No:_____

IN THE SUPREME COURT OF THE UNITED STATES

Vamsidhar Vurimindi, Petitioner

vs.

Commonwealth of Pennsylvania, Respondent

On Petition For Writ of Certiorari
To The Superior Court of Pennsylvania

PETITION FOR WRIT OF CERTIORARI

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Vamsidhar Vurimindi,
A # 096-689-764,
Petitioner, Pro Se
Adams County Detention Center,
P. O. Box # 1600,
Washington, MS-39190.

APPENDIX-A

2018 PA Super 341

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
VAMSIDHAR VURIMINDI,	:	
Appellant.	:	No. 2140 EDA 2017

Appeal from the Judgment of Sentence, April 25, 2014, in the Court of Common Pleas of Philadelphia County, Criminal Division at No(s): CP-51-CR-0008022-2012.

BEFORE: BOWES, J., OLSON, J., and KUNSELMAN, J.

OPINION PER CURIAM: **FILED DECEMBER 14, 2018**

Vamsidhar Vurimindi appeals from the judgment of sentence entered on April 25, 2014 on two counts of stalking and one count of disorderly conduct.[1] Based on Vurimindi's continuous and deliberate failure to comply with the Pennsylvania Rules of Appellate Procedure, we dismiss this appeal.

In September 2010, one of Vurimindi's neighbors filed a private criminal complaint against him, charging him with harassment and stalking. The neighbor lived on the same floor as Vurimindi in Hoopskirt Factory Lofts, a condominium building in Philadelphia. The case was referred to the Philadelphia Municipal Court's arbitration program under Philadelphia

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[1] 18 Pa.C.S.A. § 2709.1(a)(1) and 18 Pa.C.S.A. § 5503(a)(4), respectively.

Municipal Court Rule of Criminal Procedure 850. Following arbitration of the case, the municipal court judge issued two stay-away orders against Vurimindi.[2] After Vurimindi continued to ignore the stay-away orders, the police arrested him on February 4, 2012, on new disorderly conduct charges involving the same victim.[3] On June 13, 2012, the Commonwealth amended the charges, and the case was assigned a Common Pleas number, CP 51-CR-0008022-2012. The new charges included one count of disorderly conduct and two charges of stalking, one for the same victim as the earlier case, and another stalking charge for a second victim, another female neighbor who also lived on his floor.

The trial court articulated the specific facts of Vurimindi's stalking in a detailed opinion. Trial Court Opinion, filed September 17, 2017, at 3-10. The full factual history is not necessary for purposes of our disposition. Notably, Vurimindi's egregious and bizarre behavior forced his first victim to install a panic-button alarm system that connected directly to the local police and to consider hiring a body guard. ***Id.*** at 5. That victim completed her residency

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[2] It appears the first stay away order was a mutual one, requiring both parties to avoid each other.

[3] The first victim testified about all of Vurimindi's actions, the original incidents starting in 2010 and the later incident resulting in the new charges in February 2012. N.T. 2/7/14 at 41. The date of the offenses for which he was convicted is listed on the trial disposition form as February 4, 2012. Thus, contrary to Vurimindi's suggestion, the trial in this matter was not held and he was not convicted on the same actions complained of in municipal court, but rather on new charges resulting from his actions after the arbitration. As such, there was no violation of Phil. M.C.R. Crim. P. 860 or a double jeopardy violation regarding the earlier 2010 charges.

for medical school, found employment out of state and relocated. ***Id.*** at 7. Vurimindi's actions forced the other victim to sell her condominium and move twice to get away from Vurimindi. ***Id.*** at 10. Both women were terrified of Vurimindi. ***Id.*** at 7, 10.

Although he was arrested in 2012 for the charges relevant to this case, the trial on these charges was delayed for nearly two years, pending multiple Mental Health Competency Evaluations which were conducted from February 2012 through July 2013. For many months, the court-appointed psychologist determined Vurimindi was not competent to stand trial.

Ultimately, Vurimindi submitted his own expert report that he was competent, and he waived his right to a jury trial.[4] On February 7, 2014, the court held a one-day bench trial on the 2012 charges. The trial court convicted Vurimindi on two counts of stalking (M1) and one count of disorderly conduct (M3). On April 24, 2014, the trial court sentenced Vurimindi to two and one-half to five years of incarceration, followed by five years of probation.

Vurimindi filed a *pro se* post-sentence motion, dated April 25, 2014, which was received on May 1, 2014, but incorrectly docketed as *pro se* correspondence. No action was taken on this motion. The next day, on April 26, 2104, Vurimindi filed a *pro se* PCRA petition. On May 14, 2014, he requested counsel.

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[4] Vurimindi filed a motion for a speedy trial on August 6, 2013. Therein he noted that he submitted a report from his consulting psychiatrist, Dr. Smith, to the court on June 24, 2013. The written jury trial waiver colloquy was dated and accepted by the trial court on November 12, 2013.

In January 2016, Attorney David Rubenstein was appointed to represent Vurimindi in his PCRA action. On May 7, 2016, Attorney Rubenstein filed an amended PCRA Petition and supporting brief on Vurimindi's behalf, seeking among other relief, reinstatement of Vurimindi's direct appeal rights.

On May 12, 2016, Vurimindi requested that Attorney Rubenstein be removed as his counsel because counsel refused to raise the 484 issues Vurimindi wished to raise in his PCRA Petition. Attorney Rubenstein also requested permission to withdraw as counsel, citing Vurimindi's request for his removal and his threats to sue him in civil court.[5] The court conducted a ***Grazier***[6] hearing on September 1, 2016, and granted Vurimindi's request to proceed *pro se* with his PCRA Petition.

The PCRA court also scheduled a hearing on Vurimindi's PCRA Petition for February 23, 2017. Vurimindi filed a 500-page memorandum of law in support of his PCRA Petition dated January 25, 2017. Then, on February 20, 2017, he filed a 289-page supplemental memorandum of law in support of the same PCRA Petition.

The PCRA hearing occurred on May 2, 2017 and June 27, 2017. At the request of the trial judge, the District Attorney prepared a letter prior to the second day of the hearing. The letter explained the procedural oversight regarding the docketing of Vurimindi's original post-sentence motion, and

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[5] Vurimindi filed civil lawsuits against many people involved in this litigation.

[6] **See *Commonwealth v. Grazier***, 713 A.2d 81 (Pa. 1998).

requested the PCRA court to reinstate Vurimindi's direct appeal rights. On June 27, 2017, the PCRA court ordered that Vurimindi's post-sentence motions be deemed denied by operation of law and reinstated his direct appeal rights. The PCRA court specifically determined that this case was not appropriate for unitary review and directed Mr. Vurimindi ***not*** to raise any issues concerning the ineffectiveness assistance of counsel in his direct appeal. T.C.O., 9/19/17, at 15. The court discussed the appeal process with Vurimindi at this hearing and specifically warned him against filing too many issues on appeal. ***Id.***

Vurimindi timely filed his Notice of Appeal and a Rule 1925(b) statement on July 25, 2017. In this 53-page statement, he raised over 290 issues: 132 numbered issues with multiple sub-issues. He also filed several motions requesting to represent himself in this direct appeal.[7] The trial court held a second ***Grazier*** hearing on August 29, 2017.[8] After granting Vurimindi's

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[7] Initially, he requested back-up counsel, but the request for hybrid representation was denied. N.T., 6/27/17, at 37-38.

[8] The first ***Grazier*** hearing allowed Vurimindi to proceed *pro se* with his PCRA Petition. The second ***Grazier*** hearing allowed him to proceed *pro se* with his direct appeal. By per curiam order from a motions judge, this Court indicated on August 21, 2017 that a ***Grazier*** hearing was not necessary for this appeal because Appellant was already proceeding *pro se*. However, the order from this Court did not reach the trial court, which conducted the already scheduled ***Grazier*** hearing on August 29, 2017. The trial judge had scheduled the second ***Grazier*** hearing when it reinstated Vurimindi's direct appeal rights on June 27, 2017, and Vurimindi requested to represent himself.

In accordance with Pennsylvania Rule of Criminal Procedure 121 the court held a colloquy and determined that Vurimindi's request to waive his right to counsel and to represent himself on appeal was knowing, voluntary

request to represent himself, that same day, the court directed him to file a new **concise** statement of errors complained of on appeal in accordance with Rule 1925(b)(1) within **thirty (30) days**.[9] Although he was told to reduce the number of errors he complained of in his original statement and to narrow the issues for meaningful appellate review, on September 6, 2017, Vurimindi instead filed a supplemental concise statement that added 8 additional issues to the 53-page statement he filed on July 25, 2017.

We note that Vurimindi has filed so many motions, requests and briefs with the trial court that the record for this one-day waiver trial consists of nearly 3,400 total pages. These documents include the lengthy documents previously mentioned, together with Vurimindi's repetitive requests to add what he deemed to be "exculpatory evidence" to the record[10] or to correct

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and intelligent. We note that a ***Grazier*** hearing was appropriate under ***Commonwealth v. Figueroa***, 29 A.3d 1177 (Pa. Super. 2011) (holding that an on-the-record colloquy is necessary to ensure that a defendant/PCRA Petitioner understands his right to counsel and to confirm his right and desire to proceed *pro se*).

