

2026 PA Super 208

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
STEPHEN JOSEPH BUDAI	:	
	:	
Petitioner	:	No. 54 WDM 2026

Appeal from the Order Entered May 11, 2026
In the Court of Common Pleas of Allegheny County Criminal Division at
No(s): CP-02-CR-0007654-2025

BEFORE: PANELLA, P.J.E., KING, J., and FORD ELLIOTT, P.J.E.*

OPINION BY KING, J.:

FILED: September 21, 2026

Petitioner, Stephen Joseph Budai, filed a Petition for Specialized Review ("Petition") from the order entered in the Allegheny County Court of Common Pleas that denied him nominal bail following a Pa.R.Crim.P. 600 hearing. Pursuant to Pa.R.A.P. 1610, ***Interest of N.E.M.***, ___ Pa. ___, 311 A.3d 1088 (2024), and ***Commonwealth v. Miller***, 319 A.3d 575 (Pa.Super. 2024), this Court treats the Petition as a notice of expedited appeal. The trial court has filed a statement in support of its decision, and the Commonwealth has filed a response ("Response") to the Petition. After careful review, we affirm.

We glean the facts and procedural history of this case from the Petition, the Response, the trial court's opinion, the trial court's docket, and the notes of testimony that were provided by Petitioner and the Commonwealth. The

* Retired Senior Judge assigned to the Superior Court.

averments in these filings do not appear, for the most part, to be in conflict. Police arrived at Petitioner's residence on September 1, 2025, to perform a mental-health welfare check after Petitioner's family discovered social media posts from Petitioner, threatening to harm himself. Petitioner refused to come to the door but allowed his brother to enter, though Petitioner then claimed that person was not his brother. When Petitioner went into another room, his brother exited the residence and told police, as well as social workers who arrived at the scene, that he knew Petitioner to possess multiple firearms.

Petitioner later went outside and encouraged the police to shoot him. Although the police drew their weapons, they did not fire, and Petitioner retreated back into his house while saying that he would shoot them. The police and the social workers took cover behind patrol cars before Petitioner re-emerged and fired numerous shots at them from a handgun and rifle. Several hours later, Petitioner surrendered to a SWAT team. Petitioner was charged with multiple counts of assault of a law-enforcement officer with a firearm, aggravated assault, recklessly endangering another person, and possessing an instrument of crime.

The Honorable Daniel E. Butler of the magisterial court initially denied bail on September 2, 2025, and ordered Petitioner to undergo a behavioral evaluation after the preliminary arraignment. According to testimony from Erin Spicuzza on behalf of Pretrial Services, Petitioner underwent an evaluation, he was deemed competent on September 11, 2025, and bail was

again denied on September 18, 2025.¹ The Commonwealth avers that on October 6, 2025, Petitioner filed a motion to modify the denial of bail. Neither the Court of Common Pleas docket nor the magisterial court docket confirm this filing, but the magisterial docket contains two entries, one for October 9, 2025, and the other for October 11, 2025, of "Bail Denied." The Commonwealth avers the denial of bail was ordered by Judge Borkowski. (**See** Response, at 2). The magisterial court held the preliminary hearing on October 20, 2025, by which point the Commonwealth had added charges of attempted homicide. The court held over all charges.

According to the Court of Common Pleas docket, Petitioner filed a motion to modify bond on February 6, 2026. Petitioner did not note this filing in his Petition. The Honorable Jennifer Satler held a hearing on March 3, 2026, and denied the motion on March 11, 2026.

On May 5, 2026, Petitioner filed a motion for modification of bail, contending that he was entitled to nominal bail pursuant to Pa.R.Crim.P. 600(B) and (D)(2) because over 180 days had passed since his arraignment. On May 11, 2026, Judge Satler presided over a hearing on the motion. In this hearing, Petitioner averred that, in addition to his assertion that the

¹ Ms. Spicuzza testified that the Honorable Edward Borkowski entered this order denying bail. Neither the trial court opinion, the Petition, nor the Response verify this assertion, but the Commonwealth includes a copy of the notes of testimony from October 9, 2025, at which Judge Borkowski presided over a hearing to address the motion to modify bail.

