

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA,		IN THE SUPERIOR COURT OF PENNSYLVANIA
Appellee		
v.		
WILLIAM ROMERO,		
Appellant		No. 493 WDA 2013

Appeal from the Judgment of Sentence of November 4, 2010,
in the Court of Common Pleas of Erie County,
Criminal Division at No. CP-25-CR-0003216-2009

BEFORE: BOWES, MUNDY and COLVILLE*, JJ.

MEMORANDUM BY COLVILLE, J.:

FILED: August 12, 2013

This case is a direct appeal from judgment of sentence. Appellant argues the plea court erred in denying his post-sentence motion to withdraw his guilty pleas. We affirm the judgment of sentence.

Appellant pled guilty to multiple sex-related offenses, was sentenced, did not file a post-sentence motion, and took no direct appeal. Later, proceeding under the Post Conviction Relief Act, Appellant secured reinstatement of his rights to file a post-sentence motion and a direct appeal. He then filed a post-sentence motion contending, *inter alia*, that his guilty pleas were not voluntary, knowing and intelligent. His motion sought withdrawal of those pleas, but the plea court denied relief.

* Retired Senior Judge assigned to the Superior Court.

Appellant filed this timely direct appeal. He argues the court should have allowed him to withdraw his pleas because he is innocent of the charged offenses and because his primary reason for pleading guilty was to protect his wife from criminal liability. In this latter regard, Appellant asserts that, at the time he pled guilty, his wife was under criminal investigation for threats she allegedly made against the complainant in Appellant's case. Appellant maintains he believed his guilty pleas would bring an end to any investigation involving his wife and/or would otherwise preclude any criminal charges and/or prosecution against her. He argues his belief was mistaken and he contends his guilty pleas were thus unlawful. Appellant concludes the plea court should have ordered his pleas withdrawn as requested in his *nunc-pro-tunc* post-sentence motion.

A defendant seeking to withdraw a guilty plea after sentencing must demonstrate prejudice on the order of manifest injustice before the withdrawal will be allowed. ***Commonwealth v. Yeomans***, 24 A.3d 1044, 1046 (Pa. Super. 2011). Manifest injustice may be established if the plea was involuntary, unknowing or unintelligent. ***Id.*** A defendant who pleads guilty may not later assert grounds for withdrawing the plea that contradict statements the defendant made during the plea hearing. ***Id.*** at 1047. Additionally, the defendant bears the burden of proving a guilty plea was not valid. ***Id.***

On appeal to this Court, it is an appellant's burden to prove relief is due. ***Commonwealth v. Wrecks***, 931 A.2d 717, 722 (Pa. Super. 2007). To satisfy this burden, the appellant must present us with developed

arguments. ***Commonwealth v. Hardy***, 918 A.2d 766, 771 (Pa. Super. 2007). Those arguments must contain pertinent factual and legal discussion and references to the record. ***Id.***

During his plea hearing, Appellant was advised that, by pleading guilty, he was admitting to the crimes with which he was charged. He then pled guilty. Appellant's position that he is innocent contradicts his admission of guilt made during the aforesaid hearing. Appellant cannot be allowed to withdraw his pleas based on this contradiction.

As to Appellant's complaints about having pled guilty to protect his wife, the plea transcript contains no reference to Appellant's wife and, in particular, gives no indication that Appellant was misled by anyone, or even believed on his own accord, that his pleas would affect his wife's legal concerns. Along these lines, we note Appellant's brief provides no references to any part of the record supporting his argument about what he believed the impact of his pleas would be on his wife. In short, Appellant has not shown us, and we have not found, any record-based support for Appellant's factual allegations. Additionally, Appellant provides no legal authority and analysis supporting his position that what he may have believed about his wife's legal situation could render his pleas involuntary, unknowing and/or unintelligent so as to make them manifestly unjust.

Having developed no record-based factual or legal analysis in support of his claim, Appellant has failed to persuade us his pleas constituted a manifest injustice as a result of what he allegedly believed concerning the

impact of those pleas on his wife's legal issues. Consequently, Appellant has not convinced us the plea court's decision to deny his plea-withdrawal request was erroneous.

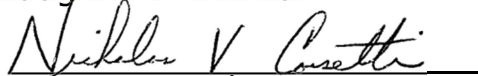
In summary, Appellant has not established the plea court erred in any regard. Therefore, he has not shown us he is entitled to relief. Accordingly, we will not disturb the court's ruling.

Judgment of sentence affirmed.

Judge Bowes concurs in the result.

Judge Mundy concurs in the result.

Judgment Entered.

A handwritten signature in black ink, reading "Nicholas V. Casatti", is written over a horizontal line.

Deputy Prothonotary

Date: 8/12/2013