

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania	:	CONSOLIDATED CASES
	:	
	:	
v.	:	
	:	
Courtney M. Gleco,	:	Nos.1665 C.D. 2025 & 1666 C.D. 2025
Appellant	:	Submitted: July 24, 2026

BEFORE: HONORABLE RENÉE COHN JUBELIRER, President Judge
HONORABLE MICHAEL H. WOJCIK, Judge
HONORABLE STELLA M. TSAI, Judge

OPINION
BY JUDGE TSAI

FILED: September 21, 2026

In these consolidated appeals, Courtney M. Gleco¹ (Defendant) appeals, *pro se*, from the orders of the Court of Common Pleas of Lycoming County (trial court) dated August 12, 2025, finding her guilty of four summary violations of the City of Williamsport’s (City) Property Maintenance Code (PMC).² After review, we conclude that Appellant’s summary convictions are void *ab initio*, reverse her convictions, and vacate her sentences.

I. BACKGROUND

Briefly, Defendant owns real property located at 862 Memorial Avenue, Williamsport, Pennsylvania (the Property). N.T. Trial, 8/12/25, at 8. On October

¹ Defendant is now known as Courtney Hontz. See N.T. Trial, 8/12/25, at 3.

² “A summary case is one in which the only offense or offenses charged are summary in nature.” *Commonwealth v. Borriello*, 696 A.2d 1215, 1217 n. 4 (Pa. Cmwlth. 1997). “This includes all charged offenses as defined in the Crimes Code, 18 Pa. C.S. § 106(c), or violations of ordinances for which imprisonment may be imposed upon conviction or upon failure to pay a fine or penalty.” *Id.*

10, 2023, Dean Severson, a City codes officer, issued a citation to Defendant for a summary violation of the PMC pertaining to the length of the grass at the Property. *Id.* at 5, 17-18. Subsequently, Severson issued citations to Defendant for three summary violations of the PMC: one for broken windows, one for unregistered vehicles parked on the Property, and another one for the length of the grass. *Id.*

On May 20, 2025, a magisterial district judge convicted Defendant of the four summary violations. Defendant then appealed to the trial court. The trial court held a trial *de novo* on August 12, 2025, at which Defendant proceeded *pro se*. At the conclusion of the trial, the trial court convicted Defendant of two counts of failure to cut grass/weeds, one count of keeping an unregistered motor vehicle on the property, and one count of failing to have windows repaired. That same day, the trial court sentenced Defendant to pay an aggregate fine of \$400 plus court costs. Defendant filed notices of appeal on September 12, 2025.³

That same day, the trial court entered an order directing Defendant to file and serve a concise statement of errors complained of on appeal pursuant to Pennsylvania Rule of Appellate Procedure 1925(b) (1925(b) Statement) within twenty-one days, *i.e.*, by October 3, 2025. In its opinion pursuant to Pennsylvania Rule of Appellate Procedure 1925(a), the trial court explained that Defendant failed to file a timely 1925(b) Statement. Trial Ct. Op., 10/6/25, at 2. Defendant filed a 1925(b) Statement on October 9, 2025. The trial court issued a supplemental opinion explaining that Defendant's 1925(b) Statement was untimely and the issues Defendant raised therein were waived. Trial Ct. Suppl. Op., 10/13/25, at 2, 4-5. Nevertheless, the trial court addressed the merits of those issues. *Id.* at 5-6.

³ Defendant initially appealed to the Superior Court, which subsequently transferred the appeals to this Court. This Court entered an order consolidating these appeals on February 26, 2026. Lastly, this Court granted Defendant's application to expedite on June 22, 2026.

II. ISSUES

Defendant raises multiple issues on appeal,⁴ including challenges to the sufficiency of the evidence, the trial court's improper shifting of the burden of proof from the Commonwealth to her as the defendant, the City's failure to provide Defendant with proper notice of the PMC violations, and the validity of Defendant's convictions because she was charged under the wrong version of the International Property Maintenance Code (IPMC).