[9] The court sent Vurimindi a letter to this effect, in addition to the court order, underlining and bolding the word "concise" and the time limit of "thirty (30) days" for extra emphasis.

[10] Vurimindi requested many times to supplement the record from the trial court with over 220 hours of motion-detected video recordings he made of the hallway in his building from June 2010 through April 2012. The trial court told him that this evidence would not be considered by the appellate court because it was not part of the record from the trial. N.T., 6/27/17, at 31. See full discussion of this subject at ***Id***. 30-38. To the extent Vurimindi believes this evidence should have been used at trial, he can raise that claim in a PCRA Petition; but we cannot review it at this point. ***See Commonwealth v.***

what he perceived were mistakes in the trial transcripts, in addition to several petitions for adverse orders, motions to recuse the trial court, motions to proceed *pro se*, and many letters he sent to the judge, which were docketed as *pro se* correspondence.

Vurimindi also requested transcripts from each and every time he appeared in court or presented a motion; he believed this was necessary for the record on appeal to be complete. It is unknown whether a "transcript" of every proceeding exists. Typically, transcripts are not available or necessary for arguments, but rather, are a means of preserving sworn testimony at hearings. It appears no transcript of the sentencing hearing on April 24, 2017 was submitted with the trial court record to this Court. However, based on the procedural defects of Vurimindi's 1925(b) statement and his appellate brief, the missing transcripts are unnecessary for appellate review in this matter.

After receiving Vurimindi's second 1925(b) statement on September 6, 2017, the trial court issued its Opinion on September 19, 2017. The trial court concluded that Vurimindi submitted his voluminous 1925(b) statement "in bad

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Preston, 904 A.2d 1, 6 (Pa. Super. 2006) (recognizing that Pennsylvania law is well-settled that matters not of record cannot be considered on appeal). We note that reviewing that many hours of video would take almost 6 full work-weeks at 40 hours per week. The courts do not have the ability to do this, nor is this appropriate for meaningful appellate review.

faith to circumvent the court system" and recommended that "his issues be waived and his appeal quashed." T.C.O., 9/19/17, at 2.

Apparently concerned about the possibility of his appeal being dismissed, ***after*** the trial court issued its opinion, Vurimindi filed a motion to amend his 1925 (b) statement on September 25, 2017, followed by an amended 1925(b) statement on September 29, 2017.[11] This Amended Statement was not considered by the trial court. Shortly thereafter, Vurimindi began filing numerous lengthy motions with this Court, including a 59-page motion for a new trial (10/3/17) and a 31-page motion for reconsideration of the trial judge's recommendation to quash the appeal (10/20/17).

After several requests for more time, Vurimindi ultimately filed his first appellate brief with this Court in April 2018. His first brief was over 300 pages. Upon a motion of the Commonwealth, this Court struck the brief as non-conforming, and gave Vurimindi a second chance to file a brief that conformed to Chapter 21 of the Pennsylvania Rules of Appellate Procedure. Despite being told to narrow his issues, Vurimindi's second brief, filed on July 30, 2018, was still over 140 pages. It contained 32 pages of citations; it listed nearly 400 cases and 100 statutes.

In his brief, Vurimindi attacked everything he could possibly think of that in any way related to this case. He challenged his competency and ability to waive his right to a jury trial. See Appellant's Brief, at 21-25. He attacked

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[11] No action was taken on the motion, but Vurimindi filed his amended 1925(b) statement anyway.

the judges associated with his case. ***Id.*** at 10-16, 25-38. He attacked the district attorney. ***Id.*** at 38-51. He attacked the process at the Municipal Court and the Court of Common Pleas. ***Id.*** at 52-58. He repeatedly attacked his trial counsel (6 different lawyers), despite being told his case was not appropriate for unitary review (i.e. his ineffective assistance of counsel claims had to wait for collateral review under the Post-Conviction Relief Act). ***Id.*** at 8-10, 58-63. He attacked the statutes under which he was convicted as being unconstitutional. ***Id.*** at 63-79. He attacked the verdict. ***Id.*** at 79-92. He attacked his sentence. ***Id.*** at 92-100. Finally, he attacked this Court's ability to make a meaningful review of his case. ***Id.*** at 100-108.[12]

After he received the Commonwealth's Brief, which requested that his appeal be dismissed for failure to follow the Rules of Appellate Procedure, Vurimindi filed a 32-page Reply Brief on September 18, 2018, with an additional 100 pages of exhibits.[13] In his Reply Brief, Vurimindi admitted his initial appellate brief contained over 51 individual issues, but claimed all the issues are necessary for this Court to review.

On September 24, 2018, this case was assigned to this panel for decision. Since that time, Vurimindi has filed more than 10 applications for

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[12] Although we can see the general nature of his attacks on appeal, each topic we have identified here contains so many sub-issues that we cannot discern each of Vurimindi's specific claims.

[13] We note that at the time he filed his Reply Brief, Vurimindi was released from incarceration, having served that portion of his sentence for these crimes.

relief seeking, among other things, to introduce additional evidence into the record and to compel the filing of transcripts from over 35 court appearances at the trial court. As soon as we rule on one of his "emergency" applications, Vurimindi files another request asking us to reconsider our previous ruling. His actions have made meaningful appellate review impossible.

As such, we begin our analysis of this case with the trial court's observation that Vurimindi's *pro se* status does not relieve him of his duty to follow the Rules of Appellate Procedure. T.C.O., 9/19/17, at 10 (citing ***Jiricko v. Geico Ins. Co.,*** 947 A.2d 206, n.11 (Pa. Super. 2008)). "Although this Court is willing to liberally construe materials filed by a *pro se* litigant, *pro se* status confers no special benefit upon the appellant. To the contrary, any person choosing to represent himself in a legal proceeding must, to a reasonable extent, assume that his lack of expertise and legal training will be his undoing." ***In re Ullman***, 995 A.2d 1207, 1211–1212 (Pa. Super. 2010). Accordingly, *pro se* litigants must comply with the procedural rules set forth in the Pennsylvania Rules of Court; if there are considerable defects, we will be unable to perform appellate review. ***Commonwealth v. Tchirkow***, 160 A.3d 798, 804-05 (Pa. Super. 2017) (citation omitted).

Before analyzing any of the issues in his rambling *pro se* brief, we must first determine whether the issues have been properly preserved for our review. The trial court and the Commonwealth maintain that Vurimindi has waived all issues on appeal. The fact the Vurimindi filed a timely 1925(b)

statement does not automatically equate with issue preservation. ***See Jiricko,*** 947 A.2d at 210. As our discussion *infra* reveals, the Pa.R.A.P. 1925(b) statement must be sufficiently "concise" and "coherent" such that the trial court judge may be able to identify the issues to be raised on appeal, and the circumstances must not suggest the existence of bad faith.

We previously held that a Rule 1925(b) statement is a crucial component of the appellate process because it allows the trial court to identify and focus on those issues the party plans to raise on appeal. ***Riley v. Foley,*** 783 A.2d 807, 813 (Pa. Super. 2001). "A Concise Statement which is too vague to allow the court to identify the issues raised on appeal is the functional equivalent to no Concise Statement at all." ***Commonwealth v. Dowling,*** 778 A.2d 683, 686–87 (Pa. Super. 2001). "Even if the trial court correctly guesses the issues [a]ppellants raise on appeal and writes an opinion pursuant to that supposition the issues [are] still waived." ***Commonwealth v. Heggins,*** 809 A.2d 908, 911 (Pa. Super. 2002).

If a 1925 (b) statement is too outrageous, we have dismissed the appeal without addressing any of the issues raised. ***Kanter v. Epstein***, 866 A.2d 394 (Pa. Super. 2004) *appeal denied* 880 A.2d 1239 (Pa. 2005). ***Kanter*** involved a straightforward breach of contract action, where the two defendants inexplicably raised some 104 issues with multiple sub-issues in their 1925(b) statements. ***Id.*** at 401. The trial court was troubled by the number of issues raised and felt that, in addition to the Rules of Appellate

Procedure, the appellants also breached the duty of dealing in good faith with the court. ***Id.*** at 402. This Court agreed. "We can only conclude that the motive underlying such conduct [was] to overwhelm the court system to such an extent that the courts [were] forced to throw up their proverbial hands in frustration." ***Id.*** Rather than succumb to such tactics and chicanery, we quashed the appeal. ***Id.*** at 402-03.

We were faced with a similar voluminous 1925(b) statement in ***Tucker v. R.M. Tours,*** 939 A.2d 343 (Pa. Super. 2007), *aff'd,* 977 A.2d 1170 (Pa. 2009).[14] There, we also concluded the appellants had engaged in misconduct by filing a 1925(b) statement with the intent to overwhelm the courts. As we stated: "Our law makes it clear that Pa.R.A.P. 1925(b) is not satisfied by filing any statement. Rather, the statement must be 'concise' and coherent as to permit the trial court to understand the specific issues being raised on appeal." ***Id.*** at 346.

