

NON-PRECEDENTIAL DECISION – SEE SUPERIOR COURT I.O.P 65.37

COMMONWEALTH OF PENNSYLVANIA,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellee	:	
	:	
v.	:	
	:	
SHAWN CAMPBELL,	:	
	:	
Appellant	:	No. 2715 EDA 2011

Appeal from the Judgment of Sentence September 30, 2011,
Court of Common Pleas, Philadelphia County,
Criminal Division at No. CP-51-CR-0012520-2010

BEFORE: GANTMAN, DONOHUE and PLATT*, JJ.

JUDGMENT ORDER BY DONOHUE, J.: Filed: January 4, 2013

Shawn Campbell ("Campbell") appeals from the September 30, 2011 judgment of sentence following his conviction of robbery, 18 Pa.C.S.A. § 3701. Counsel has filed an **Anders**¹ brief and a petition to withdraw from his representation of Campbell, along with a copy of the letter sent to Campbell informing him of his appellate rights and proof of service. In response, Campbell has filed an answer to counsel's petition to withdraw, wherein Campbell asserts (1) that he did not receive a complete copy of the petition to withdraw and the **Anders** brief; (2) that counsel never conferred with Campbell regarding the issues to be presented on appeal; (3) that counsel failed to raise issues as requested by Campbell; (4) that Campbell

¹ **Anders v. California**, 386 U.S. 738 (1967); **Commonwealth v. McClendon**, 434 A.2d 1185 (1981); **Commonwealth v. Santiago**, 602 Pa. 159, 978 A.2d 349 (2009).

*Retired Senior Judge assigned to the Superior Court.

seeks to raise additional issues before this Court; and (5) that counsel's request to withdraw should be denied and new counsel be appointed. **See** Campbell's Answer, 8/15/2012, at 1-2.

While Campbell is not entitled to the appointment of new counsel, he is entitled to retain new counsel, proceed *pro se* or raise any additional claims on appeal. **See Commonwealth v. Wimbush**, 951 A.2d 379, 382 (Pa. Super. 2008) (citation omitted). Because Campbell avers that he seeks to raise additional issues before this Court, we direct him to file an appellate brief, which this Court will consider in the process of our **Anders** review. **See Commonwealth v. Nischan**, 928 A.2d 349, 353-54 (Pa. Super. 2007) (stating that when this Court conducts an **Anders** review, we "will consider not only the brief filed by counsel but also any *pro se* appellate brief").

We therefore deny Campbell's request for the appointment of new counsel and order Campbell to file an appellate brief within 30 days of the receipt of this Order. The Commonwealth may respond by filing a brief within 30 days of the filing of Campbell's appellate brief.²

Panel jurisdiction retained.

² Although this Court granted the Commonwealth's request for an extension of time to file an appellee's brief until October 29, 2012, the Commonwealth has yet to file its brief with this Court.