III. DISCUSSION

A. Timeliness of the Appeal

Before we reach the merits of Defendant's issues on appeal, we must first determine if the appeal is timely because Defendant's notice of appeal appears to be facially untimely. *See In re Hawknet Props., LLC*, 320 A.3d 849, 856 (Pa. Cmwlth. 2024) (explaining that "[t]he timeliness of an appeal goes to the subject matter jurisdiction of this Court to hear and decide the appeal, which issue we may raise *sua sponte* at any time"). "An untimely appeal must be quashed absent a showing of fraud or a breakdown in the court's operation." *Thorn v. Newman*, 538 A.2d 105, 107 (Pa. Cmwlth. 1988).

The trial court convicted and sentenced Defendant on August 12, 2025. Rule 720 of the Pennsylvania Rules of Criminal Procedure provides, in relevant part, "[t]here shall be no post-sentence motion in summary case appeals following a trial *de novo* in the court of common pleas. The imposition of sentence immediately

⁴ "In reviewing a summary conviction matter, where the trial court has taken additional evidence in *de novo* review, our standard of review is limited to considering whether the trial court abused its discretion or committed an error of law." *Commonwealth v. Halstead*, 79 A.3d 1240, 1242 (Pa. Cmwlth. 2013). "The Commonwealth has the never-shifting burden of proving all elements of a summary offense beyond a reasonable doubt." *Commonwealth v. Nicely*, 988 A.2d 799, 803 n.3 (Pa. Cmwlth. 2010).

following a determination of guilt at the conclusion of the trial *de novo* shall constitute a final order for purposes of appeal.” Pa.R.Crim.P. 720(D). A notice of appeal must be filed “within 30 days after the entry of the order from which the appeal is taken.” Pa.R.A.P. 903(a). Here, Defendant filed her notices of appeal on September 12, 2025, 31 days after the trial court imposed sentence.

“The courts of this Commonwealth have held that a court breakdown occurred in instances where the trial court, at the time of sentencing, either failed to advise [the defendant] of [her] post-sentence and appellate rights or misadvised [her].” *Commonwealth v. Patterson*, 940 A.2d 493, 498 (Pa. Super. 2007); *see also Commonwealth v. Parlante*, 823 A.2d 927, 929 (Pa. Super. 2003) (declining to quash a facially untimely appeal because the defendant’s “error resulted from the trial court’s misstatement of the appeal period, which operated as a breakdown in the court’s operation” (citation and quotation marks omitted)).⁵

Pennsylvania Rule of Criminal Procedure 462, which governs trials *de novo* in summary cases, provides, in relevant part:

(H) At the time of sentencing, the trial judge shall:

. . . .

(2) advise the defendant of the right to appeal to the Superior Court^[6] within 30 days of the imposition of sentence, and that, if an appeal is filed, the execution of sentence will be stayed and the trial judge may set bail;

. . . .

⁵ “In general, Superior Court decisions are not binding on this Court, but they offer persuasive precedent where they address analogous issues.” *Lerch v. Unemployment Comp. Bd. of Rev.*, 180 A.3d 545, 550 (Pa. Cmwlth. 2018).

⁶ This Court, as opposed to the Superior Court, has jurisdiction over this matter because Defendant was convicted of violating municipal ordinances. *See* 42 Pa. C.S. § 762(a)(4)(i)(B); *Commonwealth v. Lal*, 627 A.2d 281, 283 n.3 (Pa. Cmwlth. 1993).

(4) issue a written order imposing sentence, signed by the trial judge. The order shall include the information specified in paragraphs (H)(1) through (H)(3), and a copy of the order shall be given to the defendant.

Pa.R.Crim.P. 462(H)(2), (4) (footnote added).

Here, the trial court stated during sentencing:

Now, what I'm gonna [sic] do is I'm gonna [sic] set the fine at the minimum that is permitted. Please get this stuff fixed. . . .

I'm gonna [sic] do two orders. And now this 12th day of August, 2025, after *de novo* hearing in the above-captioned matter, the Court finds beyond a reasonable doubt that the Defendant violated the terms of the Williamsport ordinance which is the substance of the citation in the above-captioned matter. The sentence of the Court is that the Defendant pay a fine in the amount of \$200 plus record costs. . . .

Okay. Minimum fine. Please get this stuff fixed. Thank you very much. Nice to meet you. Hope you have a safe trip home.