> Specifically, this court has held that when appellants raise an "outrageous" number of issues in their 1925(b) statement, the appellants have "deliberately circumvented the meaning and purpose of Rule 1925(b)" and [have] thereby effectively precluded appellate review of the issues [they] now seek to raise." We have further noted that such "voluminous" statements do not identify the issues that appellants actually intend to raise on appeal because the briefing limitations contained in Pa.R.A.P. 2116(a) makes the raising of so many issues impossible. "Further, this

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[14] In ***Tucker***, the appellant's first 1925(b) statement was 16 pages with 76 paragraphs plus exhibits. ***Tucker***, 939 A.2d at 345. After the trial court allowed him to revise it, appellant's second 1925(b) statement was 8 pages with 34 paragraphs plus exhibits. ***Id.*** Here, Vurimindi's statement was 53 pages with 132 paragraphs.

> type of extravagant 1925(b) statement makes it all but impossible for the trial court to provide a comprehensive analysis of the issues."

Tucker, 939 A.2d at 346 (citations omitted).

We recognize that not all lengthy 1925 (b) statements require dismissal of the appeal. For example in ***Eiser v. Brown & Williamson Tobacco Corp.,*** 595 Pa. 366, 938 A.2d 417 (2007) (plurality), the Pennsylvania Supreme Court concluded that the facts did not warrant a finding of waiver. Although they raised numerous issues for review, the court observed that appellants had filed "a complicated multi-count lawsuit with numerous defendants resulting in many trial court rulings." ***Id.*** at 427. The trial court in ***Eiser*** did not find that the appellants acted "in bad faith, intending to deliberately circumvent the meaning and purpose of Rule 1925(b)." ***Id.*** Rather, the trial court found counsel for appellants "took his marching orders from the case law requiring that all issues not raised are waived. Given the timeframe in which he had to file his Rule 1925(b) statement and the number of rulings made both before and during trial, it seems eminently reasonable, and certainly not outrageous, that counsel included a large number of issues...." ***Id.***

In sum, the ***Eiser*** court held:

> the number of issues raised in a Rule 1925(b) statement does not, without more, provide a basis upon which to deny appellate review where an appeal otherwise complies with the mandates of appellate practice. In a rare case, like ***Kanter,*** where a trial court concludes there was an attempt to thwart the appellate process

> by including an exceptionally large number of issues in a rule 1925(b) statement, waiver may result.

Id. at 427–428 (footnote omitted).

The good faith inquiry our Supreme Court suggested in ***Eiser*** requires lower courts to consider whether the circumstances of the lawsuit at issue suggest that a lack of good faith is involved. "Only then should a litigant suffer the loss of appellate review due to the volume of issues raised." ***Eiser,*** 938 A.2d at 427 n. 16.

Shortly after the ***Eiser*** decision, this Court again concluded waiver was proper in ***Jiricko v. Geico Ins. Co.,*** 947 A.2d 206 (Pa. Super. 2008). In ***Jiricko***, we noted that while Appellant's **five-page** 1925(b) statement could certainly be characterized as "lengthy," the crux of the problem was that the statement was "an incoherent, confusing, redundant, defamatory rant accusing opposing counsel and the trial court judge of conspiring to deprive [a]ppellant of his constitutional rights." ***Jiricko,*** 947 A.2d at 213. We concluded that there was no legitimate appellate issue presented in the appellant's 1925(b) statement. ***Id.***

Moreover, after reviewing the record and the trial court opinion, we concluded that the appellant's statement was but another example of his breach of his duty of good faith and fair dealing with the court system. ***Id.*** Despite a court-ordered stay of proceedings, the appellant continued to file pleadings and overwhelmed the trial court to the point where appellant was found to be in contempt. ***Id.*** It was clear that the appellant's entire tactic

was to overwhelm and punish the opposing parties, as well as the judicial system. ***Id.*** at 213-14.

We stressed that ***Jiricko*** was not the type of case where an appellant was raising numerous issues in a complicated case in good faith. ***Id.*** at 214. Rather, the appellant's statement revealed a deliberate attempt to circumvent the meaning and purpose of Rule 1925(b) and to overwhelm the court system to such an extent the courts were "forced to throw up their proverbial hands in frustration." ***Id.*** Therefore, we concluded waiver was the appropriate remedy. ***Id.***

Applying this line of precedents to the facts of this case, we note that the trial court found Vurimindi's filing of a **53-page** 1925 (b) statement, followed by an additional 8 issues, was done in bad faith. T.C.O., 9/19/17, at 14-15. As the trial court noted, it warned Vurimindi about filing too many issues on appeal, specifically telling him that such actions could result in the entire appeal being thrown out, and gave him a second opportunity to comply with Rule 1925(b).[15] ***Id.*** Instead of being more concise, Vurimindi added 8 more issues to his already voluminous list of alleged errors.

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[15] Vurimindi filed his 1925(b) statement with his Notice of Appeal, before he was ordered by the Court to do so. Thus, the trial court gave him an opportunity to file an amended statement. We note that this Court previously held that a trial court does not have discretion to allow a litigant to file a second 1925(b) statement. ***Tucker***, 939 A.2d at 347. However, in ***Tucker***, the first statement filed was pursuant to a court order. Here, Vurimindi's first statement was not ordered by the Court, but was voluntarily provided.

Moreover, after he filed a 300-page brief with this Court, we struck the brief and gave Vurimindi a second opportunity to file a new brief that conformed with Chapter 21 of the Rules of Appellate Procedure, including Pa.R.A.P. 2135(a)(1) (providing that a principal brief shall not exceed 14,000 words). Although much shorter, the second brief still contained too many issues for us to possibly address them all. As the Commonwealth observed, Vurimindi faces deportation as a result of his convictions in this matter and therefore seeks to delay the finality of this proceeding for as long as possible.[16] Commonwealth Brief, at 18. The Commonwealth argues that Vurimindi has waived all of his issues for failure to litigate in good faith, comply with the Rules of Appellate Procedure, or develop any genuine argument. ***Id.*** at 12.

In his Reply Brief, Vurimindi claimed that he did not act in bad faith. He cites to numerous cases where the appellate courts found an appellant did not comply with the Rules of Appellate Procedure, but declined to quash the

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Additionally, based on our disposition of this case, Vurimindi will not realize any advantage from the filing of a second statement.

[16] Vurimindi admits he is facing deportation, but that the order is stayed pending resolution of this appeal. Reply Brief at 7. We have never recognized deportation as a legitimate reason for allowing unitary review of issues more appropriately raised on collateral review, and we decline to do so on the facts of this case. ***See Commonwealth v. Holmes***, 79 A.3d 562, 576 (Pa. 2013) (reaffirming ***Commonwealth v. Grant*** and holding, absent certain circumstances, claims of ineffective assistance of counsel are to be deferred to PCRA review).

appeal. Reply Brief at 10-11, 23-24. All of the cases he cited, however, are readily distinguishable from this one.[17] Significantly, all of these cases involved a small fraction of the number of issues Vurimindi tried to raise in this appeal. ***See e.g. Rock v. Rangos***, 61 A.3d 239, 249 (Pa. Super. 2013) (finding no waiver when appellant discussed his ***four*** appellate issues in seven parts of his brief instead of four parts and the court's review of the ***four*** issues was not substantially impeded); ***Commonwealth. v. Hennigan***, 860 A.2d 159, 160 (Pa. Super. 2004) (allowing review of the merits when the appellant's brief did not comply with Rule 2111, but the court was able to deduce appellant's ***one*** issue on appeal); ***Commonwealth v. duPont,*** 860 A.2d 525, 539 (Pa. Super. 2004) (addressing only the ***three*** points raised in appellant's statement of questions and finding waiver for all other questions under Rule 2116 (a)); ***Commonwealth v. Hetzel***, 822 A.2d 747, 760 (Pa.

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[17] One of the cases Vurimindi relies on is inapposite because it involved a family fast track appeal. ***P.H.D. v. R.R.D.,*** 56 A.3d 702, 705 (Pa. Super. 2012) (recognizing that failure to file 1925(a)(2)(i) statement contemporaneous with a notice of appeal in a family fast track case does not divest the court of jurisdiction under Rule 905(a)(2), and finding dismissal was not appropriate when there was substantial compliance and no prejudice to opposing party). Another found no substantial defect in the brief. ***Moore v. Miller***, 910 A.2d 704, 710 (Pa. Super. 2006) (concluding that neither the absence of a reproduced record nor the condition of appellant's brief hindered our ability to conduct a proper review of the claims raised on appeal). Another addressed the ***six*** issues on appeal because the trial court was able to write an opinion that generally addressed the 36 issues in his 1925(b) statement. ***Boehm V. Riversource Life Ins. Co.,*** 117 A.3d 308, 319 n.3. (Pa. Super. 2015).

