

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
PENNSYLVANIA

v.

JUSTIN MARTINEZ

Appellant

No. 600 WDA 2023

Appeal from the Judgment of Sentence Entered May 22, 2023
In the Court of Common Pleas of Westmoreland County Criminal Division
at No(s): CP-65-CR-0000231-2020,
CP-65-CR-0005559-2019

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
PENNSYLVANIA

v.

JUSTIN JUAN DE LA CRUZ MARTINEZ

Appellant

No. 601 WDA 2023

Appeal from the Judgment of Sentence Entered May 22, 2023
In the Court of Common Pleas of Westmoreland County Criminal Division
at No(s): CP-65-CR-0000231-2020,
CP-65-CR-0005559-2019

BEFORE: LAZARUS, P.J., PANELLA, P.J.E., and BECK, J.

JUDGMENT ORDER BY PANELLA, P.J.E.:

FILED: MARCH 4, 2024

Justin Martinez appeals from the judgment of sentence entered in the Court of Common Pleas of Westmoreland County on May 22, 2023 at docket Nos. 5559-2019 and 231-2020. After careful review, we conclude Martinez's brief violates the Pennsylvania Rules of Appellate Procedure to such a degree

*Appendix C
Exhibit G*

that it impedes our review. The only contention raised in Martinez's brief is a rambling narrative which restates his factual defense at the time of trial, which was rejected by the finder of fact. Although we could dismiss this appeal on this basis alone, we adopt the trial court's well-written and comprehensive OPINION PURSUANT TO RULE 1925, dated July 20, 2023, which is attached hereto, as it explains that the verdicts were based upon competent and substantial evidence.

This case is to be removed from the Argument list of March 5, 2024.

Judgment of Sentence affirmed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

FILED: 3/4/2024

Appendix C
- 2 -
Exhibit G

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
 : PENNSYLVANIA
 :
 v. : Westmoreland County Criminal
 : Division
 : CP-65-CR-0005559-2019
 JUSTIN MARTINEZ : CP-65-CR-0000231-2020
 : CP-65-CR-0000338-2022
 :
 Appellant : No. 600 WDA 2023

)
 =
 F

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
 : PENNSYLVANIA
 :
 v. : Westmoreland County Criminal
 : Division
 : CP-65-CR-0005559-2019
 JUSTIN JUAN DE LA CRUZ MARTINEZ : CP-65-CR-0000231-2020
 : CP-65-CR-0000338-2022
 :
 Appellant : No. 601 WDA 2023

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
 : PENNSYLVANIA
 :
 v. : Westmoreland County Criminal
 : Division
 : CP-65-CR-0005559-2019
 JUSTIN JUAN DE LA CRUZ MARTINEZ : CP-65-CR-0000231-2020
 : CP-65-CR-0000338-2022
 :
 Appellant : No. 602 WDA 2023

ORDER

By Order dated July 31, 2023, this Court directed *pro se* Appellant Martinez to show cause as to why trial court docket number CP-65-CR-0000338-2022 should not be struck from the instant appeals, as Appellant has not yet been sentenced at that docket number. Appellant was further directed to show cause as to why the appeal docketed at 602 WDA 2023

EXHIBIT G
 Appendix C

should not be dismissed as duplicative of the appeals docketed at 600 and 601 WDA 2023 if trial court docket number CP-65-CR-0000338-2022 were struck from all three appeals. Appellant filed a response on August 7, 2023. To date, Appellant has not been sentenced at trial court docket number CP-65-CR-0000338-2022. Therefore, the following is **ORDERED**:

The Prothonotary of this Court is **DIRECTED** to strike trial court docket number CP-65-CR-0000338-2022 from the instant appeals. Accordingly, the appeal docketed in this Court at 602 WDA 2023 is **DISMISSED** as duplicative of the appeals docketed at 600 and 601 WDA 2023. The appeals docketed at 600 and 601 WDA 2023 may proceed with respect to trial court docket numbers CP-65-CR-0005559-2019 and CP-65-CR-0000231-2020, for which Judgment of Sentence was entered against Appellant on May 22, 2023, and Appellant may raise any properly preserved issues at those appeals.

The appeals docketed in this Court at 600 WDA 2023 and 601 WDA 2023 are **CONSOLIDATED**, and the parties may proceed in accordance with Pa.R.A.P. 513.

As Appellant filed a brief in this matter on August 7, 2023, the Prothonotary of this Court is **DIRECTED** to set a new briefing schedule for appeal docket numbers 600 and 601 WDA 2023, and Appellant may file an amended brief addressing any properly preserved issues regarding trial court docket numbers CP-65-CR-0005559-2019 and CP-65-CR-0000231-2020. If Appellant does not file an amended brief, the Prothonotary of this Court is

Exhibit G
Appendix C

DIRECTED to accept Appellant's August 7, 2023 brief as timely filed and set a briefing schedule for the Commonwealth. However, this Court will not consider any arguments from Appellant's August 7, 2023 brief pertaining to trial court docket number CP-65-CR-0000338-2022.

With respect to the Commonwealth's August 31, 2023 "Motion to Quash Appeal, Address Consolidation, Clarify Briefing Schedule and Extension of Time to File Brief," the Motion is **DENIED AS MOOT**.

The Prothonotary of this Court is **DIRECTED** to forward a copy of this Order to, *inter alia*, the Honorable Timothy P. Creany, the Commonwealth, and Appellant Martinez.

Jurisdiction relinquished with respect to trial court docket number CP-65-CR-0000338-2022. Jurisdiction retained with respect to trial court docket numbers CP-65-CR-0005559-2019 and CP-65-CR-0000231-2020.

PER CURIAM

*Exhibit G
Appendix C*

IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 81 WAL 2024
	:	
Respondent	:	
	:	Petition for Allowance of Appeal
	:	from the Order of the Superior Court
v.	:	
	:	
JUSTIN MARTINEZ,	:	
	:	
Petitioner	:	

ORDER

PER CURIAM

AND NOW, this 10th day of September, 2024, the Petition for Allowance of Appeal and "Motion for Status Update" are **DENIED**.