) (citation omitted). With respect to the PCRA court's legal conclusions, "we apply a de novo standard of review." ***Commonwealth v. Howard***, 285 A.3d 652, 657 (Pa. Super. 2022) (citation omitted).

Ineffective Assistance of Trial Counsel

Initially, we note that "[a] court's review of a claim of ineffective assistance of counsel begins with the strong presumption that counsel was effective." ***Commonwealth v. Pacheco***, 340 A.3d 1038, 1041 (Pa. Super. 2025). To overcome this presumption, a PCRA petitioner must plead and prove, by a preponderance of evidence, that "(1) the underlying claim has arguable merit; (2) counsel had no reasonable basis for his or her action or inaction; and (3) the petitioner suffered prejudice as a result of counsel's action or inaction." ***Commonwealth v. Felix***, 303 A.3d 816, 819 (Pa. Super. 2023) (citation omitted). "The failure to satisfy any one of the ineffectiveness prongs precludes relief." ***Commonwealth v. Drayton***, 313 A.3d 954, 960 (Pa. 2024).

Rule 600

Walker first argues that his trial counsel was ineffective by failing to file a motion to dismiss his claim pursuant to Pa.R.Crim.P. 600. Walker's Brief at 13. He contends that there was a two-year delay bringing him to trial but that counsel failed to file a motion to dismiss the charges. ***Id.*** at 14-15. He claims counsel had no reasonable basis for the failure to file the motion and he was prejudiced. ***Id.***

"Rule 600 was adopted in order to protect defendants' constitutional rights to a speedy trial under the Sixth Amendment of the United States Constitution and Article I, Section 9 of the Pennsylvania Constitution[.]" ***Commonwealth v. Womack***, 315 A.3d 1229, 1237 (Pa. 2024) (citation and quotation marks omitted). "Rule 600 has the dual purpose of both protecting a defendant's constitutional speedy trial rights and protecting society's right to effective prosecution in criminal cases." ***Id.*** (citation omitted).

Rule 600 requires that a criminal defendant's trial commence within 365 days of the Commonwealth's filing of a written complaint. Pa.R.Crim.P. 600(A)(2)(a). When applying Rule 600, "a court first must calculate the 'mechanical run date,' which is 365 days after the complaint was filed[.]" ***Commonwealth v. Lear***, 325 A.3d 552, 560 (Pa. 2024) (citation omitted). The court then adds any "excludable time" to the mechanical run date "to produce the 'adjusted run date,' which is the deadline for the Commonwealth

to bring the defendant to trial under Rule 600.” **Id.** With respect to excludable time, Rule 600 states:

For the purposes of paragraph (A), periods of delay at any stage of the proceedings caused by the Commonwealth when the Commonwealth has failed to exercise due diligence shall be included in the computation of the time within which trial must commence. Any other periods of delay shall be excluded from the computation.

Pa.R.Crim.P. 600(C)(1).

Our Supreme Court explained that that Rule 600(C)(1) provides “the general rule” and establishes “two requirements that must be met for delay to count toward the 365-day deadline: (1) the Commonwealth caused the delay and (2) the Commonwealth failed to exercise due diligence.” **Lear**, 325 A.3d at 560. “Put differently, where delay is not caused by the Commonwealth **or** delay caused by the Commonwealth is not the result of lack of diligence, it must be excluded from the computation of the Rule 600 deadline.” **Id.** (citation omitted; emphasis in original).

A defendant who has not been brought to trial within the time specified in Rule 600(A) may, at any time prior to trial, “file a written motion requesting that the charges be dismissed with prejudice on the ground that [the] rule has been violated.” Pa.R.Crim.P. 600(D)(1). “If the trial court determines that the Commonwealth violated Rule 600, it shall dismiss the charges and discharge the defendant.” **Commonwealth v. Harth**, 252 A.3d 600, 615 (Pa. 2021).

The PCRA court rejected Walker’s ineffectiveness claim:

The Commonwealth charged [Walker] on April 6, 2019, setting the mechanical run date as April 6, 2020. Pa.R.Crim.P. 600(A)(2)(a); **Lear**, 325 A.3d at 560. On September 5, 2019, [Walker] requested a continuance. Dkt.[,] 09/05/2019. [Walker] requested another continuance during the hearing scheduled for October 10, 2019. Dkt.[,] 10/10/2019. On November 1, 2019, the court placed the case on the trial list. Dkt.[,] 11/01/2019. The 57 days between September 5, 2019, and November 1, 2019, were attributable to defense requests, and therefore excludable. Pa.R.Crim.P. 600(C)(2).

