



Supreme Court of Pennsylvania

Amy Dreibelbis, Esq.
Deputy Prothonotary
Elizabeth E. Zisk
Chief Clerk

Middle District

601 Commonwealth Avenue, Suite 4500
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Harrisburg, PA 17106
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September 12, 2023

Allan Leslie Sinanan Jr.
SCI - Albion
Inmate No. QA9625
10745 Route 18
Albion, PA 16475-0001

RE: Commonwealth v. Sinanan, A., Pet.
No. 203 MAL 2023
Lower Appellate Court Docket No: 499 EDA 2021
Trial Court Docket No: CP-48-CR-0004301-2016
CP-48-CR-0000169-2017

Dear Allan Leslie Sinanan:

Enclosed please find a certified copy of an order dated September 12, 2023 entered in the above-captioned matter.

Very truly yours,

Office of the Prothonotary

/dh
Enclosure
cc: The Honorable Stephen G. Baratta, Judge
Terence Patrick Houck, Esq.
Katharine R. Kurnas, Esq.

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 202 MAL 2023
Respondent	:	Petition for Allowance of Appeal from the Order of the Superior Court
v.		
ALLAN LESLIE SINANAN JR.,	:	
Petitioner	:	

ORDER

PER CURIAM

AND NOW, this 12th day of September, 2023, the Petition for Allowance of Appeal
is **DENIED**.

A True Copy Elizabeth E. Zisk
As Of 09/12/2023

Attest: Elizabeth E. Zisk
Chief Clerk
Supreme Court of Pennsylvania



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COMMONWEALTH OF PENNSYLVANIA, : No. 203 MAL 2023
: Respondent : Petition for Allowance of Appeal
: : from the Order of the Superior Court
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: Petitioner :
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Supreme Court of Pennsylvania

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
: PENNSYLVANIA

v.

ALLAN LESLIE SINANAN JR.

Appellant : No. 498 EDA 2021

Appeal from the PCRA Order Entered February 17, 2021
In the Court of Common Pleas of Northampton County Criminal Division
at No(s): CP-48-CR-0000169-2017,
CP-48-CR-0004301-2016

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
: PENNSYLVANIA

v.

ALLAN LESLIE SINANAN JR.

Appellant : No. 499 EDA 2021

Appeal from the PCRA Order Entered February 17, 2021
In the Court of Common Pleas of Northampton County Criminal Division
at No(s): CP-48-CR-0000169-2017,
CP-48-CR-0004301-2016

BEFORE: OLSON, J., KING, J., and McCAFFERY, J.

MEMORANDUM BY McCAFFERY, J.:

FILED JANUARY 6, 2023

Allan Leslie Sinanan, Jr. (Appellant) appeals *pro se* from the orders¹ entered in the Northampton County Court of Common Pleas, dismissing his first, timely Post Conviction Relief Act² (PCRA) petition. A jury convicted Appellant of eight counts each of possession of a controlled substance and possession with intent to deliver (PWID), three counts of criminal use of a communication facility, and one count of possession of drug paraphernalia.³ The court sentenced him to an aggregate term of 11 to 22 years' incarceration. Appellant now raises a myriad of ineffective assistance of counsel claims. After careful review, we affirm.

As the parties are well acquainted with the facts of this case, which are fully set forth in the PCRA court's February 17, 2021, order, we need not recite

¹ Appellant filed two separate notices of appeal for both criminal dockets. Therefore, he has complied with **Commonwealth v. Walker**, 185 A.3d 969, 977 (Pa. 2018) (separate notices of appeal must be filed when a single order resolves issues arising on more than one trial court docket), *overruled in part*, **Commonwealth v. Young**, 265 A.3d 462, 477 (Pa. 2021) (reaffirming that Pa.R.A.P. 341 requires separate notices of appeal when single order resolves issues under more than one docket, but holding Pa.R.A.P. 902 permits appellate court to consider appellant's request to remediate error when notice of appeal is timely filed). On June 14, 2021, Appellant filed a *pro se* application for consolidation. This Court granted the order on July 12, 2021. **See** Order Granting Application for Consolidation, 7/12/21.

² 42 Pa.C.S. §§ 9541-9546.

