

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

COMMONWEALTH OF PENNSYLVANIA,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellee	:	
	:	
v.	:	
	:	
KEVIN ROBY,	:	
	:	
Appellant	:	No. 505 MDA 2013

Appeal from the PCRA Order Entered January 31, 2013,  
In the Court of Common Pleas of Lackawanna County,  
Criminal Division, at No. CP-35-CR-0003347-2008.

BEFORE: SHOGAN, ALLEN and MUSMANNNO, JJ.

DISSENTING MEMORANDUM BY SHOGAN, J.: **FILED NOVEMBER 25, 2013**

I respectfully dissent. Counsel has failed to meet the requirements of ***Commonwealth v. Turner***, 544 A.2d 927 (Pa. 1988), and ***Commonwealth v. Finley***, 550 A.2d 213 (Pa. Super. 1988) (*en banc*), for seeking to withdraw from representation in a collateral proceeding. Additionally, the purported ***Anders*** brief counsel filed with this Court fails to meet the requirements of ***Anders v. California***, 386 U.S. 738 (1967), and ***Commonwealth v. Santiago***, 978 A.2d 349 (Pa. 2009).

Unlike the majority, I would not ignore or excuse counsel's omissions and the defectiveness of the submitted brief to address the merits of Appellant's claim. Rather, I would remand for the filing of a proper petition to withdraw and a no-merit letter or an advocate's brief.