On March 1[7], 2020, Rule 600 was suspended in Philadelphia due to the COVID-19 pandemic. **In re General Statewide Judicial Emergency**, 228 A.3d 1283, 1287 (Pa. Mar. 18, 2020) (Lifted on October 1, 2021). At this point, only 291 includable days had passed. ... Trial commenced on March 29, 2021, while Rule 600 remained suspended, thus the 375 days between the rule's suspension and trial date were excludable from the time calculation. ... Because the delay was attributable to the judiciary, a Rule 600 challenge would have failed. [**Commonwealth v. Stultz**, 114 A.3d [865,] 880 [(Pa. Super. 2015)] (Prejudice exists where "there is a reasonable probability that, but for counsel's errors, the result of the proceeding would have been different."). Counsel cannot be found ineffective for not filing a motion with no chance for success.

Therefore, the evidence of record supports the PCRA court's dismissal of [Walker's] Rule 600 claim.

PCRA Court Opinion, 2/10/2026, at 7 (some citations omitted).

We discern no Rule 600 violation. Walker baldly claims that his pretrial delays amounted to two years from the filing of the criminal complaint, without any further explanation as to why the delays were attributable to the Commonwealth. **See Commonwealth v. Martz**, 232 A.3d 801, 811 (Pa. Super. 2020) (finding appellant waived his Rule 600 claim where he failed to provide an accounting of the relevant time delays and failed to support his argument with citations to authority). He does not dispute that his requests

for continuances amounted to fifty-seven days of excludable time. **See *Commonwealth v. Walker***, 331 A.3d 43, 48 (Pa. Super. 2025) (where the defense requests a continuance, the period of delay constituted excludable time). Further, he wholly fails to acknowledge the suspension of Rule 600 during the COVID-19 pandemic beginning on March 17, 2020, or that his trial occurred during this suspension. **See *Lear***, 325 A.3d at 563 (holding that delay caused by emergency judicial orders issued during the COVID-19 pandemic was not caused by the Commonwealth because it had no control over the judicial emergency response to COVID-19, and the Commonwealth did not have to demonstrate due diligence in the prosecution of charges for that delay to be excluded). Following our review of the record, we conclude that the PCRA court properly found that there was no Rule 600 violation. Thus, Walker's ineffectiveness claim in this regard had no arguable merit. **See *Commonwealth v. Sandusky***, 203 A.3d 1033, 1043 (Pa. Super. 2019) ("[a] claim has arguable merit where the factual averments, if accurate, could establish cause for relief.") (citation omitted).

Response to Commonwealth's Motion in Limine

Next, Walker contends that his trial counsel was ineffective for failing to write a written response to the Commonwealth's motion in limine which sought to admit his social media postings and prison telephone calls. Walker's Brief at 13-14. Walker claims that "arguable merit is established ... based on counsel's failure to protect [his] constitutional rights by failing to respond to

the Commonwealth's motion." **Id.** at 14. He further asserts that counsel had no reasonable basis for failing to respond and he was prejudiced by counsel's failure. **Id.**

The PCRA court rejected Walker's claim:

Prior to trial, Commonwealth sought to admit evidence of [Walker's] access to firearms through photographs and a music video posted to his Instagram and YouTube social media accounts. The Instagram photographs depicted two firearms, one of which account holder "dudda7200" (previously confirmed as [Walker]) identified as a ".357 (G)lock 33" with a drum that he was willing to sell for seventy-five dollars (\$75.00). N.T.[,]04/01/2021[,], at 72; Exhibit C38G. In the video, [Walker] and the other musicians waved firearms with extended magazines. Exhibit C54. Trial counsel provided extensive oral argument opposing Commonwealth's motion before the Honorable Mark J. Moore. N.T.[,] 03/29/[20]21, at 15-29.