³ 35 P.S. §§ 780-113(a)(16), (30); 18 Pa.C.S. § 7512(a); 35 P.S. § 780-113(a)(32), respectively.

them herein. **See** Order, 2/17/21, at 2-3.⁴ The pertinent procedural history is as follows. Appellant was charged at Criminal Docket No. CP-48-CR-4301-2016 (Docket No. 4301-2016) with three counts of PWID, three counts of possession of a controlled substance, and three counts of criminal use of a communication facility. Additionally, he was charged at Criminal Docket No. CP-48-CR-0169-2017 (Docket No. 169-2017) with five counts of PWID, five counts of possession of a controlled substance, one count of drug paraphernalia, and one count of possession of a firearm prohibited.⁵ ***Id.*** at 1-2.

Appellant was represented by several attorneys throughout various stages of the criminal proceeding. Assistant Public Defender Rory B. Driscoll, Esquire, represented him at both of his preliminary hearings. **See** Order, 2/17/21, at 3. Appellant requested that Attorney Driscoll be removed from the matter, and the court eventually granted his request *via* a motion to withdraw by counsel. **See** ***id.*** at 3-4. Then, Alexander J. Karam, Jr., Esquire, was appointed to represent Appellant. **See** ***id.*** at 4. Attorney Karam filed two pre-trial motions, including a motion to suppress, but Appellant expressed dissatisfaction with his representation as well. **See** ***id.*** Attorney Karam also

⁴ The PCRA court's February 17, 2021, Order is, in actuality, a 60-page opinion which addresses Appellant's PCRA claims.

⁵ **See** 18 Pa.C.S. § 6105(a)(1). The firearms possession offense was subsequently *nolle prossed*.

filed a motion to withdraw, which was granted. **See id.** Consequently, Brian M. Monahan, Esquire, was assigned as legal counsel. **See id.** Attorney Monahan represented Appellant at the suppression hearing. **See id.** However, shortly before his trial, Appellant "expressed his reluctance to move forward with Attorney Monahan and requested another attorney." **Id.** at 5. The trial court held a hearing regarding the matter, and denied Appellant's request to appoint new counsel. **See id.**

Appellant's jury trial began on September 6, 2017. Two days later, the jury convicted him of all charges. On September 22, 2017, the court imposed the following sentence: (1) at Docket No. 4301-2016, Appellant received a six-to-12-month sentence on each count of possession of a controlled substance; 12 to 24 months on each count of PWID, and 12 to 24 months on each count of criminal use of a communication facility; and (2) at Docket No. 169-2017, Appellant received 5 to 10 years on the count of PWID (cocaine), 27 to 33 months on the count of PWID (methylenedioxy-methamphetamine or MDMA), six to 12 years on the count of PWID (Oxycodone), 12 to 18 months on the count of PWID (Xanax), six to 16 months on the count of PWID (marijuana), and six to 12 months on each of the five counts of possession of a controlled substance. Appellant also received a sentence of probation on the charge of possession of drug paraphernalia. All of the sentences were to run concurrent to each other, with the exception of two PWID counts (cocaine and Oxycodone), which were to run consecutive to each other and to all other

counts. Appellant subsequently "filed post-sentence motions and requested that he represent himself moving forward." **See** Order, 2/17/21, at 5. On October 11, 2017, Attorney Monahan filed a motion to withdraw as counsel. The court held a **Grazier**⁶ hearing and permitted counsel to withdraw and Appellant to proceed *pro se*. **See id.**

Appellant filed a direct appeal with this Court,⁷ which affirmed his judgment of sentence on January 23, 2019. **See Commonwealth v. Sinanan**, 578 EDA 2018 (unpub. memo.) (Pa. Super. Jan. 23, 2019). The Pennsylvania Supreme Court denied Appellant's subsequent petition for allowance of appeal on January 7, 2020, and the United States Supreme Court denied his petition for writ of *certiorari* on March 9, 2020. **See Commonwealth v. Sinanan**, 305 EAL 2019 (Pa. Jan. 7, 2020), *cert. denied*, 140 S.Ct. 1546 (U.S. 2020).