Super. 2003) (addressing all ***eight*** of appellant's claims, even though they were 51 lines and two pages in length, which exceeded 15 lines and one page allowed under former Rule 2116 for the statement of questions involved);[18] ***Commonwealth v. Stradley***, 50 A.3d 769, 771, n.2 (Pa. Super. 2012) (reviewing appellant's ***two*** issues even though appellant failed to list them in a separate section called "statement of questions involved" as required by Rule 2116); ***In re Ullman,*** 995 A.2d 1207, 1211–12 (Pa. Super. 2010) (recognizing and addressing appellant's ***one*** cognizable claim from his brief, despite utter lack of compliance with the Rules of Appellate Procedure); ***Barrick v. Holy Spirit Hosp. of the Sisters of Christian Charity,*** 32 A.3d 800, 804 n.6 (Pa. Super. 2011), *aff'd sub nom.* 91 A.3d 680 (Pa. 2014) (reviewing appellants' ***one*** issue even though appellants failed to include a

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[18] Rule 2116 was amended in 2013 to remove the page limit for the statement of questions involved and now uses a word limit instead. As the Note to this Rule provides:

> The word count does, however, include the statement of questions, and a party should draft the statement of questions involved accordingly, with sufficient specificity to enable the reviewing court to readily identify the issues to be resolved while incorporating only those details that are relevant to disposition of the issues. Although the page limit on the statement of questions involved was eliminated in 2013, verbosity continues to be discouraged. The appellate courts strongly disfavor a statement that is not concise.

Pa.R.A.P. 2116, Note.

statement of issues involved in accordance with Rule 2116(a) in their substituted brief *en banc*; noting that the required statement was included in the original brief to the merits panel); ***Commonwealth v. McEachin***, 537 A.2d 883, 885 n.1 (Pa. Super. 1988) (addressing appellant's ***five*** issues, despite his brief being 96 pages in violation of former Rule 2135,[19] but noting it is within this Court's discretion to quash appeals when defects in the brief are substantial); ***Maya v. Johnson and Johnson***, 97 A.3d 1203, 1211 n.4 (declining to find waiver when an appellant filed an 11-page 1925(b) statement with 23 paragraphs, and later reduced the number of issues in its

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[19] Former Rule 2135 limited an appellate brief to 50 pages. It was changed in 2013 to limit the number of words in the principal brief to 14,000 and in the reply brief to 7,000. If a principal brief exceeds 30 pages, or a reply brief exceeds 15 pages, the brief must contain a certificate of compliance with this Rule. Vurimindi's principal and reply brief grossly exceed the 30 and 15 page limits in this Rule; Vurimindi filed no certificate of compliance, but rather, admitted his brief exceeded the word limits, and requested in his non-conforming brief, permission to exceed the limits. This shows he knew about the rule, but deliberately did not follow it, and did not seek prior approval of this Court to file a brief that exceeded the word limits of the Rule.

Pro se litigants, too, are obliged to provide a certification for a primary brief that exceeds thirty pages. *See* Pa.R.A.P. 2135(d) ("[T]he attorney ***or the unrepresented filing party*** shall include a certification that the brief complies with the word count limits." (emphasis added)). Rule 2101 underscores the seriousness with which we take deviations from our rules of procedure. "Briefs ... shall conform in all material respects with the requirements of these rules as nearly as the circumstances of the particular case will admit, otherwise they may be suppressed, and, if the defects are in the brief ... of the appellant and are substantial, the appeal or other matter may be quashed or dismissed." Pa.R.A.P. 2101; ***Commonwealth v. Spuck***, 86 A.3d 870, 873–74 (Pa. Super. 2014). Thus, we could dismiss Vurimindi's appeal for his lengthy brief alone.

brief on appeal); ***Coleman v. Ogden Newspapers, Inc.*** 142 A.3d 898 (refusing to find waiver despite a 16-page 1925(b) statement, when the statement included 15 pages of facts, argument, case-law and deposition excerpts but actually alleged only ***two*** errors on appeal); ***City of Coatesville v. Jarvis,*** 902 A.2d 1249, 1251 (Pa. Super. 2006) (declining to find waiver despite the appellant's nine-page, 36-paragraph 1925(b) statement, which failed to clearly identify the precise issues complained of on appeal, because trial court addressed the ***two*** issues it believed appellant tried to raise).

None of the cases Vurimindi relies on involved more than 8-10 issues, at most, compared to the preposterous number of issues Vurimindi wants us to address. Although the number of issues, by itself is not dispositive, when compared to the complexity of the case and the length of the trial, we cannot find that this case, involving a one-day bench trial, warrants the number of errors alleged by Vurimindi.

Vurimindi attributes his failures to follow the Rules on his "lack of legal experience" rather than bad faith. Reply Brief at 14. We disagree. As the trial court observed, "[Vurimindi] cannot plead ignorance. He is a well-educated individual [with] a master's degree." T.C.O., 9/19/17, at 15. "It is obvious that [Vurimindi] understands the law, and therefore, knows he is not following the law." ***Id.***

Vurimindi deliberately raised issues he knew he could not raise in this appeal. He raised numerous claims of ineffective assistance of counsel,

despite being specifically told not to file these claims in his direct appeal. ***Id.*** As we found in ***Kanter,*** appellants "engage in misconduct when they attempt to overwhelm the trial court by filing a Rule 1925(b) statement ... that contains a multitude of issues that they . . . ***cannot raise before this Court.***" ***Kanter,*** 866 A.2d at 402 (emphasis added).

Vurimindi's 1925 (b) statement of 53 pages was more than 10 times the length of the five-page statement in ***Jiricko.*** It was not just lengthy, but as in ***Jiricko,*** the crux of the problem was that the statement was "an incoherent, confusing, redundant, defamatory rant accusing opposing counsel and the trial court judge of conspiring to deprive Appellant of his constitutional rights." ***Jiricko***, 947 A.2d at 213. Vurimindi's defamatory rant against everything and everyone involved in this case shows complete defiance toward the purpose of appellate review.

Our review of the record and the trial court opinion leads us to conclude that Vurimindi's voluminous 1925(b) statement and his 140-page brief are but additional examples of his breach of his duty of good faith and fair dealing with the court system.

Finally, it appears that Vurimindi wants us to grant him yet another chance to file a brief that complies with the Rules. He cites our decision in ***Commonwealth v. Hill***, 632 A.2d 928, 929–30 (Pa. Super. 1993), where we struck the *pro se* appellant's non-conforming brief and gave him thirty days to file a new, conforming brief. In that case, when we struck the first

brief, we cautioned the appellant to observe the Rules of Appellate Procedure, especially Rules 2101, 2111, 2114-2133 which govern briefs and the citations to the record, and we warned him that if he failed to file such a brief, we would quash his appeal under Rule 2101.

Vurimindi fails to recognize that we already struck his first non-conforming brief and gave him a second opportunity to file a conforming brief. We also cautioned him to follow the rules. However, his second brief still does not comply with Chapter 21 of the Rules of Appellate Procedure. We cannot continue to give him multiple chances to follow the rules.[20]

In short, Vurimindi chose to represent himself in this matter. He chose to risk filing voluminous documents and addressing inappropriate issues despite being warned multiple times against such actions. He chose not to use the assistance of counsel in preparing the documents on this appeal, i.e. his 1925(b) statements, his appellate briefs, and his numerous so-called "emergency" applications for relief. He cannot now complain about the result or ask for another chance to have new counsel appointed at this late stage to file a third brief. ***See*** Reply Brief at 27-28.

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[20] Because Vurimindi chose to proceed without counsel, his reliance on ***Commonwealth v. Ely,*** 554 A.2d 118, 119 (Pa. Super. 1989) is misplaced. There, we remanded for appointment of new counsel to file another brief when original counsel filed a brief that substantially did not comply with the Rules of Appellate Procedure. And, as noted, we gave him a second chance to follow the Rules.

This is not a complex case where a lengthy list of issues is warranted in good faith. This is a case where an appellant deliberately chose to overwhelm the court system. Instead of focusing on a few key issues and filing an appropriate 1925(b) statement with a brief that complied with Chapter 21, Vurimindi raised a multitude of issues, too numerous and too remote for us to address them all. A criminal defendant is entitled to a fair trial, not a perfect one. ***Delaware v. Van Arsdall***, 475 U.S. 673, 681 (1986); ***Commonwealth v. Wright***, 961 A.2d 119 (Pa. 2008). By ignoring the Rules, and claiming errors at every turn, Vurimindi has thwarted appellate review. As such, we conclude that the only appropriate remedy is waiver of all issues.

Appeal dismissed. Vurimindi's outstanding Application for Reconsideration of Order and Application for Clarification denied.

Judgment Entered.