Specifically, trial counsel argued at length that the admission of photographs depicting unverified firearms would be more prejudicial than probative. **Id.** Upon the denial of the motion, the court determined that [Walker's] contention was a "good argument which [went] to the weight of the evidence." **Id.** at 47-49. The court reasoned that the firearms depicted in the YouTube video had a high probative value, as the evidence of [Walker] holding a .357 Glock 33 tended to prove he had access to weapons, including the .40 caliber gun used in the shooting. **Id.** There is nothing within the record to indicate that a written argument would have overcome this rationale.

Based upon the evidence, the PCRA court correctly determined that [Walker] failed to demonstrate prejudice.

PCRA Court Opinion, 2/10/2026, at 8-9.

Walker does not argue or establish that the outcome of his case would have been different had a written response been entered on the record. **See Sandusky**, 203 A.3d at 1044 ("[B]oilerplate allegations and bald assertions

of no reasonable basis and/or ensuing prejudice cannot satisfy a petitioner's burden to prove that counsel was ineffective."); **see also Commonwealth v. Jones**, 210 A.3d 1014, 1019 (Pa. 2019) (stating "a speculative or attenuated possibility of a different outcome is insufficient" to establish "a reasonable probability that, but for counsel's error, the outcome of the trial would have been different").

The trial court heard counsel's argument seeking denial of the Commonwealth's motion and ruled upon it. N.T., 3/29/2021, at 14-19. Walker cannot contend, let alone demonstrate, that the trial court granted the motion based on the lack of a written response from Walker's trial counsel. Thus, Walker fails to establish he was prejudiced by counsel's failing in this regard, and trial counsel cannot be found to have provided ineffective assistance on this basis.

Ballistics expert

Finally, Walker contends that his trial counsel was ineffective by failing to present testimony and a report by a ballistics expert to rebut the Commonwealth's ballistics expert. Walker's Brief at 13, 16. He argues that the Commonwealth introduced testimony from a ballistics expert who indicated that casings recovered from the shooting location were fired from a gun attributed to him. **Id.** at 15. Walker claims that "[i]t was incumbent upon trial counsel to provide contrary expert testimony from a defense ballistic expert to provide the court with an evidence[-]based alternative to the

Commonwealth's explanation." **Id.** He asserts that a rebuttal ballistics expert would have undermined the reliability of the identification by the Commonwealth's expert of the firearms in the social media postings. **Id.** According to Walker, trial counsel had no reasonable basis for failing to obtain an expert and the Commonwealth would not have established his guilt if trial counsel offered this testimony. **Id.** at 15, 16.

The PCRA court addressed Walker's claim as follows:

At trial, [Walker] stipulated to the testimony of Commonwealth's firearms expert, FIU Officer [Robert] Stott, who would have testified that the recovered FCCs were all fired by the same gun. N.T.[,] 04/01/21, 32-34. Officer Stott's stipulated testimony did not attribute any firearm to [Walker]. In his petition, [Walker] failed to identify what specific testimony from a counter-expert would have produced favorable verdict. ... If trial counsel had called a ballistics expert, they would not have been able to offer testimony other than what Commonwealth's other FIU expert, Officer [Carl] Drew, testified to. Namely that photographed firearms appeared to be a Smith & Wesson and a Glock, but he could not confirm whether the firearms were real from just looking at the photograph. N.T.[,] 04/01/21, at [39]-43. [Walker]'s argument that an expert would have testified that the gun was not directly attributed to him was already established by the agreed upon facts. Therefore, a counter-expert would have presented at most cumulative testimony. This testimony likely would have been excluded by the court under Pa.R.E. 403. Thus, the PCRA court's decision to dismiss his claim was supported by the evidence and law for failure to prove prejudice.

PCRA Court Opinion, 2/10/2026, at 9-10 (some citations omitted).

We find no error by the PCRA court. First, Walker fails to explain how counsel's failure to call a rebuttal expert witness prejudiced him. Indeed, Walker does not raise any issue with counsel's stipulation at trial that Officer Stott would have testified that the casings and projectiles found at the scene

established the gun fired was either a Smith & Wesson .40 caliber firearm or a .10 millimeter firearm. N.T., 4/1/2021, at 32-35. Pointedly, nothing in the stipulation linked Walker to the recovered bullet casings. Likewise, as the PCRA court highlighted, Officer Drew merely identified the types of guns in Walker's social media postings; he did not testify that the guns in the pictures were used in the shooting at issue here. ***Id.*** at 39-43. In fact, on cross-examination, Officer Drew admitted that he could not "state to reasonable degree of professional certainty that anything [he] viewed was a .40 handgun" or that the guns "are not replicas." ***Id.*** at 43.