N.T. Trial, 8/12/25, at 35-36.

The trial court's sentencing orders both state:

AND NOW, this 12th day of August 2025, after a *de novo* hearing in the above-captioned matter, the Court finds beyond a reasonable doubt that the Defendant violated the terms of the Williamsport ordinance which is the substance of the citation in the above-captioned matter. The sentence of the Court is that the Defendant pay a fine in the amount of \$200 plus record costs.

Sentencing Order, CP-41-SA-18-2025, 8/12/25; *see also* Sentencing Order, CP-41-SA-19-2025, 8/12/25 (the same).

The trial court did not verbally inform Defendant of appellate rights, including the deadline by which she had to file a notice of appeal, at the time of sentencing. *See* Pa.R.Crim.P. 462(H)(2). Further, the trial court did not include that information in its sentencing orders as required by Rule 462. *See* Pa.R.Crim.P. 462(H)(4). Therefore, we conclude that the trial court's failure to advise Defendant of her appellate rights was a breakdown in the operation of the trial court which excuses

the facial untimely filing of the notices of appeal. *See Patterson*, 940 A.2d at 498; *see also Parlante*, 823 A.2d at 929; *Thorn*, 538 A.2d at 107. We decline to quash this appeal as untimely, and we proceed to the merits of Defendant’s claims.

B. Validity of Defendant’s Convictions Under the 2018 IPMC

We begin with Defendant’s claim that her convictions are invalid because the City issued citations under the wrong version of the IPMC because that claim is dispositive of these appeals. Defendant argues that the City has adopted the 2015 version of the IPMC as an ordinance. Defendant’s Brief at 23. Defendant contends that, here, she was convicted of violating provisions of the 2018 version of the IPMC. *Id.* at 24. Defendant concludes that her convictions must be vacated because “a prosecution under 2018 [IPMC] is legally defective.” *Id.*

The Commonwealth filed a letter with this Court, stating that it did not intend to file a brief and explaining that the City “has not adopted the 2018 [IPMC] and therefore cannot charge [Defendant] with violations thereof. The Commonwealth cannot in good faith argue for this Court to affirm the Trial Court’s order, and the Commonwealth does concede this appeal.” Commonwealth’s Letter.

As to the trial court’s contention that Defendant waived all of her issues on appeal because she filed an untimely 1925(b) Statement, it is well-established that challenges to the legality of a defendant’s sentence can never be waived and can be addressed by the appellate court so long as that court has jurisdiction. *See, e.g., Commonwealth v. Dickson*, 918 A.2d 95, 99 (Pa. 2007) (stating “if the sentence clearly implicates the legality of sentence, whether it was properly preserved below is of no moment, as a challenge to the legality of sentence cannot be waived”).

The Pennsylvania Supreme Court has stated:

[A] sentence is illegal where the statutory support for the underlying conviction is void *ab initio*. This . . . class of legality challenges is

distinct from the others inasmuch as it implicates the validity of the conviction. Nevertheless, because a conviction is the essential supporting infrastructure for a sentence, illegality with respect to the former extends to the latter as well. The alternative is for courts to accept as legal a sentence which is grounded upon an illegal conviction.

Commonwealth v. Prinkey, 277 A.3d 554, 563 (Pa. 2022) (citations omitted and formatting altered); *see also Commonwealth v. McIntyre*, 232 A.3d 609, 616 (Pa. 2020) (explaining that “a trial court is not empowered under our Commonwealth’s Sentencing Code to sentence an individual for a non-existent criminal offense”).

