

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37**

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
KNOWLEDGE BROWN	:	
	:	
Appellant	:	No. 600 EDA 2025

Appeal from the PCRA Order Entered February 28, 2025  
In the Court of Common Pleas of Philadelphia County Criminal Division at  
No(s): CP-51-CR-0003358-2008

BEFORE: KUNSELMAN, J., McLAUGHLIN, J., and BENDER, P.J.E.

MEMORANDUM BY McLAUGHLIN, J.:

**FILED MARCH 10, 2026**

Knowledge Brown appeals from the order dismissing his Post Conviction Relief Act ("PCRA") petition without a hearing. **See** 42 Pa.C.S.A. §§ 9541-9546. Brown argues the court erred in denying his request for an evidentiary hearing on his after-discovered evidence claim. We affirm.

Our Court previously summarized the underlying facts as follows.

On February 15, 2007, Jamal Richardson ("the victim") was shot twice and killed while inside of a grocery store located at 2630 Dick[*i*]nson Street in Philadelphia. Shortly after the shooting occurred, the police received several anonymous tips indicating, "Knowledge did it."

Renea Moore ("Moore") was present in the store at the time of the shooting and gave a statement to police. She told police that she observed Brown and the victim engaged in an argument, and saw the victim push Brown away and say, "[G]o ahead." Moore then saw Brown shoot the victim twice and run out of the store. Moore stated that she had known Brown for two-to-three years prior to the shooting from seeing him every day in the neighborhood heading to the basketball courts. Furthermore, she indicated Brown had attempted to rob the father of one of her

children approximately six-to-seven months prior to the shooting. The police presented her with a single photograph of Brown, and she readily identified him by name.

Acquil Raheem ("Raheem") was also present in the grocery store when the victim was shot. When speaking to police, Raheem indicated that he had seen Brown, whom he knew as "Na" around the neighborhood, and that he was the one who shot the victim. The police presented Raheem with a photo array, and he selected Brown as the shooter.

The police recovered a discarded gun from an area near the grocery store. Testing revealed that it was the gun that was used to shoot the victim. Police conducted DNA and fingerprint analysis on the weapon, but this proved to be unsuccessful.

A warrant for Brown's arrest was issued on February 16, 2007. Brown turned himself into police on May 31, 2007. On August 1, 2008, Brown filed a *pro se* motion to suppress identification evidence, arguing that the single-photo identification procedure utilized with Moore was unduly suggestive. A hearing on the motion was held on April 30, 2009, at which time Detective Joseph Centeno testified that he did not provide Moore with a photo array because she knew Brown prior to and independent of the shooting. Moore also testified at the suppression hearing, and provided the same information contained in the statement she provided to police. She further testified that prior to being shown the single picture of Brown, she viewed a photo array on a computer screen, which consisted of rows of men's faces, and that she selected Brown from that group. The trial court denied the motion, finding that "Moore clearly had an independent basis for identifying [] Brown."

A jury trial took place from May 5 through May 8, 2009. At trial, Moore once again testified in line with her statement to police and with her prior testimony at the suppression hearing. Raheem, on the other hand, recanted entirely, denying even that his signature appeared on his police statement. The Commonwealth impeached Raheem's testimony using his statement to police and his prior testimony at the preliminary hearing.

Brown presented several witnesses in his defense. The first was his sister, Ameena Ruff ("Brown's sister"), who testified that Brown was with her at her home on the day in question. On cross-examination, however, it became clear that Brown's sister did not know on what day the shooting occurred. Furthermore, she had

given a statement to police indicating that she could not be sure [Brown] was with her on the day of the shooting. She testified that she is very ill, and takes medication that adversely affects her memory.

Brown testified on his own behalf, corroborating his sister's testimony that he was at her home on the day in question taking care of her. He denied being present at the grocery store at the time of the shooting, denied that he knew the victim, and denied that he ever attempted to rob the father of one of Moore's children.