In light of the evidence presented at trial, Walker has not established that a rebuttal expert would have changed the result of the trial. ***See Commonwealth v. Treiber***, 121 A.3d 435, 466 (Pa. 2015) (concluding that appellant's failure to explain how trial counsel's failure to call an expert rebuttal witness prejudiced him rendered his ineffectiveness claim in this regard to be without merit). Therefore, Walker is not entitled to relief on this ineffectiveness claim.

Appellate Counsel Ineffectiveness

Next, Walker contends that his appellate counsel was ineffective for failing to raise all the issues he thought should have been raised on direct appeal. Walker's Brief at 17. He specifically identifies counsel's failure to raise his Rule 600 claim or that the trial court abused its discretion in imposing the sentence. ***Id.*** Walker claims appellate counsel's failing in this regard resulted

in a complete foreclosure of his right to appellate review. ***Id.*** at 17-18. Because this Court never reviewed his substantive claims, Walker seeks the reinstatement of his direct appeal rights. ***Id.*** at 19.

Walker did not raise this claim in his Rule 1925(b) concise statement; thus, the claim is waived on appeal. ***See*** Pa.R.A.P. 1925(b)(4)(vii) (“Issues not included in the Statement and/or not raised in accordance with the provisions of this paragraph (b)(4) are waived.”).

Even if Walker properly preserved this claim, it would be without merit. Where the action or inaction of appellate counsel denies a defendant of his right to appeal, prejudice will be presumed and a defendant’s right to a direct appeal should be reinstated. ***Commonwealth v. Halley***, 870 A.2d 795, 801 (Pa. 2005). To be entitled to this presumption, a defendant must have been entirely denied his right to appeal. ***Commonwealth v. Rosado***, 150 A.3d 425, 433 (Pa. 2016). However, “reinstatement of direct appeal rights is not the proper remedy when appellate counsel perfected a direct appeal but simply failed to raise certain claims.” ***Commonwealth v. Mikell***, 968 A.2d 779, 781 (Pa. Super. 2009) (citation omitted).

The record reflects that Walker’s appellate counsel chose to raise one issue on direct appeal, which this Court reviewed and rejected. ***See Walker***, 321 A.3d 921, at **2-3. While appellate counsel’s actions narrowed the ambit of Walker’s appeal, it did not entirely foreclose it, precluding a finding that he was per se ineffective. ***See Mikell***, 968 A.2d at 782 (concluding that appellant

had not been denied his right to a direct appeal where appellate counsel had taken the steps necessary to ensure that at least one issue presented on appeal would be reviewed). Thus, Walker was obligated to prove appellate counsel's ineffectiveness under the traditional three-prong test.

In this regard, Walker has wholly failed to establish appellate counsel's ineffectiveness as to his failure to raise a Rule 600 claim or a challenge to the discretionary aspects of Walker's sentence. As noted above, the underlying Rule 600 claim has no arguable merit; therefore, counsel could not have been ineffective for failing to raise the claim.

Regarding the discretionary aspects of sentencing claim, Walker fails to provide any analysis or citation to case law to support his argument. **See** Pa.R.A.P. 2119(a) (stating argument must contain such analysis and citation to authority as deemed pertinent); **see also Sandusky**, 203 A.3d at 1044. Nevertheless, our review of the record reflects that Walker's trial counsel did not preserve the claim in his post-sentence motion or at sentencing, which would have resulted in a finding of waiver of this claim on appeal. **See Commonwealth v. Heaster**, 171 A.3d 268, 272 (Pa. Super. 2017) ("Issues challenging the discretionary aspects of a sentence must be raised in a post-sentence motion or by presenting the claim to the trial court during the sentencing proceedings. Absent such efforts, an objection to a discretionary

aspect of a sentence is waived.”) (citation omitted).² Therefore, even if properly preserved, Walker’s claims pertaining to appellate counsel’s ineffectiveness fail.

