

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH	: No. CP-41-CR-0000090-2017
	:
vs.	: CRIMINAL DIVISION
	:
	:
JOSEPH SENTORE COLEMAN,	: Notice of Intent to Dismiss PCRA
Defendant	: Without Holding An Evidentiary Hearing

**OPINION AND ORDER**

This matter is before the court on the (second) Post Conviction Relief Act (PCRA) petition filed on September 15, 2025 by Joseph Sentore Coleman (“Coleman”).

By way of background, the Commonwealth charged Coleman with two counts of second-degree murder and related offenses, including firearms offenses, related to the shooting deaths of two individuals in the City of Williamsport on October 31, 2016. The firearms offenses were severed for trial purposes.

On February 15, 2019, a jury convicted Coleman of the two counts of second-degree murder and related offenses. Coleman waived his right to a jury trial on the firearms offenses. On September 3, 2019, following a bench trial, Coleman was convicted of persons not to possess firearms and carrying a firearm without a license.

On November 20, 2019, Coleman was sentenced to life in prison. Coleman filed a timely post sentence motion, which was denied on April 7, 2020.

Coleman filed a timely appeal. The Pennsylvania Superior Court affirmed his judgment of sentence on July 7, 2021. *See Commonwealth v. Coleman*, 260 A.3d 115 (Pa. Super. 2021)(Table). Coleman did not seek allowance of appeal to the Pennsylvania Supreme Court.

Coleman filed a timely first PCRA petition, which the court dismissed. Coleman appealed. During his appeal, Coleman became dissatisfied with his PCRA counsel and sought his withdrawal. The briefing schedule was vacated and the matter was remanded to the trial court for a hearing regarding counsel. New counsel was appointed during the summer of 2024, and a new briefing schedule was issued. The Pennsylvania Superior Court affirmed the denial of Coleman's first PCRA petition on August 21, 2025.

On September 15, 2025, Coleman filed a second PCRA petition. In his petition, Coleman asserts unspecified *Brady* violations and due process violations and claims that his trial, appellate and original PCRA counsel were ineffective for not preserving factual issues during trial, allowing the jury to see lie detector results during deliberations, not investigating the conduct of Detective Raymond Koontz in other cases, and not preserving issues on appeal. He requests discovery with trial transcripts so he can have the chance to appeal his case properly but does not state any exceptional circumstances to justify his discovery request. The relief he desires is either release from custody and discharge, or a new trial.

## **DISCUSSION**

The court intends to deny Coleman's petition as untimely.

The PCRA contains time limits for filing petitions. The Act states:

### **(b) Time for filing petition.--**

(1) Any petition under this subchapter, including a second or subsequent petition, shall be filed within one year of the date the judgment becomes final, unless the petition alleges and the petitioner proves 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 the Constitution 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). A judgment becomes final at the conclusion of **direct** review or the time for seeking such review. *See* 42 Pa. C.S.A. §9545(b)(3) (emphasis added).

The Pennsylvania Superior Court affirmed Coleman’s judgment of sentence on July 7, 2021. Coleman had thirty days within which to seek allowance of appeal from the Pennsylvania Supreme Court but he did not. Therefore, his judgment of sentence became final on August 6, 2021.

The time limits of the PCRA are jurisdictional in nature and no court may entertain an untimely petition. *Commonwealth v. Laird*, 331 A.3d 579, 594 (Pa. 2025); *see also Commonwealth v. Taylor*, 283 A.3d 178, 185 (Pa. 2023). The time limits are not subject to equitable tolling; instead, the time for filing a PCRA petition can be extended only by operation of one of the statutorily enumerated exceptions to the PCRA time-bar. *See Commonwealth v. Robinson*, 635 Pa. 592, 139 A.3d 178, 185 (2016).

To be considered timely, Coleman had to file his current PCRA petition on or before August 8, 2022, because August 6, 2022 was a Saturday,<sup>1</sup> or allege facts to support one of the statutory exceptions. Coleman did not file his petition until September 15, 2025, more than three years late. He also did not allege any facts to

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<sup>1</sup> *See* 1 Pa. C.S.A. §1908 (“Whenever the last day shall fall on Saturday or Sunday, or any day made a legal holiday by the laws of this Commonwealth or of the United States, such day shall be omitted from the computation.”).

support any of the statutory exceptions. Therefore, the court lacks jurisdiction to hold an evidentiary hearing or to grant any relief to Coleman.

Even if Coleman's petitioner were timely, he would not be entitled to relief because his claims are previously litigated or waived. *See* 42 Pa. C.S.A. §9543(a)(3). A claim is previously litigated if an issue has been previously litigated if "the highest appellate court in which the petitioner could have had review as a matter of right has ruled on the merits of the issue;" or "it has been raised and decided in a proceeding collaterally attacking the conviction or sentence." 42 Pa.C.S.A. §9545(a). A claim is waived if "the petitioner could have raised it but failed to do so before trial, at trial, ... on appeal or in a prior state postconviction proceeding." 42 Pa. C.S.A. §9545(b).

Coleman's claim that the jury was permitted to see lie detector results during deliberations was litigated in his first PCRA petition. The lower court found that this claim was not supported by the trial record. *See* Opinion and Order entered January 19, 2023 at 7-8. The Pennsylvania Superior Court found that this issue was waived but even if it were not, it lacked merit. *See Commonwealth v. Coleman*, 2925 WL 2418378, slip op. at \*1-2, n.1 (Pa. Super. Aug. 21, 2025).

To the extent that Coleman's *Brady* and due process violations may be based on the Commonwealth's failure to disclose an interview, this claim was litigated on direct appeal. *See Commonwealth v. Coleman*, 260 A.3d 115 (Table), 2021 WL 2827325 at \*11-12 (Pa. Super. July 7, 2021)(nonprecedential).

Coleman's other claims are waived. He could have asserted any *Brady* violations, due process violations and trial counsel and appellate counsel's

ineffectiveness in his first PCRA petition. He could have asserted claims of original PCRA counsel's ineffectiveness on appeal after new counsel was appointed. *See Commonwealth v. Bradley*, 669 Pa. 107, 261 A.3d 381, 401 (2021)(“we hold that a PCRA petitioner may, after a PCRA court denies relief, and after obtaining new counsel or acting pro se, raise claims of PCRA counsel's ineffectiveness at the first opportunity to do so, even if on appeal.”). Although *Bradley* permits claims of PCRA counsel's ineffectiveness to be asserted on appeal, *Bradley* does not create an exception to the time limits of the PCRA to assert claims of PCRA counsel's ineffectiveness. *See Laird, supra*.

For the foregoing reasons, the court intends to deny Coleman's second PCRA petition without holding an evidentiary hearing.

### **ORDER**

AND NOW, this 24<sup>th</sup> day of September 2025, the court notifies the parties of its intention to deny Coleman's second PCRA petition. Coleman may respond to this proposed dismissal within twenty (20) days. Any response should allege facts (and the dates those facts were discovered) to assert one of the statutory exceptions to the time limits; if it does not, the court will still lack jurisdiction to hold an evidentiary hearing or grant relief. If no response is received within that time period, the Court will enter an order denying the petition.

The court also denies Coleman's request for the appointment of counsel or the reappointment of Ms. Deats as counsel. Since the court lacks jurisdiction to hold an evidentiary hearing or grant relief due to the untimeliness of the petition, there is no need for

the appointment of counsel and such appointment is not required in the interests of justice.

*See* Pa. R. Crim. P. 904(D), (E).

By The Court,

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Nancy L Butts, President Judge

cc: Martin Wade, Esquire (ADA)  
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