Brown also called his mother, Joyce Ruff ("Brown's mother"), who testified regarding his reputation in the community as a peaceful citizen. On cross-examination, over defense counsel's objection, the Commonwealth questioned her about Brown's prior conviction for disorderly conduct. Although she testified she was unaware he was convicted of the crime, she stated it did not change her opinion about Brown's reputation for "not being a disruptive person in the neighborhood."

***Commonwealth v. Brown***, No. 2424 EDA 2009, 32 A.3d 262 (Table), at 1-4 (Pa.Super. filed July 8, 2011) (unpublished mem.) (citations omitted), *appeal denied*, 37 A.3d 1193 (Table) (Pa. 2012).

The jury convicted Brown of first-degree murder and related charges in 2009.<sup>1</sup> The court imposed the mandatory life sentence for first-degree murder and lesser, concurrent sentences on the other convictions. Brown filed a post-sentence motion, which the court denied. This Court affirmed Brown's

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<sup>1</sup> Brown was convicted of first-degree murder, carrying a firearm without a license, carrying a firearm on a public street or public property in Philadelphia, and possession of an instrument of crime. **See** 18 Pa.C.S.A. §§ 2502(a), 6106(a)(1), 6108, and 907, respectively.

judgment of sentence, and the Supreme Court of Pennsylvania denied Brown's petition for allowance of appeal.<sup>2</sup>

Brown filed a first, timely PCRA petition in 2012. Following a hearing, the PCRA court dismissed the petition. This Court affirmed the dismissal, and the Supreme Court denied Brown's petition for allowance of appeal. **See Commonwealth v. Brown**, No. 3338 EDA 2015, 2016 WL 5420504 (Pa.Super. filed Sept. 27, 2016) (unpublished mem.), *appeal denied*, No. 192 EM 2016 (Pa. filed Jan. 24, 2017) (*per curiam*).<sup>3</sup>

Brown filed a *habeas corpus* petition in federal court. The United States District Court for the Eastern District of Pennsylvania found Brown's counsel was ineffective for failing to object to the trial court's reasonable doubt instruction, and ordered that Brown receive a new trial or be released. **See Brown v. Kauffman**, 425 F.Supp.3d 395, 413 (E.D. Pa. 2019).

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<sup>2</sup> On direct appeal, Brown challenged the sufficiency of the evidence, the trial court's denial of his pre-trial motion to suppress Moore's identification, the Commonwealth's cross-examination of Brown's mother regarding his prior conviction, and the court's denial of a jury instruction that Moore was on probation.

<sup>3</sup> In his first PCRA petition, Brown argued that "trial counsel was ineffective for failing to use impeachment evidence to contradict the prosecution eyewitness, Renea Moore, or secure a cautionary instruction." **Brown**, 2016 WL 5420504, at \*1. We agreed with the PCRA court that trial counsel had, in fact, impeached Moore's testimony on cross-examination, and that there was no basis for a cautionary instruction regarding Moore's identification of Brown. **Id.**

Instead of going to trial, Brown entered a negotiated guilty plea, in June 2022, to one count of third-degree murder.<sup>4</sup> Pursuant to the plea agreement, the court imposed a sentence of 11 to 22 years' incarceration. Brown did not file post-sentence motions or appeal.

Brown filed the instant PCRA petition *pro se* over one year later, in September 2023, and an amended petition through counsel. Brown's amended petition alleged that he had discovered that a Commonwealth witness, Detective James Pitts, had "a habit and routine practice of coercing confessions," as established in other, unrelated criminal cases, and that Detective Pitts coerced Raheem's police statement identifying Brown as the shooter. Amended Pet. at 10-11. Brown appended to his amended petition a witness certification by Raheem, dated April 2024, stating that when Detective Pitts and Detective Levi Mortin interviewed him regarding the instant case, he "was 'subjected to 48 hours of physical abuse and intimidation,' and that Pitts threatened him, offered him incentives to testify, and 'falsified and tampered' with his statement." PCRA Ct. Op., 5/14/25, at 8 (quoting Amended Pet. at Exh. A.).

