

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

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| COMMONWEALTH OF PENNSYLVANIA, | | IN THE SUPERIOR COURT OF PENNSYLVANIA |
| Appellee | | |
| v. | | |
| KRISTEN LEE SARNOSKI, | | |
| Appellant | | No. 1437 MDA 2012 |

Appeal from the Order entered July 12, 2012,
in the Court of Common Pleas of Lackawanna County,
Criminal Division, at No(s): CP-35-CR-0000485-2009.

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| COMMONWEALTH OF PENNSYLVANIA, | | IN THE SUPERIOR COURT OF PENNSYLVANIA |
| Appellee | | |
| v. | | |
| KRISTEN LEE SARNOSKI, | | |
| Appellant | | No. 1459 MDA 2012 |

Appeal from the Order entered July 12, 2012,
in the Court of Common Pleas of Lackawanna County,
Criminal Division, at No(s): CP-35-CR-0001712-2010.

BEFORE: DONOHUE, ALLEN, and OTT, JJ.

MEMORANDUM BY ALLEN, J.:

Filed: March 12, 2013

In these consolidated *pro se* appeals, Kristen Lee Sarnoski ("Appellant") appeals from the order denying her petitions for relief pursuant

to the Post Conviction Relief Act ("PCRA"). 42 Pa.C.S.A. §§ 9541-46. We quash.

The PCRA court summarized the pertinent facts and procedural history as follows:

On June 8, 2009, [Appellant] pled guilty to one count of theft in case no. 09-CR-485, and in exchange the other charges pending against [her] were nolle prossed. On June 17, 2009, [Appellant] was sentenced to six months [of] probation. On December 2, 2010, [Appellant] pled guilty to one count of possession of a prohibited weapon, and one count of disorderly conduct in case no. 10-CR-1712, and in exchange, the other charges pending against [her] were nolle prossed. On May 9, 2011, [Appellant] was sentenced to 6 to 18 months on the weapons charge, and 2 to 6 months on the disorderly conduct charge. Also on May 9, 2011, [Appellant] was resentenced in her other cases for probation violations (case nos. 08-CR-1189, 08-CR-2948 and 09-CR-485). She was resentenced in 09-CR-485 to 2 months to 12 months of incarceration.

On June 7, 2011, [Appellant] filed a [PCRA petition] in case no. 09-CR-485, and on September 14, 2011, filed a [PCRA] petition in case no. 10-CR-1712. [The PCRA court appointed counsel, and PCRA counsel] filed a Motion to Withdraw as Counsel Pursuant to a Turner-Finley Letter. This motion was granted and on June 7, 2012, this Court issued a Notice of Intent to Dismiss the petitions. On July 12, 2012, the petitions were dismissed.

PCRA Court Opinion, 9/20/12, at 1-2. Appellant filed separate appeals from the denial of each PCRA petition. Both the PCRA court and Appellant have complied with Pa.R.A.P. 1925. By order dated September 13, 2012, we consolidated Appellant's two appeals.

Appellant raises the following verbatim issues on appeal:

a. WRONG PRS[.]

**b. CRIMES PLED TO DO NOT MEET PA CRIMES CODES
[sic][.]**

c. VIOLATION OF RULE 704[.]

d. THEFT CHARGE GUIDELINE WAS INCORRECT[.]

See Appellant's Brief at unnumbered 2.

Before reaching Appellant's issues, we address the Commonwealth's claim regarding Appellant's noncompliance with Pa.R.A.P. 2101. Commonwealth's Brief at 2-3. Rule 2101 of the Pennsylvania Rules of Appellate Procedure provides that "[b]riefs . . . shall conform in all material respects with the requirements of these rules as nearly as the circumstances of the particular case will admit, otherwise they may be suppressed, and, if the defects are in the brief . . . of the appellant and are substantial, the appeal or other matter may be quashed or dismissed." Rule 2111 of the Pennsylvania Rules of Appellate Procedure provides the following requirements:

Rule 2111. Brief of the Appellant

(a) General rule. The brief of the appellant, except as otherwise prescribed by these rules, shall consist of the following matters, separately and distinctly entitled and in the following order:

- (1) Statement of Jurisdiction.
- (2) Order or other determination in question.
- (3) Statement of both the scope of review and the standard of review.
- (4) Statement of the questions involved.

- (5) Statement of the case.
- (6) Summary of argument.
- (7) Statement of the reasons to allow an appeal to challenge the discretionary aspects of sentence, if applicable.
- (8) Argument for appellant.
- (9) A short conclusion stating the precise relief sought.
- (10) The opinions and pleadings specified in Subdivisions (b) and (c) of this rule.
- (11) In the Superior Court, a copy of the statement of errors complained of on appeal, filed with the trial court pursuant to Rule 1925(b), or an averment that no order requiring a statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(b) was entered.

(b) Opinions below. There shall be appended to the brief a copy of any opinions delivered by any court or other government unit below relating to the order or other determination under review, if pertinent to the questions involved. If an opinion has been reported, that fact and the appropriate citation shall also be set forth.

Pa.R.A.P. 2111(a), (b).

Appellant's "brief" does not conform with a majority of the above requirements. Although Appellant lists the aforementioned four issues in her statement of issues, she follows each issue with a single paragraph "argument" devoid of citation to any legal authority. **See** Pa.R.A.P. 2119(b); ***Commonwealth v. Williams***, 959 A.2d 1252, 1258 (Pa. Super. 2008) (explaining that an issue will be considered waived when an appellant fails to

properly develop an issue or to cite legal authority to support his or her contention on appeal).

Appellant's failure "to provide us with a proper brief [renders us] unable to conduct meaningful judicial review." ***Commonwealth v. Greenawalt***, 796 A.2d 996, 997 (Pa. Super. 2002). This Court has summarized:

While this Court is willing to liberally construe materials filed by a *pro se* litigant, we note that Appellant is not entitled to any particular advantage because she lacks legal training. As our Supreme Court has explained, "any layperson choosing to represent [herself] in a legal proceeding must, to some reasonable extent, assume the risk that [her] lack of expertise and legal training will prove [her] undoing.

Consequently, [w]e decline to become the appellant's counsel. When issues are not properly raised and developed in briefs, when the briefs are wholly inadequate to present specific issues for review, a Court will not consider the merits thereof.

Greenawalt, 796 A.2d at 997 (citation omitted).

In sum, because the defects in Appellant's brief are substantial and preclude this Court from conducting meaningful appellate review, we quash this appeal.

Appeal quashed.