Joseph D. Seletyn, Esq.
Prothonotary

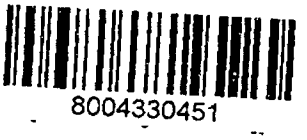
Date: 12/14/18

APPENDIX-B

IN THE COURT OF COMMON PLEAS
FOR THE COUNTY OF PHILADELPHIA
CRIMINAL TRIAL DIVISION

COMMONWEALTH OF PENNSYLVANIA	:	NO.: CP-51-CR-0008022-2012
v.	:	Superior Court No.: 2140 EDA 2017
VAMSIDHAR VURIMINDI	:	

OPINION



ANHALT, J.

Appellant in the above-captioned matter appeals this Court's judgment regarding his conviction for two counts of Stalking, 18 Pa.C.S.A. § 2709.1(a)(1) and one count of Disorderly Conduct, 18 Pa.C.S.A. § 5503(a)(4). The Court submits the following Opinion in accordance with the requirements of Pa.R.A.P. 1925(a). For the reasons set forth herein, the Court holds that the judgment of conviction should be affirmed.

PROCEDURAL HISTORY

On February 4, 2012, police arrested and charged, Appellant, Vamsidhar Vurimindi with numerous offenses stemming from incidents that occurred from 2009 to 2012. After a waiver trial on February 7, 2014, this Court found Appellant guilty of two counts of Stalking (M1) and one count of disorderly conduct (M3). On April 25, 2014, this Court sentenced Appellant to an aggregate term of 2 ½ to 5 years of incarceration. On May 1, 2014, Appellant filed a motion for reconsideration of sentence.[1] On that same date, Petitioner filed a *pro se* Petition under the Post-

[1] Appellant filed this motion *pro se* and titled it "Motion to Modify Sentence and Reconsider Guilty Verdict." This filing was docketed as a "pro se correspondence" instead of a motion to reconsider, and thus, not denied by operation of law after 120 days.

Conviction Relief Act ("PCRA"). On January 27, 2016, David S. Rudenstein, Esquire entered his appearance on behalf of Appellant. On May 7, 2016, Mr. Rudenstein filed an Amended PCRA Petition. Appellant then filed numerous motions to remove Mr. Rudenstein. On December 1, 2016, this Court held a *Grazier* hearing and subsequently allowed Appellant to proceed *pro se* for purposes of his PCRA. On February 16, 2017, Appellant filed a supplemental PCRA.

On June 27, 2017, Appellant's post-sentence motions were denied by operation of law. On that same date, this Court reinstated Appellant's direct appeal rights. On July 25, 2017, Appellant, *pro se*, filed a Statement of Errors Complained of on Appeal. On August 29, 2017, this Court held a *Grazier* hearing to which Appellant decided, and this Court allowed, Appellant to proceed *pro se*. On August 29, 2017, this Court ordered Appellant pursuant to Pa. R.A.P. 1925(b) to file with the Court a Concise Statement of Matters Complained of on Appeal. On September 6, 2017, Appellant filed a Supplemental Statement of Errors.

In Appellant's concise statement of errors complained on appeal, Appellant lists 132 issues with hundreds of sub-issues, totaling 282 issues that span over 53 pages. As if that wasn't enough, Appellant added another 8 issues in his Supplemental Concise Statement of Errors Complained on Appeal. Since it is this Court's position that Appellant submits such an issue statement in bad faith to circumvent the court system, his issues should be waived and his appeal quashed.[2]

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[2] However, this Court will attempt to analyze Appellant's issues if the higher court requests. Issues 102, 103, 104, 105, 106 and 115 are somewhat recognizable issues, however, these issues are not concise, are almost entirely frivolous and are difficult to address. This Court understands that the absence of a trial court opinion poses a substantial impediment to meaningful and effective appellate review. *See Commonwealth v. Lord*, 719 A.2d 306, 308 (Pa. 1998). However, "[w]hen the trial court has to guess what issues an appellant is appealing, that is not enough for meaningful review." *Commonwealth v. Dowling*, 778 A.2d 683, 686 (Pa. Super. 2001). When an appellant fails adequately to identify in a concise manner the issues sought to be pursued on

FACTUAL HISTORY

Dr. Allison Borowski moved to Philadelphia in 2009. Notes of Testimony (N.T.) 2/7/14 at 6. She met Appellant, who lived down the hall with his wife, within the first few days of her living in the building. *Id.* at 6-7. In December of 2009, Dr. Borowski had to go to New York unexpectedly. *Id.* at 7. She had a pet rabbit so she asked Appellant and his wife to feed him overnight. *Id.* When she came back, she noticed some of her towels had been folded. *Id.* She thought it was strange, but did nothing about it. *Id.* In January of 2010, she received an email from Appellant via Facebook which stated that, "she was a good neighbor." *Id.* One day in February of 2010, Dr. Borowski opened her door on her way out to work to see flowers and two cards sitting in front of her door. *Id.* at 10. The cards said, "To Allison, I left the flowers outside of your door. Vamsidhar" and, "God already knows how often I think of you. I just wanted you to know, too." *Id.*

At that point, she emailed Appellant through Facebook thanking him, but telling him they were not necessary. *Id.* at 10-11. Appellant replied through Facebook saying that he had a dream about her:

> Thank you for the message. I always think about you and Bruce[3]. Because you are a wonderful woman and Bruce is a cute little furball. Last night I dreamed about you, and in the dream I am placing my favorite flowers in front of your door. Then I suddenly woke up at 2:00 a.m. drove to a 24 [hour] Walmart in New Jersey to get the Gerber Daisies. Apparently this is not Gerber Daisy season. I came back from Deptford, NJ at about 3:30, so without disturbing you I left a note for you. I owe you more goodies because you tolerate my loud ranting. I am hoping I will stop my ranting once I get over the culture shock from being involved in business activities in the U.S.

Id. at 11-12.

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appeal, the trial court is impeded in its preparation of a legal analysis which is pertinent to those issues. *Id.* at 686-687.

[3] "Bruce" is Dr. Borowski's pet rabbit.

At this point Dr. Borowski became scared and panicked. *Id.* Dr. Borowski remembered she had given a key to Appellant at one time so she immediately changed her locks. *Id.* Appellant then started knocking on her door, but she would never answer. *Id.* Appellant's knocking occurred a few times per week. *Id.* at 18. Appellant would email her and slip notes under her door. *Id.* at 16. Appellant then texted her saying there was a package outside her door addressed to Bruce. *Id.* The package contained rabbit treats as well as two more cards. *Id.* She emailed him and told him that these gifts were making her uncomfortable and asked him to please stop. *Id.* at 19. Appellant apologized for making her feel uncomfortable and told her that he would stop. *Id.*

Appellant did not stop. *Id.* at 20. Appellant continued knocking, slipping papers under her door and asking her to go out to dinner and drinks. *Id.* Then, in May of 2010, Appellant left her more flowers, which she subsequently returned. *Id.* at 21. Appellant then slipped a handwritten note under her door. *Id.* at 21-22. The note stated:

> Allison, I have been trying to communicate with you about my feelings towards you. Due to various reasons, I have been hesitating to have a conversation about this. I like you and value you very much. If you are free sometimes during this weekend or whenever is convenient to you, I would like to hang out with you. For some reason if you don't like my advances, you can ignore my letter and please don't escalate this matter. I will assume that no response from you is an indication that you are not interested. If you want to get in touch with me, please text me at [sic] number.

Id. at 23-24.

After this letter, she contacted the police to ask for advice to address this situation. *Id.* at 25. Police advised her to go to Municipal Court to file a complaint, which she then did. *Id.* Dr. Borowski then emailed Appellant, notifying him that she contacted the police and that his behavior must stop. *Id.* at 25-26. Despite her numerous attempts to stop him from contacting her, Appellant replied to her email. *Id.* at 26. Appellant continued to knock and continued to slip

notes under her door. *Id.* at 27. After August of 2010, she started to become close with Ms. Rajani Pattinson, the other neighbor on the floor. *Id.* After a conversation with Ms. Pattinson, Dr. Borowski went back down to Municipal Court and told them that Appellant has not stopped. *Id.* Municipal Court advised her to send a certified letter to Appellant. *Id.* Dr. Borowski subsequently sent a certified letter notifying him to cease all conversation. *Id.* at 29. She then woke up to Appellant knocking on her door. *Id.* She looked through her peephole to see Appellant standing there with his hands in a praying motion. *Id.* Dr. Borowski yelled at him to go away and he then started screaming at the top of his lungs, "we have to talk about this. You mean so much to me. We have to work through this." *Id.* at 29-30.

Dr. Borowski then called the police and officers came and talked to her. *Id.* at 30. When the police left, she heard a door fling open and Appellant went to her door screaming, "you New York prostitute. How could you do this?" *Id.* Dr. Borowski then called the police again. She testified:

> I was scared with his behavior. I'm not a New York prostitute. I don't know what he's talking about. I stayed with a friend that night, I had my parents come down. They stayed with me for about a week. I bought mace. I had an alarm system installed with a panic button that was sensitive to the elevator in case he had come out at me, I could push panic and it would go directly to the police. My mother escorted me to and from work every day. They looked into getting me a bodyguard.