On February 5, 2020, Appellant filed a "Motion to Address Illegal Sentence," which the court treated as a first PCRA petition and appointed counsel. **See** Order, 2/17/21, at 5-6. Thereafter, Appellant filed numerous

⁶ **See Commonwealth v. Grazier**, 713 A.2d 81 (Pa. 1998) (requiring on the record inquiry to determine whether waiver of counsel is knowing, intelligent, and voluntary).

⁷ Appellant raised four claims concerning the trial court's purported failure to suppress certain evidence and the search warrant.

pro se supplemental motions⁸ relating to requests for "PCRA relief and relief from a collateral forfeiture action by the Commonwealth." *Id.* at 6 (footnote omitted). "As a general[] summary, in his various filings [Appellant] raised ineffective assistan[ce] of counsel claims against each of his appointed attorneys, in addition[] he raised claims of various constitutional violations committed by the Commonwealth including attacking his warrantless arrest, the issuance of the search warrant, and the quality of the evidence introduced against him at trial." *Id.* The PCRA court held another *Grazier* hearing on June 22, 2020, and granted Appellant "relief by allowing him to proceed by self-representation." *Id.* at 6-7.

The PCRA court held an evidentiary hearing on October 9, 2020. At the proceeding, Appellant and all three of his past attorneys appeared and testified. *See* Order, 2/17/21, at 7. Thereafter, Appellant continued to inundate the court with numerous *pro se* filings.⁹ On February 17, 2021, the PCRA court dismissed Appellant's petition. Appellant timely appealed and complied with the court's order to file a Pa.R.A.P. 1925(b) statement of errors complained of on appeal. On March 22, 2021, the court filed a Pa.R.A.P.

⁸ A review of the docket reveals that from the date Appellant filed his PCRA petition to the day of the evidentiary hearing, Appellant submitted approximately 30 motions and petitions with the PCRA court.

⁹ Appellant filed approximately ten additional motions with the court.

1925(a) opinion, which relied, in part, on its February 17, 2021, order. **See** PCRA Ct. Op., 3/22/21, at 1-2.

Appellant raises the following issues for our review:

- 1) Whether the findings of the "P.C.R.A. Court" are supported by the record and free of legal error, where all three trial counselors were ineffective, for failure to present argument and defense to [Appellant]'s warrantless arrest and the lack of probable cause, because under the United States and Pennsylvania Constitutions: (1) [Appellant] was improperly stopped and searched, requiring suppression of any evidence seized as a result of the search and (2) the police action was not based on an exception to the requirement that an ARREST be based on a WARRANT issued by a neutral magistrate, after a determination that probable cause has been demonstrated?
- 2) Whether the "P.C.R.A. Court" erred, by failing to adequately address a P.C.R.A. petition when it dismissed the petition, and that such error requires relief, where all three trial counselors were ineffective in neglecting to assert under the United States and Pennsylvania Constitutions: (1) that the prosecution and the magistrate circumvented policy and procedure, where procedural due process protections preclude prosecutors and magistrates from establishing a *prima facie* case at a Preliminary Hearing utilizing only hearsay testimony evidence that would not be admissible at trial, and (2) is therefore categorically incapable of demonstrating that the prosecution later will be able to prove [Appellant]'s guilt beyond a reasonable doubt?
- 3) Whether the findings of the "P.C.R.A. Court" are supported by the record; free of legal error; and adequately addressed when it dismissed the petition, where all three trial counselors were ineffective, for failing to move to suppress all evidence obtained from the Warrantless Arrest Affidavit (11/04/2016); Search Warrant Affidavit (11/04/2016); and the Warrantless Arrest Affidavit (12/27/2016), arguing that Officers established the Affidavits in violation of "Franks V. Delaware" because: (1) the Affiant omitted material information about the reliability of the unregistered confidential source, who was the primary source of the information, used to establish probable cause; (2) the Affiant omitted material facts to surveillance, video, and cell phone evidence; with the intent to make the affidavit misleading; and (3)

the Affiant included material information knowingly and intentionally, to a bag/jacket with drugs, being thrown on November 4th, the day of arrest?