Commonwealth failed to present, at past bail hearings, sufficient evidence that Petitioner was more likely than not to cause harm to somebody if released from custody, he was entitled to nominal bail pursuant to Pa.R.Crim.P. 600(D)(2). The Commonwealth conceded that Rule 600(B)'s 180-day run date had passed, but it argued that there were still no conditions that would ensure the safety of the victim and community. Ms. Spicuzza thereafter testified as to the continued recommendation that bail be denied. The trial court concluded that Petitioner's request for modification was properly before the court due to the expiration of Rule 600(B)'s 180-day period, resulting in a change of conditions, but concluded that no other change of circumstance justified changing the prior denials of bail. The court denied bail at the end of the hearing.²

Petitioner filed the instant Petition for Specialized Review on May 21, 2026. On June 15, 2026, the trial court filed its statement of reasons in support of its decision. The Commonwealth filed its response to the Petition on June 22, 2026.

Petitioner raises the following issue:

[W]hether the [trial c]ourt erred when it denied [Petitioner's] motion for Nominal Bail Pursuant to Rule 600(D)(2) where the Commonwealth failed to present legally competent evidence that proved that it is "substantially more likely than not that (1) the accused will harm someone if he is released and that (2) there is no

² The trial court docket entry for May 11, 2026 erroneously reads: "Order Granting Modification – Bail Denied."

condition of bail within the court's power that reasonably can prevent the defendant from inflicting that harm." ***Commonwealth v. Talley***, [670 Pa. 671, 265 A.3d 485 (2021)].

(Petition, at unnumbered p.4).

Petitioner argues that the Commonwealth failed to introduce any legally competent evidence at the May 11, 2026 hearing, in violation of ***Talley***. Petitioner contends that "the Commonwealth baldly asserted that 'there is no condition or combination of conditions that can ensure the safety of the community...'" and that "[t]he Commonwealth merely recited parts of the allegations that it intends to prove at trial." (Petition, at unnumbered pp. 4-5). Petitioner claims that the Commonwealth is relying only upon the facts underlying his charges, and that it failed to present any evidence supporting the factors prescribed by Pa.R.Crim.P. 523(a), as mandated by ***Talley***. Petitioner concludes he is entitled to nominal bail and suggests he be confined to his home address by means of electronic home monitoring, with the additional condition that he not be permitted to possess any firearms. We disagree.

This Court reviews orders denying bail for an abuse of discretion, reversing only where the trial court misapplies the law, or its judgment is manifestly unreasonable, or the evidence of record shows that its decision is a result of partiality, prejudice, bias or ill will. ***Commonwealth v. Bishop***, 829 A.2d 1170, 1172 (Pa.Super. 2003). Our "scope of review is limited to the record evidence from both the nominal bail hearing and the findings of the

lower court, reviewed in the light most favorable to the prevailing party.” **Talley, supra** at 740, 265 A.3d at 527 (internal quotation marks omitted). The trial court’s denial of bail should be affirmed “if [the court’s] factual findings are supported by competent evidence of record, and [its] legal conclusions drawn therefrom are correct.” **Id.**

“Pa.R.Crim.P. 600(B)(1) provides [that] a defendant held in pretrial incarceration must be brought to trial within ‘180 days from the date on which the complaint is filed.’” **Id.** at 709, 265 A.3d at 507. A court may deny nominal bail even after 180 days have passed, however, if it deems a defendant “nonbailable” under Article I, Section 14 of the Pennsylvania Constitution. **See id.** The court may deem a defendant as nonbailable only if the Commonwealth offers evident proof, or establishes a great presumption, “that the accused...presents a danger to any person and the community, which cannot be abated using any available bail conditions.” **Id.** at 719, 265 A.3d at 513.

The right to bail, with certain exceptions, is enshrined in Article I, Section 14 of the Pennsylvania Constitution, which provides in pertinent part:

All prisoners shall be bailable by sufficient sureties, unless for capital offenses or for offenses for which the maximum sentence is life imprisonment or unless no condition or combination of conditions other than imprisonment will reasonably assure the safety of any person and the community when the proof is evident or presumption great[.]

