

NON-PRECEDENTIAL DECISION – SEE SUPERIOR COURT I.O.P 65.37

COMMONWEALTH OF PENNSYLVANIA,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellee	:	
	:	
v.	:	
	:	
HENRIETTA WEST,	:	
	:	
Appellant	:	No. 1804 MDA 2012

Appeal from the Judgment of Sentence April 23, 2012,
Court of Common Pleas, Luzerne County,
Criminal Division at No. CP-40-CR-0003193-2010

BEFORE: DONOHUE, ALLEN and OTT, JJ.

JUDGMENT ORDER BY DONOHUE, J.:

Filed: March 5, 2013

Henrietta West (“West”) appeals from the judgment of sentence following her convictions of possession of a controlled substance, possession with the intent to deliver a controlled substance, possession of drug paraphernalia, conspiracy and criminal use of a communications facility.¹ She was sentenced to an aggregate term of 36 to 72 months of incarceration. This appeal followed. West presents two issues for our review:

1. Was the audio/video of the [c]onfidential [i]nformant that was played at trial testimonial?
2. Did the [c]ourt err as a matter of law in permitting the playing of the audio/video of the [c]onfidential [i]nformant without the [c]onfidential [i]nformant being made available for cross-examination?

Appellant’s Brief at 3.

¹ 35 P.S. §§ 780-113(a)(16),(30),(32); 18 Pa.C.S.A. §§ 903, 7512(a).

Pennsylvania Rule of Appellate Procedure 2119(a) provides as follows:

(a) General rule. The argument shall be divided into as many parts as there are questions to be argued; and shall have at the head of each part--in distinctive type or in type distinctively displayed--the particular point treated therein, followed by such discussion and citation of authorities as are deemed pertinent.

Pa.R.A.P. 2119(a).

In the argument section of her brief, West discusses these two issues together as one argument, in contravention of this Rule's requirement that "[t]he argument ... be divided into as many parts as there are questions to be argued[.]" *Id.* More significantly, West has failed to develop any argument in support of her position. West includes citations to only two cases, but does not discuss these cases or explain how they afford her relief. **See** Appellant's Brief at 7. This violates both Pa.R.A.P. 2119(a) set forth above, and Pa.R.A.P. 2119(b), which requires that "[c]itations of authorities must set forth the principle for which they are cited." Pa.R.A.P. 2119(b). Sadly, the entirety of the Appellant's argument on a complicated constitutional issue is set forth in six sentences.

This Court will not become the counsel for an appellant and develop arguments on an appellant's behalf, ***Commonwealth v. Gould***, 912 A.2d 869, 873 (Pa. Super. 2006). Waiver of an issue results when an appellant fails to properly develop an issue or cite to legal authority to support his contention in his appellate brief. ***Commonwealth v. Williams***, 959 A.2d

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1252, 1258 (Pa. Super. 2008). Accordingly, the issues West sought to have reviewed have been waived, and we quash her appeal.

Appeal quashed.