Brown asserted that "he timely filed his [*pro se*] PCRA [petition] upon hearing of the newly discovered evidence from Aquil Raheem after Petitioner had entered his plea on June 27, 2022[,] and following the creation of the Common Pleas Court case for James Pitts on July 1, 2022[.]" Amended Pet.

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<sup>4</sup> 18 Pa.C.S.A. § 2502(c).

at 12. Brown later appended to his amended petition his own certification, stating that after he was released on parole in March 2024, “Raheem contacted [him] through social media and explained that Detective Pitts had coerced his statement and that Detective Pitts was subject to discipline and prosecution,” and Brown thus learned that “the allegations against Detective James Pitts had been substantiated.” **Id.** at Exh. B.

Brown requested a new trial, arguing that aside from Raheem’s coerced police statement, his conviction was “based upon very little[.]” **Id.** at 11. Brown pointed out that while Raheem recanted his statement at trial, the Commonwealth nonetheless impeached him with it, and Detective Pitts testified to corroborate the validity of the statement. **Id.** at 10 (citing N.T., 5/6/2009, at 76-93). He further claimed, “The only other identification came via Renea Moore[,], but this identification was dubious and the result of a suggestive photograph identification. See NT, 4/30/2009, at 2-10; 5/5/2009, at 106-157; 5/7/2009, at 33-55 (Ms. Moore testifying that she did not identify [Brown] at the scene despite knowing who [Brown] was).” **Id.** at 10-11.<sup>5</sup>

The court dismissed Brown’s petition without a hearing.<sup>6</sup> The court found Brown’s claim related to his discovery of Detective Pitts’s misconduct in

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<sup>5</sup> On appeal, Brown also asserts Moore’s testimony that there were two shots fired was contradicted by the evidence that the victim died from a single shot. **See** Brown’s Br. at 17. However, Brown did not present this argument to the PCRA court in his PCRA petition. **See** Pa.R.A.P. 302(a). Nor does he address the simplest explanation – that one of the two shots missed the victim.

<sup>6</sup> The court gave Brown notice of its intent to dismiss the petition without a hearing. **See** Pa.R.Crim.P. 907. Brown did not file a response.

unrelated cases was untimely. The court noted Brown's judgment of sentence became final on July 27, 2022, 30 days after the sentencing, and Brown was required to submit his PCRA claims within a year of that date – by July 27, 2023. **See** PCRA Ct. Op. at 5. (citing 42 Pa.C.S.A. § 9545(b)(1)). The court found that while Brown alleged he filed his petition after he discovered “the creation of the Court of Common Pleas Court case for James Pitts on July 1, 2022,” **id.** at 6 (quoting Amended Pet. at 12), Brown failed to allege when he learned of Detective Pitts's misconduct, how he exercised due diligence in making this discovery, and why he did not file the petition before July 27, 2023. **Id.** The court observed that while Brown claimed he did not learn until March 2024 that Detective Pitts had been convicted for his misconduct in other cases, the fact of the conviction “does not change the nature of [Brown's] allegations regarding Pitts's misconduct,” which occurred prior to Detective Pitts's conviction for that misconduct. **Id.** at 7.

Regarding Brown's claim that Detective Pitts coerced Raheem, the court found this claim to be timely, based on Brown's assertion that he did not learn about Raheem's allegations until 2024. **Id.** at 9 n.3. However, the court found the claim meritless. It concluded that Raheem's allegations of misconduct would not likely result in a different verdict. The court observed that Raheem already recanted his police statement when he testified at Brown's trial. It also noted that on appeal, in assessing the sufficiency of the evidence, this Court found Raheem's recantation “not credible.” **Id.** at 9 (quoting **Brown**, No. 2424 EDA 2009, at 7). The court further noted that when Raheem recanted his

statement, he failed to allege any misconduct by Detective Pitts. The court concluded that because Raheem's current allegations contradicted both his police statement and his trial testimony, they would not likely result in a different verdict. **Id.** The court also noted that even if Pitts committed misconduct in Brown's case, "there was compelling, independent" identification evidence at trial, namely the testimony of Moore, an eyewitness to the murder who had known Brown for three years. **Id.** at 8.