Violation of Constitutional Rights

Walker contends that his conviction under section 6105 was unconstitutional based on the United States Supreme Court’s decision in ***New York State Rifle & Pistol Association, Inc. v. Bruen***, 597 U.S. 1 (2022). Walker’s Brief at 19-20. He argues that section 6105 unconstitutionally infringes on his right to bear arms by imposing a firearm ban based on his prior nonviolent convictions of possession with intent to deliver. ***Id.*** at 20-21. According to Walker, section 6105 improperly criminalizes conduct protected by the Second Amendment. ***Id.*** at 20. Walker relies on ***Commonwealth v. Sumpter***, 332 A.3d 1187 (Pa. Super. 2025), for the proposition that this Court has undermined the constitutionality of Pennsylvania’s firearm statutes. ***Id.***

The constitutionality of a criminal statute is a question of law for which our standard of review is de novo and our scope of review is plenary. Further, in both facial and as-applied challenges, [a]ppellant bears a heavy burden to demonstrate that the law clearly, palpably, and plainly violates the constitution. The Supreme Court of the United States has also stated that when legislation and the Constitution brush up against each other, a court’s task is to seek harmony, not to manufacture conflict.

² We further note that at sentencing, the trial court was informed by a presentence investigation report. N.T., 12/1/2021, at 4. “[I]t is presumed that the court is aware of all appropriate sentencing factors and considerations, and that where the court has been so informed, its discretion should not be disturbed.” ***Commonwealth v. Miller***, 275 A.3d 530, 535 (Pa. Super. 2022).

Commonwealth v. Randolph, 343 A.3d 1248, 1251 (Pa. Super. 2025)

(cleaned up). Further,

[a] facial attack tests a law's constitutionality based on its text alone and does not consider the facts or circumstances of a particular case. An as-applied attack, in contrast, does not contend that a law is unconstitutional as written but that its application to a particular person under particular circumstances deprived that person of a constitutional right. A criminal defendant may seek to vacate his conviction by demonstrating a law's facial or as-applied unconstitutionality.

Commonwealth v. Bradley, 232 A.3d 747, 757 (Pa. Super. 2020) (citation omitted).

The Second Amendment of the United States Constitution states: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." U.S. CONST. amend. II. Section 6105 of the Pennsylvania Crimes Code forbids firearm possession, in relevant part, by "[a] person who has been convicted of an offense under ... The Controlled Substance, Drug, Device and Cosmetic Act, or any equivalent Federal statute or equivalent statute of any other state, that may be punishable by a term of imprisonment exceeding two years." ***Id.*** § 6105(c)(2).

This Court in ***Randolph*** rejected a similar as-applied constitutional challenge to section 6105. There, a jury found the appellant, who was observed in possession of a handgun, guilty of violating section 6105 based on prior convictions of possession with intent to deliver. ***Randolph***, 343 A.3d

at 1250. This Court rejected the appellant's claim that section 6105 was unconstitutional as applied to him. **Id.** at 1258-59. Based on its review of the relevant jurisprudence, "including the Supreme Court's most recent discussion in [**United States v. Rahimi**, 602 U.S. 680 (2024)]," the Court concluded that "the prohibition imposed on [a]ppellant by § 6105 is consistent with the Nation's historical tradition of firearm regulation." **Id.** at 1258 (citation omitted). The Court noted "that firearm prohibitions may apply to those that pose a 'credible threat' to the safety of another. Drug traffickers fit that mold." **Id.** at 1259. Further, the **Randolph** Court found a facial challenge to the constitutionality of section 6105 was meritless. **Id.** at 1260-61.

Walker's reliance on **Sumpter** to support his claim is misplaced. That case involved a finding that 18 Pa.C.S. § 6108 (carrying a firearm on the public streets of Philadelphia) violated the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution. **Sumpter**, 340 A.3d at 988. As **Sumpter** does not address or find section 6105 unconstitutional, it has no bearing on Walker's instant challenge.

Based upon this Court's decision in **Randolph**, we reject Walker's as-applied constitutionality challenge and conclude that his claim that section

6105 violates his right to bear arms does not entitle him to relief.³ **See *Commonwealth v. May***, 271 A.3d 475, 482 (Pa. Super. 2022) (“This panel is bound by existing precedent and, therefore, lacks the authority to overturn another panel decision”).

