

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellee	:	
	:	
v.	:	
	:	
THOMAS SARFIELD,	:	
	:	
Appellant	:	No. 1465 EDA 2013

Appeal from the Judgment of Sentence April 29, 2013
 In the Court of Common Pleas of Bucks County
 Criminal Division No(s): CP-09-CR-0007506-2010
 CP-09-CR-0007543-2010
 CP-09-CR-0007666-2010

BEFORE: PANELLA, MUNDY and FITZGERALD,* JJ.

MEMORANDUM BY FITZGERALD, J.: **FILED DECEMBER 20, 2013**

Appellant, Thomas Sarsfield, appeals from the judgment of sentence entered in the Bucks County Court of Common Pleas following his no contest pleas to burglary. Appellant claims the entry of his no-contest pleas was not a knowingly, intelligent, and voluntary act. We affirm.

On March 14, 2011, Appellant pleaded no-contest under three criminal informations to burglary.¹ On the same day, the court sentenced Appellant to seven to fourteen years' imprisonment. Three days later, on March 17th

* Former Justice specially assigned to the Superior Court.

¹ 18 Pa.C.S. § 3502(a).

Appellant filed a motion to withdraw his no contest pleas. On May 6, 2011, after a hearing, the court denied Appellant's motion to withdraw his pleas and Appellant appealed. On February 9, 2012, this Court affirmed the judgment of sentence. ***Commonwealth v. Sarsfield***, 1350 EDA 2011 (unpublished memorandum) (Pa. Super. Feb. 9, 2012). He did not seek allowance of appeal with our Supreme Court.

The trial court docketed Appellant's timely Post Conviction Relief Act² ("PCRA") petition on February 17, 2012. On December 10, 2012, the PCRA court granted in part the petition by permitting Appellant to file a motion to withdraw his pleas *nunc pro tunc*. On April 29, 2013, after a hearing, the trial court denied Appellant's *nunc pro tunc* motion. Appellant filed the instant timely notice of appeal and court-ordered Pa.R.A.P. 1925(b) statement.

Appellant raises the following issue for our review: "Was . . . Appellant entitled to withdraw his guilty [sic] plea when it was the result of coercion and misunderstanding brought on by the sudden decision of his co-defendant to cooperate with the Commonwealth?" Appellant's Brief at 3. Appellant argues that he

was faced with a sudden reversal o[f] fortune and circumstance. Planning for and primed for a trial, he learned that what had been a lack of evidence had been supplemented by the testimony of his co[-]defendant. He

² 42 Pa.C.S §§ 9541-9546.

also expected to be pleading guilty to only one burglary, and was let down when counsel did nothing to correct the error. Under these circumstances, the lower court erred in not allowing him to withdraw his plea.

Id. at 12. We conclude that no relief is due.

This Court has stated:

At the outset, we note that a plea of *nolo contendere* is treated the same as a guilty plea. Further, [the defendant's] challenge to the *nolo contendere* plea was made after sentencing, and the standard for withdrawing a plea [after sentence is imposed] is manifest injustice. A plea rises to the level of manifest injustice when it was entered into involuntarily, unknowingly, or unintelligently.

Commonwealth v. Stork, 737 A.2d 789, 790 (Pa. Super. 1999) (citations omitted).

This Court has also stated:

When briefing the various issues that have been preserved, it is an appellant's duty to present arguments that are sufficiently developed for our review. The brief must support the claims with pertinent discussion, with references to the record and with citations to legal authorities. Citations to authorities must articulate the principles for which they are cited.

This Court will not act as counsel and will not develop arguments on behalf of an appellant. Moreover, when defects in a brief impede our ability to conduct meaningful appellate review, we may dismiss the appeal entirely or find certain issues to be waived.

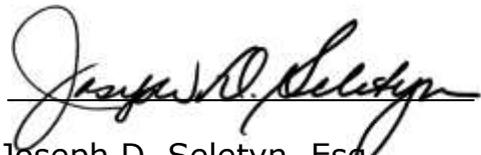
Commonwealth v. Kane, 10 A.3d 327, 331 (Pa. Super. 2010) (citations omitted). "Any effort and preparation for appeal are lost if the arguments in the brief are presented improperly, incompletely, or inaccurately." **Id.**

J. S66037/13

In this case, the argument section of Appellant's counseled brief discusses two cases without citing to the record and his sole argument is an almost verbatim recitation of his questions presented, which we quoted above, without further discussion. **See id.** at 334; **see also** Appellant's Brief at 11-12. Therefore, analogous to **Kane**, we hold Appellant has waived appellate review of his issue. **See id.** Accordingly, there is no manifest injustice and we affirm the judgment of sentence. **See Stork**, 737 A.2d at 790.

Judgment of sentence affirmed.

Judgment Entered.

A handwritten signature in black ink, reading "Joseph D. Seletyn", written over a horizontal line.

Joseph D. Seletyn, Esq.
Prothonotary

Date: 12/20/2013