Brown appealed. He raises one question:

Did the PCRA court err and was dismissal of [Brown's] PCRA Petition without a hearing not supported by the Record and free from legal error because [Brown] presented newly-discovered evidence in relation to witness Aquil Raheem as well as the related habitual misconduct of Detective James Pitts?

Brown's Br. at 4. Brown contends the court erred in determining the issues of Brown's diligence in discovering Detective Pitts's misconduct and the credibility of Raheem's testimony without holding an evidentiary hearing.

"On appeal from the denial or grant of relief under the PCRA, our review is limited to determining 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*) (quotation marks and citation omitted), *appeal denied*, No. 116 WAL 2025, 2025 WL 3011396 (Pa. Oct. 28, 2025).

"When reviewing the denial of a PCRA petition without an evidentiary hearing, we determine whether the PCRA court erred in concluding that there were no genuine issues of material fact and in denying relief without an evidentiary hearing." **Commonwealth v. Hart**, 199 A.3d 475, 481 (Pa.Super. 2018)

(internal quotation marks and citation omitted). A hearing is only warranted if the petitioner has offered to prove material facts that will entitle him to relief. **Commonwealth v. Sneed**, 45 A.3d 1096, 1106 (Pa. 2012).

First, we agree with the PCRA court that Brown's discovery of Detective Pitts's misconduct in other, unrelated cases would not, standing alone, render his petition timely or provide him with an avenue for relief. **See Commonwealth v. Reeves**, 296 A.3d 1228, 1233 (Pa.Super. 2023). Therefore, the PCRA court did not err in denying a hearing on the issue of Brown's diligence in discovering Detective Pitts's misconduct in other cases. We likewise will not disturb the court's determination that Brown's claim related to Detective Pitts's alleged misconduct in obtaining Raheem's police statement was timely. Brown alleged Raheem contacted him via social media with this new allegation in 2024, after he filed his petition. We therefore turn to the merits of this claim.

Brown asserts Raheem's allegations against Detective Pitts constitute after-discovered evidence. The PCRA provides relief for after-discovered evidence that "would have changed the outcome of the trial if it had been introduced." **See** 42 Pa.C.S.A. § 9543(a)(2)(vi); **Hereford**, 334 A.3d at 908-09.<sup>7</sup> A successful after-discovered evidence claim will meet a four-prong test:

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<sup>7</sup> Although Brown pled guilty, this does not affect the availability of relief on his after-discovered evidence claim, or the standard upon which it is granted. **See Commonwealth v. Mach Transp., LLC**, 305 A.3d 22, 27 (Pa.Super. (Footnote Continued Next Page)

- (1) the evidence could not have been obtained before the conclusion of the trial by reasonable diligence;
- (2) the evidence is not merely corroborative or cumulative;
- (3) the evidence will not be used solely for purposes of impeachment; and
- (4) the evidence is of such a nature and character that a different outcome is likely.

***Commonwealth v. Heaster***, 171 A.3d 268, 273 (Pa.Super. 2017) (citation omitted). The petitioner must establish all four prongs by a preponderance of the evidence. ***Id.***

Because we affirm the PCRA court’s finding that the fourth prong is not met, we need not address the other three prongs.<sup>8</sup> As stated above, although the PCRA court did not hold a hearing to assess the credibility of Raheem’s proffered testimony, the court surmised a jury would not find Raheem’s proposed testimony credible. The court noted that even though Detective Pitts

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2023) (“The after-discovered evidence doctrine . . . applies to evidence discovered after a guilty plea”) (citing ***Commonwealth v. Peoples***, 319 A.2d 679, 681 (Pa. 1974)); ***Commonwealth v. Heaster***, 171 A.3d 268, 273 n.6 (Pa.Super. 2017). While a defendant may not contradict the statements he made during a guilty plea colloquy regarding the voluntariness and understanding of the plea, “a defendant’s participation in a guilty plea may not be used to negate his later assertion of innocence[.]” ***Commonwealth v. Islas***, 156 A.3d 1185, 1191 (Pa.Super. 2017).

