NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
MICHAEL PAUL MARSHALL	:	
Appellant	:	No. 196 WDA 2026

Appeal from the Judgment of Sentence Entered December 19, 2025
In the Court of Common Pleas of Venango County Criminal Division at
No(s): CP-61-CR-0000499-2025

BEFORE: DUBOW, J., KUNSELMAN, J., and BECK, J.

JUDGMENT ORDER BY DUBOW, J.: **FILED: November 12, 2026**

Appellant Michael Paul Marshall appeals from the sentence imposed by the Venango County Court of Common Pleas after he pled guilty to Flight to Avoid Apprehension and Possession of a Controlled Substance.[1] He purports to challenge the discretionary aspect of his sentence. Because his brief is woefully defective, we are unable to conduct any meaningful review. We, thus, affirm his judgment of sentence.

We glean the relevant factual and procedural history from the trial court opinion and the certified record. On November 10, 2025, Appellant pled guilty to the above offenses.[2] The court ordered a pre-sentence investigation. On

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[1] 18 Pa.C.S. § 5126(a); 35 P.S. § 780-113(a)(16).

[2] As a result of these convictions at Docket No. CR 499-2025, the trial court revoked Appellant's parole and probation at Docket No. CR 86-2025. The appeal now before us pertains only to the judgment of sentence imposed at CR 499-2025.

December 19, 2025, the court sentenced Appellant to an aggregate term of twelve to twenty-four months' incarceration, *i.e.*, a term of six to 12 months incarceration for each offense to be served consecutively.[3] Appellant filed a post-sentence motion challenging the sentence imposed as being outside the guidelines. The court denied the motion on January 8, 2026.

Appellant filed a timely notice of appeal. Both Appellant and the trial court complied with Pa.R.A.P. 1925.

Appellant raises one question for our review:

> Whether the court erred as a matter of law or abused its discretion, when the court denied the post sentence motion requesting a county sentence instead of a state sentence when the defendant had no prior convictions and was employed[?]

Appellant's Br. at 5.

It is axiomatic that appellate briefs must materially conform to the requirements of the Pennsylvania Rules of Appellate Procedure, and this Court may quash or dismiss an appeal if the defect in the brief is substantial. ***Commonwealth v. Adams***, 882 A.2d 496, 497-98 (Pa. Super. 2005); Pa.R.A.P. 2101. "The Rules of Appellate Procedure state unequivocally that each question an appellant raises is to be supported by discussion and analysis of pertinent authority." ***Commonwealth v. Martz***, 232 A.3d 801, 811 (Pa.

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[3] The same day, the court also revoked Appellant's parole and imposed sentence at CR 86-2025 ("VOP Sentence") and ordered that the sentence imposed in the instant appeal be served consecutively to the VOP sentence.

Super. 2020) (citation and bracketed language omitted); ***see*** Pa.R.A.P. 2111 (listing briefing requirements for appellate briefs) and 2119 (listing argument requirements for appellate briefs). "When issues are not properly raised and developed in briefs, when the briefs are wholly inadequate to present specific issues for review, a Court will not consider the merits thereof." ***Branch Banking and Trust v. Gesiorski***, 904 A.2d 939, 942-43 (Pa. Super. 2006) (citation omitted).

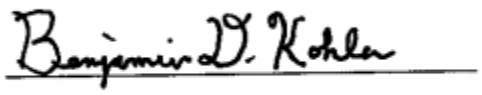
Rule 2119 requires that the argument portion of an appellate brief must be developed with citation to the record and relevant authority. Pa.R.A.P 2119(a)-(c). As this Court has made clear, we "will not act as counsel[.]" ***Commonwealth v. Kane***, 10 A.3d 327, 331 (Pa. Super. 2010) (citation omitted). "We shall not develop an argument for an appellant, nor shall we scour the record to find evidence to support an argument; instead, we will deem [the] issue[s] to be waived." ***Milby v. Pote***, 189 A.3d 1065, 1079 (Pa. Super. 2018).

Here, Appellant's argument section does not at all match the question presented. Rather, he asserts that "the sentencing court abused its discretion by imposing a sentence outside the guidelines and by relying on a belief that the appellant's prior record did not reflect the appellant's actual record." Appellant's Br. at 9. Although he acknowledges that the sentencing court has discretion to depart from the recommended sentencing guidelines, Appellant provides a three-sentence argument that includes no discussion of the

applicable guidelines, no discussion of his "actual record," and no citations to the record. ***See id.***, at 10-11. Further, Appellant's purported Rule 2119(f) Statement, inserted *after* his three-sentence argument, is immediately followed by a "conclusion" requesting remand for a county sentence. These briefing defects are fatal to this Court's ability to provide any meaningful review of Appellant's sentencing challenge.

We, therefore, affirm the judgment of sentence.

Judgment Entered.



Benjamin D. Kohler, Esq.
Prothonotary

11/12/2026