

NON-PRECEDENTIAL DECISION – SEE SUPERIOR COURT I.O.P 65.37

COMMONWEALTH OF PENNSYLVANIA,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellee	:	
	:	
v.	:	
	:	
JEFFREY LEE DANIELS,	:	
	:	
Appellant	:	No. 3043 EDA 2013

Appeal from the Judgment of Sentence October 8, 2013,
Court of Common Pleas, Delaware County,
Criminal Division at No. CP-23-CR-0000344-2012

BEFORE: DONOHUE, MUNDY and STABILE, JJ.

CONCURRING MEMORANDUM BY DONOHUE, J.: **FILED OCTOBER 28, 2014**

I agree with the result reached by the Majority. I write separately, however, because in reaching its decision, the Majority only determined that the issue raised by counsel in his **Anders** brief was wholly frivolous. **See** Maj. at 12. Pursuant to **Anders v. California**, 386 U.S. 738 (1967), when faced with an adequate **Anders** brief, it is the duty of this Court to conduct an independent review of the record to determine whether there are any non-frivolous issues that counsel failed to raise on his or her client’s behalf. **See Anders**, 386 U.S. at 744 (stating that the court must conduct an independent review of the record to determine “whether the case is wholly frivolous”). Relevant Pennsylvania case law, including this Court’s *en banc* decision in **Commonwealth v. Goodwin**, 928 A.2d 287 (Pa. Super. 2007) (*en banc*), upon which the Majority relies in stating our standard of review,

states that **Anders** requires that this Court conduct an independent review of the record to discern if there are any additional, non-frivolous issues that counsel omitted. **See, e.g., Goodwin**, 928 A.2d at 292; **see also Commonwealth v. James**, 46 A.3d 776, 778 (Pa. Super. 2012) (*en banc*) (stating the history of the case, which included an unpublished memorandum decision by a three-judge panel of this Court wherein we denied counsel's request to withdraw pursuant to **Anders**, as the panel found an issue of arguable merit and remanded the case for the filing of an advocates brief).

I have conducted an independent review of the record and found no non-frivolous issues that **Anders** counsel failed to raise in his brief. I therefore agree with the Majority that we must affirm the judgment of sentence and grant counsel permission to withdraw.

Stabile, J. joins this Concurring Memorandum.