- 4) Whether the "P.C.R.A. Court" erred, by failing to adequately address a P.C.R.A. petition when it dismissed the petition, and that such error requires relief, by neglecting [Appellant]'s claim, of whether [Appellant] received ineffective assistance of trial counsel, where "Brian M. Monahan," failed to impeach DEA Agent Joseph Labenberg, by introducing his testimony at trial from an earlier hearing (Suppression/Habeas Corpus), in which DEA Agent Joseph Labenberg gave two different testimonies to material evidence?
- 5) Whether the "P.C.R.A. Court" erred, by failing to adequately address a P.C.R.A. petition when it dismissed the petition, and that such error requires relief, by neglecting [Appellant]'s claim, of whether "Brian M. Monahan", was ineffective for failing, to object to the admission of Detective Michael Mish's expert testimony, regarding the fact to whether drugs were actually distributed and whether it was witnessed by the detectives on three . . . occasions; and was "Brian M. Monahan", ineffective for intentionally eliciting Detective Michael Mish's otherwise inadmissible expert testimony at trial, that the jacket and everything in it was [Appellant's], because that expert testimony was unduly prejudicial?
- 6) Whether the findings of the P.C.R.A. Court are supported by the record and free of legal error, where defense counsel "Brian M. Monahan" was ineffective, for failing to object to the admission of police testimony at trial, regarding allegedly being familiarized with [Appellant] in prior investigations going back to 2007, was prejudicial as it raised an adverse inference of guilt?
- 7) Whether the "P.C.R.A. Court" erred, by failing to adequately address a P.C.R.A. petition when it dismissed the petition, and that such error requires relief, where trial counselors "Alexander J. Karam Jr. and Brian M. Monahan," were ineffective for failing to make a suppression motion with an argument that would have been meritorious, that since the police knew of the presence of the four . . . automobiles in question and planned all along to seize all four . . . , there were no exigent circumstances or automobile exception justifying their failure to obtain a valid warrant, and the fruit of the unconstitutional seizure of the four . . . automobiles

were inadmissible, and that the doctrine of plain view could not justify the police seizure of [Appellant]'s four . . . automobiles under the circumstances of the present case?

- 8) Whether the "P.C.R.A. Court" erred, by failing to adequately address a P.C.R.A. petition when it dismissed the petition, and that such error requires relief, where [Appellant] should be awarded a New Trial, because the recantation of silence by Detective Brent Lear at the Forfeiture Hearing, fits squarely within the test for non-**Brady**^[10] after-discovered evidence claim, and it is clear that Detective Brent Lear's silence about these facts throughout Pre-Trial testimony was due solely to ineffective assistance of trial counsel?
- 9) Whether the findings of the "P.C.R.A. Court" are supported by the record and free of legal error, where trial counselor "Brian M. Monahan" was ineffective, for failing to object to an illegal sentence, because the P.W.I.D. drug convictions under [Docket No. 169-2017], had to merge for sentencing purposes to 42 Pa.C.S. § 9765?
- 10) Whether the findings of the "P.C.R.A. Court" are supported by the record and free of legal error, where trial counselor "Brian M. Monahan" was ineffective, for failing to do basic legal research and to object to erroneously calculated prior record score, as it pertains to prior New Jersey, Pennsylvania, and Federal offenses?

Appellant's Brief at viii – xii (some bracketing omitted).

We begin with our well-settled standard of review:

Our standard of review of the denial of a PCRA petition is limited to examining whether the court's determination is supported by the evidence of record and free of legal error. This Court grants great deference to the findings of the PCRA court if the record contains any support for those findings. Further, the PCRA court's credibility determinations are binding on this Court, where there is record support for those determinations.

¹⁰ **Brady v. Maryland**, 373 U.S. 83 (1963).

Commonwealth v. Timchak, 69 A.3d 765, 769 (Pa. Super. 2013) (citation omitted). Moreover, because Appellant's claims concern ineffective assistance of counsel, we consider the following:

