

APPENDIX

A PA. Supreme Court
June 30, 2020

B PA. Superior Court
December 14, 2019

C Common Pleas Court
June 29, 2018 (PCRA)

IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

"A"

COMMONWEALTH OF PENNSYLVANIA,

No. 33 EAL 2020

Respondent

Petition for Allowance of Appeal
from the Order of the Superior Court

v.

RAYMOND BROWN,

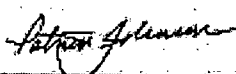
Petitioner

ORDER

PER CURIAM

AND NOW, this 30th day of June, 2020, the Petition for Allowance of Appeal is
DENIED.

A True Copy
As Of 06/30/2020

Attest:

Patricia A. Johnson
Chief Clerk
Supreme Court of Pennsylvania

COMMONWEALTH OF PENNSYLVANIA v. RAYMOND BROWN, Appellant
SUPERIOR COURT OF PENNSYLVANIA
2019 Pa. Super. Unpub. LEXIS 4659
No. 1985 EDA 2018
December 18, 2019, Decided
December 18, 2019, Filed

"B"

Notice:

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

Editorial Information: Prior History

Appeal from the PCRA Order Entered June 29, 2018. In the Court of Common Pleas of Philadelphia County Criminal Division at No(s): CP-51-CR-0013921-2011, CP-51-CR-0013923-2011, CP-51-CR-0013924-2011. Brown v. Pennsylvania, 2014 U.S. Dist. LEXIS 124953 (E.D. Pa., Aug. 18, 2014)

Judges: BEFORE: OTT, J., KUNSELMAN, J., and McLAUGHLIN, J. MEMORANDUM BY McLAUGHLIN, J.

Opinion

Opinion by: McLAUGHLIN

Opinion

MEMORANDUM BY McLAUGHLIN, J.:

Raymond Brown appeals from the denial of his request for relief under the Post Conviction Relief Act ("PCRA"), 42 Pa.C.S.A. §§ 9541-9546. We quash this appeal pursuant to *Commonwealth v. Walker*, 646 Pa. 456, 185 A.3d 969, 977 (Pa. 2018).

Brown filed the instant PCRA petition on January 31, 2017, addressing three trial court docket numbers. *See* PCRA Petition, filed 1/31/17 (listing docket numbers CP-51-CR-0013921-2011, CP-51-CR-0013923-2011, and CP-51-CR-0013924-2011).¹ The PCRA court appointed counsel who filed an amended petition addressing the same three trial court docket numbers. *See* Amended Petition under Post-Conviction Relief Act, filed 9/28/17. PCRA counsel alleged, among other issues, ineffective assistance of trial counsel in "fail[ing] to preserve sufficiency of the attempt element and the sufficiency of simple assault, EWOC, and unlawful restraint elements." *Id.* at 7. The PCRA court issued notice of its intent to dismiss the petition pursuant to Pa.R.Crim.P. 907. Brown did not respond to the notice and the court issued another order dismissing the PCRA petition, listing all three docket numbers. *See* Order, filed 6/29/18. This timely appeal followed.

Because Brown filed a single notice of appeal, listing all three docket numbers, this Court issued a rule to show cause why the appeal should not be quashed pursuant to *Walker*. In *Walker*, our Supreme Court stated that "when a single order resolves issues arising on more than one . . . docket, separate notices of appeal must be filed." 185 A.3d at 977. The Court directed that in subsequent cases, the failure to abide by this rule would result in the quashing of the appeal. *Id.* Here, Brown

argues that quashal was not appropriate because "the order of the PCRA court does not resolve issues arising on more than one trial court docket." Response to Rule to Show Cause, filed 8/1/18, at ¶ 5. We disagree.

The order from which Brown appealed disposed of issues on more than one trial court docket, *i.e.*, ineffective assistance of counsel relating to docket numbers 13921, 13923, and 13924. Brown filed his notice of appeal after the Supreme Court's decision in **Walker**, and although the order resolved issues on more than one docket, Brown filed a single notice of appeal, in violation of **Walker**. We therefore quash this appeal.

Appeal quashed.

Judgment Entered.

Date: 12/18/19

Footnotes

1

CP-51-CR-0013921-2011 relates to the following convictions: unlawful restraint, 18 Pa.C.S.A. § 2902(a)(1); possessing instruments of crime, 18 Pa.C.S.A. § 907(a); terroristic threats, 18 Pa.C.S.A. § 2706(a)(1); recklessly endangering another person, 18 Pa.C.S.A. § 2705; false imprisonment, 18 Pa.C.S.A. § 2903(a); and aggravated assault, 18 Pa.C.S.A. § 2702(a). CP-51-CR-0013923-2011 and CP-51-CR-0013924-2011 relate to convictions for endangering welfare of children ("EWOC"), 18 Pa.C.S.A. § 4304(a)(1).

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CRIMINAL TRIAL DIVISION

RECEIVED
JUN 29 2018
PCRA Unit
CP Criminal Listings

"C"

COMMONWEALTH OF PENNSYLVANIA

v.

RAYMOND BROWN

CP-51-CR-0013921-2011
CP-51-CR-0013923-2011
CP-51-CR-0013924-2011

ORDER

AND NOW, this 29th day of June, 2018, pursuant to the Post-Conviction Relief Act, 42 Pa. C.S. § 9541, et. Seq., it is hereby **ORDERED** and **DECREED** that the above-named defendant's petition for post-conviction relief is **DENIED**. The defendant has thirty (30) days from the date of this order to file his notice of appeal.

BY THE COURT:



DENIS P. COHEN, J.