

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellee	:	
	:	
v.	:	
	:	
DONALD FRANCIS,	:	
	:	
Appellant	:	No. 916 EDA 2015

Appeal from the Judgment of Sentence entered on February 11, 2015
in the Court of Common Pleas of Lehigh County,
Criminal Division, No(s): CP-39-CR-0004292-2014;
CP-39-CR-0004317-2014

BEFORE: DONOHUE, MUNDY and MUSMANNO, JJ.

JUDGMENT ORDER BY MUSMANNO, J.: **FILED NOVEMBER 12, 2015**

Donald Francis ("Francis") appeals from the judgment of sentence imposed following his guilty plea to possession with intent to deliver a controlled substance and possession of a controlled substance. **See** 35 P.S. § 780-113(a)(16), (30). Francis's counsel, Amy E. Sonin, Esquire ("Sonin"), ostensibly seeking to withdraw her representation, has filed a brief pursuant to **Anders v. California**, 386 U.S. 738, 744 (1967). **See Anders** Brief at 7, 11-12, 18-23.

Pursuant to **Anders**, when counsel believes an appeal is frivolous and wishes to withdraw from representation, he/she must

- (1) petition the [C]ourt for leave to withdraw stating that after making a conscientious examination of the record, counsel has determined the appeal would be frivolous;
- (2) file a brief referring to any issues that might arguably support the appeal, but which does not resemble a no-merit letter;
- and (3) furnish a

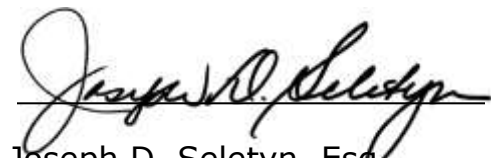
copy of the brief to the defendant and advise him of his right to retain new counsel, proceed *pro se*, or raise any additional points he deems worthy of this Court's attention.

Commonwealth v. Edwards, 906 A.2d 1225, 1227 (Pa. Super. 2006) (citation omitted); **see also Commonwealth v. Santiago**, 978 A.2d 349, 361 (Pa. 2009) (setting forth the requirements of the contents of an **Anders** brief).

Here, Sonin's brief fulfills the requirements of **Anders** and **Santiago**. Moreover, Sonin provided Francis with notice of her intention to seek permission to withdraw from representation, a copy of the **Anders** Brief filed on his behalf, and advised Francis of his rights in lieu of representation. However, Sonin has failed to file a petition to withdraw as counsel with this Court.¹ **See Edwards**, 906 A.2d at 1227.

We hereby Order Sonin to either file a proper petition to withdraw that fulfills the requirements of **Anders** with this Court, or file an advocate's brief within thirty (30) days of the date this Order is filed. In the event Sonin files an advocate's brief, the Commonwealth will be permitted thirty (30) days to respond from the filing of the brief. Panel jurisdiction retained.

Judgment Entered.



Joseph D. Seletyn, Esq.
Prothonotary

¹ We note that Sonin appears to have provided a petition to withdraw to Francis. **See** Letter, 6/5/15. However, no petition was filed with this Court.

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Date: 11/12/2015