Counsel is presumed effective, and to rebut that presumption, the PCRA petitioner must demonstrate that counsel's performance was deficient and that such deficiency prejudiced him. In Pennsylvania, we have refined the **Strickland [v. Washington**, 466 U.S. 668 (1984)] performance and prejudice test into a three-part inquiry. **See [Commonwealth v.] Pierce**[, 527 A.2d 973 (Pa. 1987)]. Thus, to prove counsel ineffective, the petitioner must show that: (1) his underlying claim is of arguable merit; (2) counsel had no reasonable basis for his action or inaction; and (3) the petitioner suffered actual prejudice as a result. If a petitioner fails to prove any of these prongs, his claim fails. Generally, counsel's assistance is deemed constitutionally effective if he chose a particular course of conduct that had some reasonable basis designed to effectuate his client's interests. Where matters of strategy and tactics are concerned, a finding that a chosen strategy lacked a reasonable basis is not warranted unless it can be concluded that an alternative not chosen offered a potential for success substantially greater than the course actually pursued. To demonstrate prejudice, the petitioner must show that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceedings would have been different. A reasonable probability is a probability that is sufficient to undermine confidence in the outcome of the proceeding.

Commonwealth v. Charleston, 94 A.3d 1012, 1019 (Pa. Super. 2014) (citation omitted). Moreover, "[a] court is not required to analyze the elements of an ineffectiveness claim in any particular order of priority; instead, if a claim fails under any necessary element of the ineffectiveness test, the court may proceed to that element first." **Commonwealth v. Tharp**, 101 A.3d 736, 747 (Pa. 2014) (citation omitted).

At the outset, we emphasize that “[a]lthough this Court is willing to construe liberally materials filed by a *pro se* litigant, a *pro se* appellant enjoys no special benefit.” **Commonwealth v. Tchirkow**, 160 A.3d 798, 804 (Pa. Super. 2017). As such, “any layperson choosing to represent [himself] in a legal proceeding must, to some reasonable extent, assume the risk that [his] lack of expertise and legal training will prove [his] undoing.” **Commonwealth v. Rivera**, 685 A.2d 1011, 1013 (Pa. Super. 1996) (citation omitted). Here, we point out that Appellant’s lengthy brief consists of long-winded and, at times, disjointed, accusations of PCRA court error, which focus more on the underlying argument than developing any ineffective assistance of counsel analysis.

Additionally, before we may dispose of Appellant’s substantive claims, we must address several appellate procedural concerns. First, Appellant’s brief, excluding exhibits, is 90 pages long and does not contain a word count. This is an obvious and blatant violation of Pennsylvania Rule of Appellate Procedure 2135, which states, in relevant part:

• (a) Unless otherwise ordered by an appellate court:

• (1) A principal brief shall not exceed 14,000 words. . . . A party shall file a certificate of compliance with the word count limit if the principal brief is longer than 30 pages . . . when prepared on a word processor or typewriter.

* * *

• (d) **Certification of compliance.** Any brief in excess of the stated page limits shall include a certification that the brief complies with

the word count limits. The certificate may be based on the word count of the word processing system used to prepare the brief.

Pa.R.A.P. 2135(a)(1), (d).¹¹

Notably, Appellant's brief does not contain "a certificate of compliance with the word count limit," as required by Rule 2135(a)(1) and (d).¹² "The certification requirement is not limited to counsel: *Pro se* litigants, too, are obliged to provide a certification for a primary brief that exceeds thirty pages."

Commonwealth v. Spuck, 86 A.3d 870, 873 (Pa. Super. 2014) (citation omitted).

Moreover, Pennsylvania Rule of Appellate Procedure 2101 "underscores the seriousness with which we take deviations from our rules of procedure."

Vurimindi, 200 A.3d at 1041 n.19. Rule 2101 states: "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

¹¹ As this Court has previously noted:

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.

Commonwealth v. Vurimindi, 200 A.3d 1031, 1041 n.19 (Pa. Super. 2018).

¹² Additionally, it is worth mentioning Appellant failed to attach his court ordered concise statement to his brief. **See** Pa.R.A.P. 2111(a)(11).

substantial, the appeal or other matter may be quashed or dismissed.” Pa.R.A.P. 2101.¹³ Indeed, we could dismiss Appellant’s appeal for his lengthy brief alone.

Nevertheless, we continue to our second observation — the question of whether Appellant has complied with Pennsylvania Rule of Appellate Procedure 1925(b). Appellant’s concise statement consists of ten issues and is 37 pages in length.¹⁴ **See** Pa.R.A.P. 1925(b) Statement, Errors Complained of on Appeal, 3/15/21.

