

NON-PRECEDENTIAL DECISION – SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
v.	:	
	:	
MICHAEL TWIGGS,	:	No. 1115 EDA 2019
	:	
Appellant	:	

Appeal from the PCRA Order Entered October 22, 2018,
in the Court of Common Pleas of Philadelphia County
Criminal Division at No. CP-51-CR-1017181-1975

BEFORE: STABILE, J., NICHOLS, J., AND FORD ELLIOTT, P.J.E.

JUDGMENT ORDER BY FORD ELLIOTT, P.J.E.: **FILED JANUARY 08, 2020**

Michael Twiggs appeals from the October 22, 2018 order entered by the Court of Common Pleas of Philadelphia County denying his petition filed pursuant to the Post Conviction Relief Act (“PCRA”).¹ Because this appeal is duplicative of an appeal from the same order filed at No. 3309 EDA 2018,² we dismiss.

On March 31, 1976, appellant was convicted of first-degree murder and was sentenced to life imprisonment without the possibility of parole. (PCRA court opinion, 1/15/19 at 2.) Appellant was 17 years of age at the time of the

¹ 42 Pa.C.S.A. §§ 9541-9546.

² This court filed its decision in the appeal filed at No. 3309 EDA 2018 on December 12, 2019. **See Commonwealth v. Twiggs**, No. 3309 EDA 2018, unpublished memorandum (Pa.Super. filed December 12, 2019).

offense. (*Id.*) Pursuant to the United States Supreme Court's holdings in **Miller v. Alabama**, 567 U.S. 460 (2012), and **Montgomery v. Louisiana**, 136 S.Ct. 718 (2016), the PCRA court resentenced appellant to a term of 35 years to life imprisonment, with credit for time served, on November 30, 2016. (PCRA court opinion, 1/15/19 at 2.) Appellant filed a timely **pro se** PCRA petition challenging his resentence on April 5, 2017. The PCRA court appointed counsel to represent appellant and subsequently denied appellant's petition on October 22, 2018.

Appellant filed a timely notice of appeal from the PCRA court's denial of relief on November 14, 2018, which was listed in this court at No. 3309 EDA 2018. While that appeal was pending before this court, appellant filed what appears to be a **pro se** appellate brief with the PCRA court on April 18, 2019. The PCRA court docketed appellant's **pro se** brief as a notice of appeal from the October 22, 2018 order denying relief. On April 23, 2019, this court listed appellant's April 18, 2019 notice of appeal at No. 1115 EDA 2019.

Both Nos. 3309 EDA 2018 and 1115 EDA 2019 appeal from the PCRA court's October 22, 2018 order denying relief of appellant's PCRA petition. Moreover, appellant's briefs at both docket numbers are virtually identical.³ Accordingly, we dismiss appellant's appeal at No. 1115 EDA 2019 as

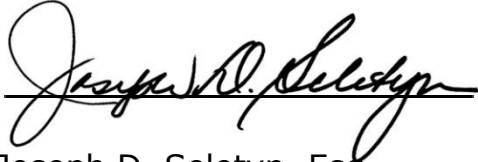
³ Appellant is represented at both docket numbers by James F. Berardinelli, Esq. Attorney Berardinelli filed the briefs on appellant's behalf at both docket numbers. The brief at No. 1115 EDA 2019 contains language acknowledging that the appeal at No. 3309 EDA 2018 is pending before this court. (Appellant's brief at 6.)

J. S66035/19

duplicative. **See *Neidert v. Charlie***, 143 A.3d 384, 387 n.3 (Pa.Super. 2016)
(summarily dismissing duplicative appeal).

Appeal dismissed.

Judgment Entered.

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

Joseph D. Seletyn, Esq.
Prothonotary

Date: 1/8/20