Evidentiary Hearing

Finally, Walker contends that the PCRA court erred in failing to hold an evidentiary hearing on his PCRA petition. Walker’s Brief at 21. He claims that he “raised significant claims of trial and appellate counsels’ ineffectiveness, as well as violations of his constitutional rights.” ***Id.*** at 22.

“With respect to the PCRA court’s decision to deny a request for an evidentiary hearing or to hold a limited evidentiary hearing, such a decision is within the discretion of the PCRA court and will not be overturned absent an abuse of discretion.” ***Commonwealth v. Sandusky***, 324 A.3d 551, 564 (Pa. Super. 2024) (citation omitted). “The PCRA court may dismiss a petition

³ The appellant in ***Randolph*** has filed a petition for allowance of appeal with our Supreme Court. On January 23, 2026, our Supreme Court issued an order holding Randolph’s petition pending the disposition of ***Commonwealth v. Farmer***, 41 MAP 2025, and ***Commonwealth v. Jenkins***, 42 MAP 2025. Order, 217 WAL 2025 (Pa. Jan. 23, 2026) (per curiam). Nevertheless, our Court’s decision remains binding precedent so long as our Supreme Court has not overturned it. ***See Sorber v. American Motorists Ins. Co.***, 680 A.2d 881, 882 (Pa. Super. 1996) (“even though petition for allowance of appeal was pending before the Pennsylvania Supreme Court, decision remained binding precedent as long as the decision had not been overturned by our Supreme Court”); ***see also Commonwealth v. Brigidi***, 6 A.3d 995, 1001 (Pa. 2010) (“precedent (*stare decisis*) requires us to adhere to a ruling of this Court until it is reversed either by our Supreme Court or an en banc panel of Superior Court”).

without conducting an evidentiary hearing when the court is satisfied that there are no genuine issues concerning any material fact, the defendant is not entitled to post[-]conviction collateral relief, and no legitimate purpose would be served by any further proceedings.” **Id.** (citation omitted).

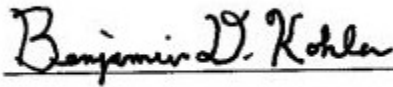
The PCRA court found:

Where the facts are undisputed, there is no absolute right to an evidentiary hearing. In his petition, [Walker] claimed that trial counsel was ineffective for his failure to file a Rule 600 motion, proffer ballistics expert to counter the testimony of the Commonwealth’s ballistics expert, and file a written opposition to the Commonwealth’s motion in limine. [Walker] also claimed his second amendment rights were violated by § 6105 and that appellate counsel was per se ineffective for his failure to raise the issues of Pa.R.Crim.P. 600 and the court’s sentencing discretion on appeal. It is undisputed that trial counsel did not file the requested motions or call a defense expert, and appellate counsel did not raise the issues of sentencing and Rule 600 on appeal. The underlying facts were never in dispute, and [Walker] did not present arguments refuting the PCRA court’s conclusions beyond an assertion that they were erroneous. [**Commonwealth v. Maddrey**, 205 A.3d [323,] 328-29 [(Pa. Super. 2019)] (citing **Commonwealth v. Watkins**, 108 A.3d 692, 735 (Pa. 2014) (concluding that if an appellant makes no attempt to identify specifically the “legitimate material factual disputes” that he alleges warranted a hearing, as well as develop relevant argument, his “claim of PCRA court procedural error cannot succeed”)). The questions for the court were legal, not factual. PCRA Court Opinion, 2/10/2026, at 12 (some citations and capitalization omitted).

We agree. Walker failed to state any genuine issues of material fact that required a hearing to resolve.⁴ Thus, the PCRA court did not err in dismissing Walker's PCRA petition without a hearing. **See Sandusky**, 324 A.3d at 564.

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: 10/2/2026

⁴ Walker also argues that the PCRA court made no determination that his petition lacked merit. Walker's Brief at 22. However, this claim is plainly belied by the record, as the PCRA court issued a Rule 907 notice and subsequently dismissed Walker's petition. **See, e.g.**, Pa.R.Crim.P. 907 Notice, 6/23/2025, at 1 ("Your petition is meritless and does not ... entitle you to relief under post-conviction collateral relief.").