Id. at 31. Appellant then slipped another note under her door. *Id.* at 31. Dr. Borowski and Appellant then went to arbitration in October of 2010 regarding the issuance of stay away orders. *Id.* at 32-33.

The next week, copies of the front page of a lawsuit with Dr. Borowski's name Appellant filed circulated around the apartment building asking for information in reference to harassment of him. *Id.* at 33. Dr. Borowski explained that the time from December to March of 2011 was especially scary. *Id.* She and Ms. Pattinson noticed that Appellant installed a camera in his

peephole. *Id.* One evening, Dr. Borowski had a Christmas party and Appellant just sat in his doorway glaring at her guests. *Id.* at 35. Appellant was meowing, barking and yelling, "you whore." *Id.* at 35. Shortly after, Dr. Borowski noticed naked pictures of women who looked like her posted on Appellant's door. *Id.* at 36. She stated that:

> [Appellant] would yell "I'm going to get you." He stood in the hallway and yelled "First I had Allison, now I have you. You two look out for each other. Now I have you both." He yelled "Wait until Adam goes to Iraq, he's your protector." Adam is a man who lived in our building. He was in the Air Force and I was very good friends with him. These are the threatening things he was yelling. I'm going to get you. I was terrified. I had men that I was friends with at work walk me home and make sure I would get into my apartment. I would not leave the apartment until the next day.

Id. at 36.

She provided more examples of instances when Appellant frightened her. *Id.* at 36. He once yelled "how much do you want to suck my dick?" *Id.* On one occasion, there was a SEPTA tokens sign on his door, he opened his door and told her, "the SEPTA tokens are here for the blow job" and gestured to his crotch. *Id.* at 37. Appellant often stood in the hallway barking, meowing and screaming. *Id.* at 38. In March 2011, they went back to arbitration and were issued enforceable stay away orders. *Id.* at 38-39. Appellant proceeded to use the court system to harass his victims by filing frivolous lawsuits.

Appellant did not have direct contact for a few months following the second stay away order. *Id.* at 40. He sued her, her father, her sister, other people in the building, Starbucks, Charley's Pub and the City and County of Philadelphia. *Id.* In January or February of 2012, there was one instance where Dr. Borowski was walking into her building's elevator and saw Appellant exit and he said, "fuck you," a violation of the order. *Id.* at 41. Dr. Borowski then called the police, and they came and arrested Appellant. *Id.* The police told her that they would not be able to keep him for more than 24 hours. *Id.* at 42. She was terrified that when he came

back he was going to kill her. *Id.* However, he never came back to the building. *Id.* In March or April of 2013, Dr. Borowski received an email from Appellant inviting her to tweet with him. *Id.* at 43. Appellant also served her with another lawsuit at work. *Id.* Dr. Borowski finished her residency at Thomas Jefferson University Hospital in June of 2013 and she then began a fellowship at another hospital in a different state. *Id.* At the end of June, Appellant looked at her LinkedIn account.[4] *Id.* She was scared that he was trying to find her again. *Id.*

Anthony Vizzachero, the maintenance worker for the building testified that he had escorted Dr. Borowski and Ms. Pattinson down through the apartment because they were scared. *Id.* at 50-51. While Anthony escorted them, Appellant called Dr. Borowski and Ms. Pattinson sluts along with other names. *Id.* at 52. At one point, Appellant asked Anthony if he ever dated either of them. *Id.* at 53. He stated that he saw on Appellant's door, Dr. Borowski's face on naked pictures of women. *Id.* at 56-57.

Nick Palmer lived in the same building as Appellant. *Id.* at 58. He did not really know Dr. Borowski and Ms. Pattinson until Appellant included him a civil suit that Appellant filed against all of them. *Id.* One day, Appellant left a note outside his door asking for a favor. *Id.* at 60. The next day, Mr. Palmer was on his way to work when he encountered Appellant on the elevator. *Id.* Appellant asked if Mr. Palmer was spying on him and telling Dr. Borowski what he saw. *Id.* He informed Appellant that he was not. *Id.* Appellant then asked if he was "fucking her." *Id.*

Ms. Pattinson, the other complaining witness, testified. *Id.* She lived on the same floor as Dr. Borowski and Appellant. *Id.* at 61. She moved to the same building around August of 2009. *Id.* In the spring of 2010, Appellant asked her if she knew anything about the girl that moved in

[4] LinkedIn allows users to see who has viewed their profile.

across the hall, Dr. Borowski. *Id.* at 62. Appellant told Ms. Pattinson that Dr. Borowski had installed Spyware on his computer and is selling his secrets to Starbucks. *Id.* Ms. Pattinson then received text messages from him that she believed were meant for his wife. *Id.* at 64. The messages were apologizing to his wife for having naughty thoughts about the women in the building. *Id.* Appellant then asked her to dinner a few times but she told him "no thank you." *Id.* at 63-64. Appellant then left her a box of incense as a gift. *Id.* at 64. A few months later, Ms. Pattinson then received a string of text messages, again, meant for his wife. *Id.* In these messages, Appellant accused his wife of hiring another girl that would bad talk him. *Id.* The messages also stated that if she really wanted to help him she would get "AB" to marry him. *Id.* She assumed that "AB" meant Allison Borowski since they were her initials. *Id.* About one month later, Ms. Pattinson emailed Dr. Borowski to tell her about Appellant's text messages and almost immediately, Ms. Pattinson received text messages from Appellant saying how sorry he was for those texts.[5] *Id.* at 64-65. Then, Appellant left a note under Ms. Pattinson's door, and he approached her about the note. *Id.* Appellant said that he thought she was a good person and asked for her help in becoming a normal person. *Id.* at 66. Ms. Pattinson did not want to help. *Id.*

Appellant then sent Ms. Pattinson a message on Facebook stating that he had pictures of her dog posted on his profile. *Id.* at 66-67. She sent him an email asking him to take those pictures down. *Id.* at 67. She then received an email from Appellant and a hardcopy of that same email under her door which asked for help finding out who was harassing him. *Id.* at 67. For the next month, Appellant kept texting and asking her when would be a good time for him to come over. *Id.* at 68. She would either not reply or tell him that she is busy. *Id.* Appellant would leave

[5] Ms. Pattinson stated that at that point, she believed that Appellant had access to Dr. Borowski's email.

notes under her door saying that he looked under her door to see if she was home, her lights were on, and that he will come by tomorrow at 8:00. *Id.* He left notes about two or three times per week. *Id.* She told him not to contact her anymore. *Id.* at 69.

Ms. Pattinson then noticed that Appellant had a camera installed in his peephole and a camera in the hallway, turned toward their doors. *Id.* He sent her another email about wanting help and information about something. *Id.* She replied that she had no information. *Id.* at 70. He stated that he actually did not want information but that he just wanted to socialize. *Id.* She did not respond. *Id.* Appellant then texted her one morning, inviting himself over to her place. *Id.* at 70-71. She told him it was inappropriate and asked him to stop harassing her. *Id.* at 71. In the fall of 2010, Appellant would go outside of her door and start to sing. *Id.* at 71. Appellant also barked, meowed and cursed at her while outside her door. *Id.* at 71. Appellant yelled things like, I'm going to get you, and would run his fingers under her door. *Id.* at 71-72. She would hear him growling and laughing while he ran his fingers under her door. *Id.* at 72. At this point in time, Ms. Pattinson began calling the police. *Id.* Appellant would often keep his door open and put a chair in the doorway and sit and wait for her so that he could whistle at her, laugh and tell her to come here. *Id.*

Appellant would wake Ms. Pattinson up at all hours of the night standing outside her door yelling. *Id.* Sometimes when he heard her door he would run to his door, throw it open and make a charging motion in her direction. *Id.* at 73. Once the courts became involved, and he was not supposed to talk to her anymore, he started knocking on her door asking for Stanley, her dog. *Id.* She sent him a certified letter requesting Appellant to not contact her again. *Id.* at 74. Appellant then went to her door, screaming and yelling more. *Id.* He then would constantly try to make her dog bark by making scratching noises by her door. *Id.* On one occasion, Appellant stood outside

her door yelling at her again. *Id.* at 75. He was asking for the dog, and when she opened the door, he was still standing there. *Id.* Ms. Pattinson believed that Appellant was trying to enter her apartment, so she maced him. *Id.* The police came, she packed up a bag and she left. *Id.* Ms. Pattinson never spent another night in that house. *Id.* She had to put it up for sale. *Id.* Ms. Pattinson explained:

> I could not live there anymore. I was not sleeping. It was not safe. I would be walking home from work and the closer I got to the house, I would be so stressed out physically, just a wreck. I didn't want to be there anymore. I couldn't be there. I was scared. Every time the police came they said there was nothing they could do until something physical happened. I can't wait for someone to try and harm me. I have to protect myself. So I put my home up for sale.

Id. at 75-76. Appellant continued to text her, and he emailed her asking for her new address. *Id.* at 75. He found her new address so she was forced to move again. *Id.* at 76.