We conclude that Defendant’s claim that she was improperly charged and convicted under the 2018 IPMC because the City has not adopted the 2018 IPMC as an ordinance is a claim that her convictions are void *ab initio*. This claim is a challenge to the legality of Defendant’s sentences, which can never be waived. *See Prinkey*, 277 A.3d at 563; *McIntyre*, 232 A.3d at 616; *Dickson*, 918 A.2d at 99. Therefore, we may address the legality of the sentence on the merits regardless of whether Defendant raised it in a timely filed 1925(b) Statement.⁷

On November 1, 2017, City Ordinance Number 6335 came into effect. It provides, in relevant part:

⁷ We note that Defendant argues that the trial court’s order directing her to file a 1925(b) Statement was dated September 12, 2025, but was not mailed until September 16, 2025. Defendant’s Brief at 16. Where the trial court docket does not indicate the date of service of the Rule 1925(b) order on the defendant as required by Pa.R.Crim.P. 114, an appellate court cannot determine when the time period for the defendant to file a 1925(b) Statement begins to run. *Commonwealth v. Hess*, 810 A.2d 1249, 1254 (Pa. 2022); *see also Schlag v. Dep’t of Transp.*, 963 A.2d 598, 602 (Pa. Cmwlth. 2009) (declining to find that the appellant waived issues on appeal by filing a facially untimely 1925(b) Statement because “there is no notation on the docket that [the appellant] was served with a copy of the trial court’s Rule 1925(b) order”). Here, the trial court dockets do not indicate when the clerk of courts served the Rule 1925(b) orders on Defendant. This would be a basis to excuse waiver based on an untimely filed 1925(b) Statement. *See Hess*, 810 A.2d at 1254; *Schlag*, 963 A.2d at 602. However, as explained above, a challenge to the legality of the sentence cannot be waived.

[Section] 1741.01 ADOPTION.

A certain document, three copies of which are on file in the office of the City Clerk and the Bureau of Codes, being marked and designated as the International Property Maintenance Code 2015 as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the City of Williamsport, in the state of Pennsylvania; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in Section 1741.02 of this Article. A copy of the 2015 International Property Maintenance Code will be kept on file with the Williamsport Bureau of Codes.

City Ordinance No. 6335.⁸

The trial court did not expressly address Defendant's claim that the citations were erroneously issued under the 2018 IPMC instead of the 2015 IPMC, which the City had adopted, because Defendant did not raise that claim in her 1925(b) Statement. Even so, the trial court acknowledges that the City adopted the 2015 IPMC. Trial Ct. Op. at 4-5; Trial Ct. Suppl. Op. at 2. The trial court further opines that Defendant was convicted of violations of the 2015 IPMC, also known as City Code § 1713.01. Trial Ct. Op. at 1, 5; Trial Ct. Suppl. Op. at 1.

Based on our review of the record, we are constrained to disagree with the trial court that Defendant was convicted of four violations of the 2015 IPMC, which the City has adopted as an ordinance. The citations that Severson issued all charged Defendant with violations of the **2018** IPMC, also referred to as City Code **1741.01**. Citation No. R2997978-4; Citation No. R2997979-5; Citation No. R2997980-6;

⁸ The City initially codified its adoption of the 2015 IPMC as Section 1741.01 of the Codified Ordinances of Williamsport, Pennsylvania (City Code). *See* City Ordinance No. 6335. The City subsequently renumbered this as Section 1713.01 of the City Code. *See* City Ordinance No. 6437 (eff. June 1, 2022).

Citation No. R2997981-0. As stated above, the City adopted the 2015 IPMC, with modifications, and that was in effect at the time of the alleged violations. Although the trial court referred to the 2015 IPMC in its opinions when discussing Defendant's convictions, there is nothing in the record to indicate that the Commonwealth amended the citations to refer to the 2015 IPMC instead of the 2018 IPMC. Therefore, we conclude that Defendant's convictions under the 2018 IPMC are void *ab initio* because the City has not adopted the 2018 IPMC as a City ordinance. *See* City Code § 1713.01 (adopting the 2015 IPMC); *see also McIntyre*, 232 A.3d at 616 (explaining that a court may not sentence someone for a non-existent offense). For these reasons, we reverse Defendant's convictions and vacate her sentences.⁹

STELLA M. TSAI, Judge

⁹ Because of our disposition, we need not address the remaining issues Defendant has raised on appeal.

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ORDER

AND NOW, this 21st day of September, 2026, the orders of the Court of Common Pleas of Lycoming County, entered on August 12, 2025, convicting Courtney M. Gleco of summary violations of the City of Williamsport's Property Maintenance Code, are REVERSED, and the sentences of \$400 in fines and court costs for each conviction are VACATED.

STELLA M. TSAI, Judge