This Court has previously recognized that “Rule 1925 is a crucial component of the appellate process because it allows the trial court to identify and focus on those issues the parties plan to raise on appeal.” **Kanter v. Epstein**, 866 A.2d 394, 400 (Pa. Super. 2004) (citation omitted). “The

¹³ As emphasized by the Pennsylvania Supreme Court:

The briefing requirements scrupulously delineated in our appellate rules are not mere trifling matters of stylistic preference; rather, they represent a studied determination by our Court and its rules committee of the most efficacious manner by which appellate review may be conducted so that a litigant’s right to judicial review as guaranteed by Article V, Section 9 of our Commonwealth’s Constitution may be properly exercised. Thus, we reiterate that compliance with these rules by appellate advocates who have any business before our Court is mandatory.

Commonwealth v. Briggs, 12 A.3d 291, 343 (Pa. 2011).

¹⁴ It merits mention that the concise statement reads like an appellate brief with analysis following every issue.

[concise s]tatement shall concisely identify each ruling or error that the appellant intends to challenge with sufficient detail to identify all pertinent issues for the judge." Pa.R.A.P. 1925(b)(4)(ii). Nevertheless, the filing of a timely concise statement alone "does not automatically equate with issue preservation." ***Tucker v. R.M. Tours***, 939 A.2d 343, 346 (Pa. Super. 2007). Moreover, "[e]ven if the trial court correctly guesses the issues [a]ppellant raises on appeal and writes an opinion pursuant to that supposition, the issue[s are] still waived." ***Commonwealth v. Heggins***, 809 A.2d 908, 911 (Pa. Super. 2002) (citation omitted).

As the ***Tucker*** Court opined:

[T]his Court has held that when appellants raise an outrageous number of issues in their [Rule] 1925(b) statement, the appellants have deliberately circumvented the meaning and purpose of Rule 1925(b) and ha[ve] 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 appellants actually intend to raise on appeal because the briefing limitations contained in Pa.R.A.P. 2116(a) make[] the raising of so many issues impossible. Further, this type of extravagant [Rule] 1925(b) statement makes it all but impossible for the trial court to provide a comprehensive analysis of the issues.

Id. at 346 (citations & internal quotation marks omitted; some brackets in original). As such, "the [Rule] 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." ***Jiricko v. Geico Ins. Co.***, 947 A.2d 206, 210 (Pa. Super. 2008). **See also *Vurimindi***, 200 A.3d at 1038-43 (applying ***Kanter, Tucker***,

and *Jiricko* to a criminal matter); **Commonwealth v. Juray**, 275 A.3d 1037, 1041 n.4 (Pa. Super. 2022) (same).

Here, the PCRA court found that Appellant's concise statement was "overly prolix[,]", and it was "unable to easily decipher the complaints and/or respond with any reasonable detail." **See** PCRA Ct. Op., 3/22/21, at 1. The court further stated:

However, upon cursory review of . . . Appellant's [concise statement], we note that the [s]tatement contains ten sections, some of which apparently blend multiple complaints. Much of Appellant's complaints were carefully analyzed in our 60 page Order denying PCRA relief and require no further support. Other sections of Appellant's [s]tatement appear to contain extensive legal argument, address the weight of trial evidence and testimony, or address the District Attorney's forfeiture petition which was resolved under a different docket number in a civil action. We submit that those complaints are not appropriate for including in Appellant's [Rule] 1925(b) [s]tatement. We submit that any claim[s] not raised at the PCRA hearing or addressed in Appellant's PCRA brief are waived on [a]ppeal.

Finally, we feel comfortable that our 60 page Order of February 17, 2021 carefully analyzed and addressed all cognizable constitutional issues properly raised at the PCRA hearing and/or argued in Appellant's PCRA brief. No further support is necessary.

Id. at 1-2.

We agree with the PCRA court's findings. Nevertheless, we will not dismiss Appellant's brief at this time, as the violations do not substantially impede our ability to conduct meaningful and effective appellate review. **See** **Commonwealth v. Hardy**, 918 A.2d 766, 771 (Pa. Super. 2007) ("when defects in a brief impede our ability to conduct meaningful appellate review, we may dismiss the appeal entirely or find certain issues to be waived").