Appellant testified that he moved into the condo on 313 Arch Street in January of 2007. *Id.* at 94. He stated that he never barked or meowed in the hallway. *Id.* He never banged on either Dr. Borowski's or Ms. Pattinson's doors. *Id.* He stated that Ms. Pattinson had been in his apartment more than 7 or 8 times and Dr. Borowski at least 10 times. *Id.* There was a stipulation by and between counsel that Appellant is peaceful, law-abiding and honest. *Id.* at 97. The Commonwealth then called Nicole Spadea, an employee of LDR Property Group, the property management company for the building. *Id.* at 98. She testified that she spoke with her boss, various tenants in the building and anyone who had contact with Appellant that she knew. *Id.* She stated that he does not have an honest and law-abiding reputation. *Id.* This Court found Appellant guilty.

DISCUSSION

First and foremost, Appellant's *pro se* status does not relieve him of his duty to follow the Rules of Appellate Procedure. *Jiricko v. Geico Ins. Co.*, 947 A.2d 206, n.11 (Pa. Super. 2008). It

is immediately clear that Appellant has not followed the Rules of Appellate Procedure based on his lengthy, redundant, frivolous, defamatory statement of issues. This Court finds that Appellant breached his duty of good faith and fair dealing with the court. Therefore, it is this Court's position that Appellant's issues should be waived.

The Pennsylvania Rule of Appellate Procedure 2116(a), which provides in pertinent part:

> (a) General rule. The statement of the questions involved must state the question or questions in the briefest and most general terms, without names, dates, amounts or particulars of any kind. It should not ordinarily exceed 15 lines, must never exceed one page, and must always be on a separate page, without any other matter appearing thereon. This rule is to be considered in the highest degree mandatory, admitting of no exception; ordinarily no point will be considered which is not set forth in the statement of questions involved or suggested thereby.

Pa.R.A.P. 2116(a). The Rules of Appellant Procedure further explains that, "[the statement of errors] should not be redundant or provide lengthy explanations as to any error. Where non-redundant, non-frivolous issues are set forth in an appropriately concise manner, the number of errors raised will not alone be grounds for finding waiver." Pa.R.A.P.1925(b)(4)(iv).

The court in *Commonwealth v. Dowling*, 778 A.2d 683, 686-87 (Pa. Super. 2001) held that an issue not sufficiently specific provided in the statement of errors was considered waived for purposes of appellate review. The trial court in *Dowling* did not address one of the issues the appellant raised in his concise statement because the concise statement was not specific enough for the court to identify that issue. *Id.* at 687. The Superior Court determined that since the appellant's vague concise statement hampered appellate review, the issue the appellant wished to raise was now waived. *Id.* The *Dowling* court further explained that a concise statement that is too vague to allow the court to identify the issues raised on appeal is the functional equivalent of no concise statement at all. *Id.* Similarly the Superior Court in *Commonwealth v. Seibert*, 799 A.2d 54, 62 (Pa. Super. 2002) explained that since the appellant failed to identify the precise

statements at issue, it concluded that his issue statement was too vague to identify the precise issue for the trial court. Therefore, the *Seibert* court waived the issue for purposes of appellate review. The Superior Court in *Commonwealth v. Lemon*, 804 A.2d 34, 37 (Pa. 2002) went one step further and stated that, "[e]ven if the trial court correctly guesses the issues Appellant raises on appeal and writes an opinion pursuant to that supposition, the issue is still waived." The Court in *Lemon* cited that, "[w]hen an appellant fails adequately to identify in a concise manner the issues sought to be pursued on appeal, the trial court is impeded in its preparation of a legal analysis which is pertinent to those issues." *Id.*

In *Kanter v. Epstein*, 866 A.2d 394, 396 (Pa. Super. 2004)[6], the trial court ordered the Defendants, Specter Gadon and Rosen, P.C. ("SGR") and Epstein to file concise statements of issues to be raised on appeal. However, the Rule 1925(b) issue statements that the defendant's filed were anything but concise. *Id.* at 400-401. First, SGR's issue statement was 15 pages long and included 55 issues that they sought to raise on appeal. *Id.* at 401. Similarly, Epstein filed a 15-page issue statement that raised 49 issues. *Id.* In total, the parties identified 104 issues in their Rule 1925(b) statements. *Id.* The Superior Court in *Kanter* concluded that:

> The Defendants' failure to set forth the issues that they sought to raise on appeal in a concise manner impeded the trial court's ability to prepare an opinion addressing the issues that the Defendants sought to raise before this Court, thereby frustrating this Court's ability to engage in a meaningful and effective appellate review process. *See Commonwealth v. Steadley*, 748 A.2d 707, 709 (Pa. Super. 2000); *see also Commonwealth v. Kimble*, 756 A.2d 78, 80 (Pa. Super. 2000). By raising an outrageous number of issues, the Defendants have deliberately circumvented the meaning and purpose of Rule 1925(b) and have thereby effectively precluded appellate review of the issues they now seek to raise.

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[6] Since the Rules of Appellate Procedure apply to civil and criminal cases alike, the principles enunciated in civil cases construing those rules are equally applicable in criminal cases. *Id.* at 400.

Kanter, 866 A.2d at 401. *Kanter* concluded that the motive underlying such conduct was to overwhelm the court system to such an extent that, "the courts are forced to throw up their proverbial hands in frustration." *Id.* The court was reluctant to submit to the Defendants' deception and unwilling to award such misconduct by entertaining their issues. *Id.* The Superior Court in *Kanter* agreed with the trial court that the Defendants' conduct breached their duty of good faith and fair dealing with the court. *Id.* The Defendants pursued a course of conduct designed to undermine the Rules of Appellate Procedure and were in violation of Pennsylvania Rule of Appellate Procedure 2116(a). *Id.* Therefore, *Kanter* concluded that waiver was the appropriate remedy. *Id.*

The court in *Jiricko v. Geico Ins Co.*, 947 A.2d 206, n.11 (Pa. Super. 2008) found waiver proper in response to the content of the appellant's issue statement. The appellant in *Jiricko* filed a five-page statement. *Id.* at 213. The *Jiricko* court noted that the Superior Court may consider 5 pages as a "lengthy" statement. *Id.* However, the court found that the main issue was that the appellant's statement was an "incoherent, confusing, redundant, defamatory rant accusing [the opposing] attorney and the trial court judge of conspiring to deprive [him] of his constitutional rights." *Id.* The appellant in *Jiricko* continuously alleged that legal professionals were conspiring against him, including the trial judge. *Id.* at n.4. *Jiricko* concluded that the appellant's statement constituted a breach of his duty of good faith and fair dealing with the court system. *Id.* The court added that there is simply no legitimate appellate issue presented in his statement. *Id.* Therefore, the Superior Court in *Jiricko* found that waiver was proper. *Id.* at 214.

The Supreme Court in *Eiser v. Brown & Williamson Tobacco Corp.*, 938 A.2d 417, 421 (Pa. 2007) clarified when waiver is the appropriate remedy in response to an issue statement. *Eiser* explained that lower courts are required to undertake consideration of whether there is a

lack of good faith involved when reviewing an appellant's issue statement. *Id.* at n.16. Only then should a litigant suffer the loss of appellate review due to the volume of issues raised. *Id.* The appellants in *Eiser* submitted a 15-page, 24-issue statement of errors. *Id.* at n.2. The *Eiser* court ultimately determined that because the trial court did not find that the appellants acted in bad faith, there was no violation of the Rules of Appellate Procedure and thus, the appellants did not waive their right to appellate review. *Id.* at 421.

Although *Eiser* concluded that the appellants did not waive their right to appellate review, the court provided that waiver may result when a trial court concludes that there was an attempt to circumvent the appellate process by including an exceptionally large number of issues in a Rule 1925(b) statement. *Id.* at 421, 428. *Eiser* cites *Kanter*, noting that *Kanter* is a rare case where waiver is an appropriate result when the trial court concludes there was an attempt to thwart the appellate process by providing a lengthy issue statement. *Id.* at 427-428; *see Kanter*, 866 A.2d at 401. *Eiser* distinguished itself from the defendants' conduct in *Kanter*. *Eiser*, 938 A.2d at 427. Unlike *Kanter,* the trial court in *Eiser* did not find that the appellant acted in bad faith. *Id. Eiser* explained that the number of issues raised in a Rule 1925(b) statement does not, without more, provide a basis upon which to deny appellate review. *Id.* at 427-428.

Ultimately, this matter hinges on whether Appellant's conduct and intent lacked good faith in connection to his issue statement and supplement. As explained by the Supreme Court in *Eiser*, it is this Court's duty to consider whether there is a lack of good faith when reviewing Appellant's issue statement. Again, it is this Court's conclusion that Appellant acted with a lack of good faith in his preparation and presentation of his issue statement and supplement. It is clear to this Court that Appellant understands the law and still, knowingly attempts to circumvent the

court system. This Court warned Appellant before and during the *Gazier* hearing and again in its 1925(b) Order and attached letter. N.T. 7/27/17 at 5-7. This Court's 1925(b) order stated:

> Appellant . . . serve on the trial judge a concise statement of errors complained of on appeal pursuant to Rule 1925(b)(1) of the Pennsylvania Rules of Appellate Procedure. Failure to comply with this directive may be construed as a waiver of all objections to the order, ruling, or other matter complained of."