<sup>8</sup> Although we do not assess whether Brown carried the burden of proof on these prongs, regarding the first prong, we note that new testimony from a trial witness may qualify as after-discovered evidence if the witness purposefully withheld information at trial. ***See, e.g., Commonwealth v. Small***, 189 A.3d 961, 969-70 (Pa. 2018). Regarding the second and third prongs, the proffered testimony is of a different nature than Raheem’s trial testimony, and is not offered solely to impeach Detective Pitts, but to bolster Raheem’s direct trial testimony by countering the Commonwealth’s impeachment of him with the police statement.

coerced witness statements in multiple other cases, Raheem made no such allegations when he recanted his police statement during Brown's trial. The court also observed that even if the jury found Raheem's recantation credible, it would not likely change the outcome of trial, because Moore testified that she knew Brown and that she saw him shoot the victim.

Our review of the record likewise discloses that while Raheem testified at trial that he did not sign the police statement, he made no allegations of police misconduct. **See** N.T., 5/5/2009, at 166-228. This unexplained fact would cast doubt, in the jury's eyes, on the credibility of his allegations. More importantly, to the extent Raheem's instant allegations against Detective Pitts would bolster his trial testimony – given that he did not make these allegations earlier – neither Raheem's trial testimony nor his newly proffered testimony exculpate Brown. Rather, Raheem testified at trial that he didn't see the shooting. **Id.** at 170. Similarly, his proffered PCRA testimony only reaffirms his denial of the validity of his police statement — it is not probative as to Brown's guilt or innocence. **See** Amended Pet. at Exh. B.

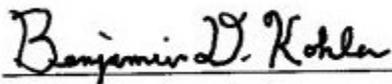
Furthermore, while Brown characterizes Moore's identification of him as "dubious," **see** Brown's Br. at 10, we determined on direct appeal that Moore's identification of Brown was reliable. **See Brown**, No. 2424 EDA 2009, at 10. We also observed, in reviewing the sufficiency of the evidence, that Moore "was unwavering in her identification of Brown as the assailant." **Id.** at 7. We noted, "She consistently provided the same story as to what occurred on the day in question, and regarding Brown's role as the person who shot the

victim.” **Id.** We pointed out that “[s]he testified that she saw Brown’s face at the time of the shooting and that she knew it was Brown from having seen him daily for the past two-to-three years in the neighborhood.” **Id.** In the prior PCRA appeal, we agreed with the PCRA court that trial counsel had sufficiently tested the strength of Moore’s identification of Brown on cross-examination, by questioning her regarding why she failed to mention Brown’s identity at the crime scene; her prior interactions with Brown; and the number of photographs detectives showed her. **See Brown**, 2016 WL 5420504, at \*1, \*5.

On these facts, we conclude that the court did not err in failing to hold an evidentiary hearing to assess the credibility of Raheem’s testimony. Even if Raheem’s testimony were found credible, Detective Pitts’s alleged misconduct would not entitle Brown to relief. The court correctly concluded Brown failed to show that Raheem’s testimony would likely result in a different trial verdict. Therefore, Brown’s after-discovered evidence claim fails as a matter of law, and no hearing was necessary.

Order affirmed.

Judgment Entered.

A handwritten signature in cursive script that reads "Benjamin D. Kohler". The signature is written in black ink and is positioned above a horizontal line.

Benjamin D. Kohler, Esq.  
Prothonotary

Date: 3/10/2026