Nevertheless, we warn Appellant against violating our appellate rules in the future.

We have reviewed the parties' briefs, the relevant law, the certified record, and the PCRA court's February 17, 2021, order. We conclude that Appellant is entitled to no relief, and the PCRA court's order correctly disposes of Appellant's properly preserved issues¹⁵ on appeal, especially considering his sparse ineffective assistance of counsel analysis. Therefore, we affirm on the basis of the court's order and adopt it as our own. In any future filing with this or any other court addressing this decision, the filing party shall attach a copy of the PCRA court's February 17, 2021, order.

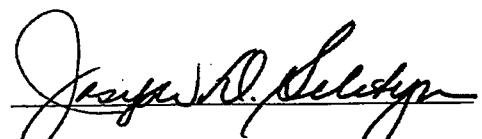
Accordingly, we affirm the PCRA court's orders dismissing Appellant's petition and denying him any relief.

Lastly, Appellant filed two applications for relief with this Court on August 22, 2022, and December 12, 2022 — both generally requesting that a ruling be made in this appeal. Based on our decision, we deny those applications as moot.

Orders affirmed. Applications for Relief (8/23/22 & 12/13/22) denied as moot.

¹⁵ We note that issues two, four, five, and seven are either not cognizable under the PCRA or waived for failure to properly preserve them with the PCRA court. **See** 42 Pa.C.S. § 9543(a)(2) (setting forth types of cognizable errors for which PCRA provides relief); **see also** 42 Pa.C.S. § 9544(b) (waiver); Pa.R.A.P. 302 (waiver).

Judgment Entered.



Joseph D. Seletyn, Esq.
Prothonotary

Date: 1/6/2023

**IN THE SUPERIOR COURT OF PENNSYLVANIA
EASTERN DISTRICT**

COMMONWEALTH OF PENNSYLVANIA : No. 498 EDA 2021

v.

ALLAN LESLIE SINANAN JR.

Appellant

COMMONWEALTH OF PENNSYLVANIA : No. 499 EDA 2021

v.

ALLAN LESLIE SINANAN JR.

Appellant

ORDER

IT IS HEREBY ORDERED:

THAT the application filed January 20, 2023, requesting reargument of the decision dated January 6, 2023, is DENIED.

PER CURIAM



Supreme Court of Pennsylvania

Amy Dreibelbis, Esq.
Deputy Prothonotary
Elizabeth E. Zisk
Chief Clerk

Middle District

November 8, 2023

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IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

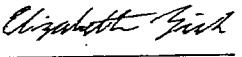
COMMONWEALTH OF PENNSYLVANIA, : No. 202 MAL 2023
:
Respondent : Application for Reconsideration
:
v. :
:
ALLAN LESLIE SINANAN JR., :
:
Petitioner :
:

ORDER

PER CURIAM

AND NOW, this 8th day of November, 2023, the Application for Reconsideration is
DENIED.

A True Copy Elizabeth E. Zisk
As Of 11/08/2023

Attest: 
Chief Clerk
Supreme Court of Pennsylvania



Supreme Court of Pennsylvania

Amy Dreibelbis, Esq.
Deputy Prothonotary
Elizabeth E. Zisk
Chief Clerk

Middle District

November 8, 2023

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Allan Leslie Sinanan Jr.
SCI - Albion
Inmate No. QA9625
10745 Route 18
Albion, PA 16475-0001

RE: Commonwealth v. Sinanan, A., Pet.
No. 203 MAL 2023
Lower Appellate Court Docket No: 499 EDA 2021
Trial Court Docket No: CP-48-CR-0004301-2016
CP-48-CR-0000169-2017

Dear Allan Leslie Sinanan:

Enclosed please find a certified copy of an order dated November 8, 2023 entered in the above-captioned matter.

Very truly yours,

Office of the Prothonotary

/dh

Enclosure

cc: The Honorable Stephen G. Baratta, Judge
Terence Patrick Houck, Esq.
Katharine R. Kurnas, Esq.

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MIDDLE DISTRICT

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v.

ALLAN LESLIE SINANAN JR.,

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ORDER

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Attest: Elizabeth Zisk
Chief Clerk
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**Additional material
from this filing is
available in the
Clerk's Office.**