See 1925(b) order. This Court attached and filed a letter reiterating that, "[Appellant] file with the Court a **concise** statement of errors **within (30) days.** In response to this Court's directive and accompanying letter, Appellant, instead added another 8 issues in his supplement, which amounts to a grand total of 290 issues. In Appellant's supplement, he states that these issues were "adequately briefed to this court," and that "all errors complained on appeal, were raised in good faith, and without an iota of intent to overwhelm this court." With that, Appellant cannot plead ignorance. Appellant is a well-educated individual; he has a master's degree. N.T. 7/27/17 at 49. This Court explicitly warned Appellant at the hearing when the Court reinstated his appellate rights, stating, "[l]isten. If your [issue statement] is too convoluted to read, then the Superior Court is going to throw it out. And I'm not – I'm not going to be able to write an opinion." *Id.* at 6. This Court also informed Appellant to focus on the issues of the trial and that ineffectiveness of counsel claims are appropriate for PCRA review and not appellate review. *Id.* at 7. This Court warned Appellant three times. It is obvious that Appellant understands the law, and therefore, knows he is not following the law. This Court is convinced that Appellant acted in bad faith.

Appellant's actions have gone beyond those in *Jiricko*, *Eiser*, *Kanter, Dowling,* or any other defendant that has been documented through caselaw in this jurisdiction. Appellant's conduct is rarer and more outlandish than the defendants in *Kanter* and more defamatory than those in *Jiricko*. Appellant is a stalker not only of the two victims, but is a stalker of the court

system. His hundreds of inappropriate correspondences to this Court, the Criminal Justice Center clerk's office, his attorneys, the District Attorney's Office and others proves his obsession to circumvent the system. Again, Appellant filed a 53-page, single-spaced, 132-issue (282 issues in total) statement of errors.[7] Appellant then filed a 4-page, 8-issue supplemental statement of issues. Appellant more than doubled the number issues provided by both of the Defendants combined in *Kanter*, a case that the Supreme Court of Pennsylvania referred to as "rare." *See Eiser* 938 A.2d at 428. Not only does the sheer length of his issue statement offend this Court, but the content of his issue statement is like nothing this Court has ever seen. Appellant's attempt to point the finger at, and defame every single individual that has come into contact with his case is evidence of his inability to take serious his actions or take serious this system. Any address of his "issues" would be rewarding this type of behavior. If this type of activity by defendants were permitted, it would leave our court system crippled.

Similar to the appellant in *Jiricko*, Appellant's issue statement is his attempt to hurl whatever distaste or hate he has for anyone who had anything to do with his conviction and current incarceration. If this issue statement is not considered written with a lack of good faith, no issue statement should ever meet that standard.[8] Through his rambling, redundant, defamatory, incoherent statement, Appellant claims that the District Attorney's Office blackmailed him and withheld exculpatory evidence, he names at least six Judges that were either biased or colluded against him and he names his own attorney's collusion. Even before he begins to outline his 132 issues[9], he typed up a four-and-a-half-page introduction where he,

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[7] This is in response to a one-day waiver trial.
[8] Appellant's bad faith is also evident through his hundreds of correspondences to this Court.
[9] Appellant's 132 issues have sub-issues which those sub-issues have their own sub-issues. For instance, Appellant's issue number 82 as 25 sub-issues.

among other things, cites his lawsuits against the trial commissioner, arbitrator, six other judges, the District Attorney, the Assistant District Attorney ("ADA") on his case and six of his own defense attorneys, including the Defender Association of Philadelphia.

Appellant goes on to point the finger at the legislature. He claims that the Stalking, Harassment, and Disorderly Conduct statutes are unconstitutionally vague and overly broad. He claims that Pa.R.E. Rule 803(21) is unconstitutional. He then points the finger at the two victims, claiming that they caused him "severe emotional distress." That they colluded. That they "connivingly" worked with the ADA and his own defense counsel for "the defeat of defendant Vurimindi." Appellant claims that a court appointed psychologist who assessed him worked with the District Attorney's Office in a "diagnosis for dollars" deal. He contends that the court reporter purposely altered the record. He asserts that a police officer purposely delayed his admission into the hospital when he had chest pains. He claims that the court purposely placed him at Jefferson Hospital where the victims worked and that the victims drugged him while he was admitted. Appellant continues his rant in his supplemental statement of issues claiming that the Presentence Investigators provided false information in the Presentence Investigation Report ("PSI").

After his 53-page rant, Appellant stated in his supplemental issue statement that all issues complained on appeal have been "adequately briefed to the court," and "all the errors complained on appeal were raised in good faith, and without an iota of intent to overwhelm this court." This Court is offended that Appellant thinks he can persuade the court that his never-ending, defamatory, accusation-filled, offensive issue statement and supplement are without bad faith and intent to manipulate, deceive and overwhelm this Court. Unfortunately for Appellant, this Court is anything but deceived.

Although *Dowling, Seibert* and *Lemon* specifically cite vagueness as their obstruction, this Court must also deal with an obstruction, Appellant's unclear, and voluminous issue statement. Putting aside Appellant's lack of good faith for a moment, Appellant's statement of issues is extraordinarily ambiguous. Similar to *Seibert,* this Court finds hard to identify precise issues to analyze. This Court found issues that resemble reviewable appellate issues (*See* issues 102-106, 115 in Concise Statement of Errors Complained on Appeal). However, it is this Court's position that it could not provide meaningful review for even those few issues. In those six issues that have a hope of legitimacy, Appellant rambles on for roughly 7 or 8 pages and argues, among other things, that the Stalking and Disorderly Conduct statutes are unconstitutional, that Dr. Borowski has a corrupt motive to testify against him and that all of the witnesses entered into a conspiracy to testify falsely against him.[10] Again, Appellant has prevented this Court from identifying issues raised on appeal.

This Court is stunned by Appellant's statement of errors. Of his 290 issues, it is this Court's conclusion that Appellant failed to raise even one legitimate issue possible for review. Appellant failed to adhere to both Pa.R.A.P. 2216(a) and Pa.R.A.P. 1925(b)(4)(iv). Appellant has placed a burden on this Court and his antics should be entertained no longer. Because Appellant breached his duty of good faith dealing with this Court, not only evidenced in the 53-page, single-spaced, issue statement, and 4-page supplement but chronicled throughout his entire stint with the court system, Appellant's issues should be deemed waived.

[10] There is no evidence presented during Appellant's trial that even remotely supports Appellant's assertions.

CONCLUSION

After review of the applicable statutes, testimony, and case law, Appellant's issues on appeal should be waived and his appeal quashed.

BY THE COURT:

Diana L. Anhalt

DATE: September 19, 2017

DIANA L. ANHALT, J.

PROOF OF SERVICE

I hereby certify that on the date set forth below, I caused an original copy of the Judicial Opinion to be served upon the persons at following locations, which service satisfies the requirements of Pa.R.A.P. 122:

Vamsidhar Vurimindi, #LN0431
SCI Pine Grove
191 Fyock Road
Indiana, PA 15701

Hugh Burns, Esquire
Philadelphia District Attorney's Office
Three South Penn Square
Philadelphia, PA 19107

Date: 9/19/17

By: Diana L. Anhalt
Diana Anhalt, Judge

APPENDIX-D

Filed 02/06/2019

IN THE SUPERIOR COURT OF PENNSYLVANIA
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA	:	No. 2140 EDA 2017
	:	
v.	:	
	:	
VAMSIDHAR VURIMINDI	:	
	:	
Appellant	:	

ORDER

IT IS HEREBY ORDERED:

THAT the application filed December 18, 2018 requesting reconsideration/reargument of the decision dated December 14, 2018 is DENIED.

PER CURIAM

APPENDIX-E

IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA, Respondent	:	No. 121 EAL 2019
v.	:	Petition for Allowance of Appeal from the Order of the Superior Court
VAMSIDHAR VURIMINDI, Petitioner	:	

ORDER

PER CURIAM

AND NOW, this 4th day of September, 2019, the Application to Expedite Decision on Petition for Allowance of Appeal, Application to File Supplement to Application to Expedite, and the Petition for Allowance of Appeal are **DENIED**.

A True Copy
As Of 09/04/2019

Attest: _____
Patricia A. Johnson
Chief Clerk
Supreme Court of Pennsylvania

APPENDIX-F

IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 121 EAL 2019
Respondent	:	Application for Reconsideration
v.	:	
VAMSIDHAR VURIMINDI,	:	
Petitioner	:	

ORDER

PER CURIAM

AND NOW, this 9th day of October, 2019, the Application for Reconsideration is denied.

A True Copy
As Of 10/09/2019

Attest:
John W. Person Jr., Esquire
Deputy Prothonotary
Supreme Court of Pennsylvania

Additional material from this filing is available in the Clerk's Office.