Pa.Const. art. I, § 14. Our Supreme Court has concluded:

[A] trial court may deny bail under Article 1 Section 14 when the Commonwealth's proffered evidence makes it substantially more likely than not that the accused: (1) committed a capital offense, (2) committed an offense that carries a maximum sentence of life imprisonment, or (3) presents a danger to any person and the community, which cannot be abated using any available bail conditions. That determination requires a qualitative assessment of the Commonwealth's case.

Talley, supra at 738, 265 A.3d at 525-26. The Court also provided a non-exhaustive list of factors a trial court should consider in reviewing bail, including: (1) the defendant's character; (2) relevant behavioral history or past patterns of conduct; (3) the gravity of the charged offense; (4) the conditions of bail reasonably available to the court; and (5) any evidence that tends to show that those conditions would be inadequate to ensure the protection of any person or the community. **Id.** at 737, 265 A.3d at 525. The Court stated that "[i]f the balance of the evidence is rife with uncertainty, legally is incompetent, requires excessive inferential leaps, or lacks any indicia of credibility, it simply is not evident proof, nor can it give rise to a great presumption, that the accused is not entitled to bail." **Id.** at 738-39, 265 A.3d at 526.

Additionally, this Court may consider past denials of a defendant's request for bail in the same case when they are connected. **See Commonwealth v. Sadowski**, 332 A.3d 1271, 2024 WL 5510168 at *4 (Pa.Super. filed Dec. 30, 2024) (unpublished memorandum) (concluding that, while reviewing one judge's order denying modification of bail, it was

necessary to discuss another judge's prior denial of bail "because they are connected").³ Further, it is a petitioner's burden to present properly developed argument on the issues; failure to develop the argument sufficiently results in waiver of the issue. ***See Commonwealth v. Langley***, 344 A.3d 1091, 2025 WL 1905538 at *7 n.3 (Pa.Super. filed July 10, 2025) (unpublished memorandum).

Instantly, Petitioner limits his arguments in the Petition to asserting that the Commonwealth failed to present competent evidence at the May 2026 hearing. (***See, e.g.,*** Petition at unnumbered p. 4) (stating: "[T]he Commonwealth failed to submit any legally competent evidence during **the bail hearing...**"; "**At the bail hearing**, the Commonwealth baldly asserted...") (emphasis added). Petitioner also cites only to the May 2026 hearing in support of his arguments. Moreover, Petitioner provided only the following attachments for review: (1) his Rule 600(D)(2) motion for nominal bail; (2) the May 11, 2026 notes of testimony; and (3) the May 11, 2026 order denying bail.

The Commonwealth responds that Petitioner's arguments amount to an argument that it must re-present its **Talley** evidence every time the trial court holds a bail hearing. The Commonwealth suggests that "[i]t would be absurd to force the Commonwealth to repeatedly remake the same record at the

³ Unpublished memorandum decisions filed after May 1, 2019, may be cited for their persuasive value. ***See*** Pa.R.A.P. 126(b).

same case[,]” particularly when the Commonwealth must rely, as it did in this case, on witness testimony. (Response at 6). The trial court, in its statement of reasons, specifically noted that it denied bond in **both** March and May due to: (a) the serious nature of the charges; (b) the strength of the Commonwealth’s case; (c) the 20-40 year mandatory sentences that potentially applied to some charges; (d) it was substantially more likely than not Petitioner would harm a member of the community due to his mental health and access to weapons at his home; and (e) electronic home monitoring would merely provide an alert mechanism that he left the assigned location and would not restrict his movement.

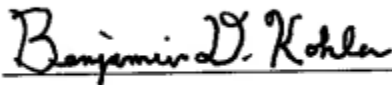
We agree with the Commonwealth that it is not required to re-present its **Talley** evidence at every pre-trial bail hearing. **See Sadowski, supra**. We presume that when the Commonwealth references past bail hearings, as it did in the instant case, the trial court has the information necessary to evaluate the **Talley** factors in addition to any new evidence or change in circumstance the petitioner wishes to present in support of modification of bail. The Petition contains no argument that there was insufficient or incompetent evidence supporting the prior denials of bail, nor does he provide any record of those prior bail proceedings for this Court to review.⁴ Thus, to

⁴ The Commonwealth provided copies of the notes of testimony from the October 9, 2025 bail hearing and the October 20, 2025 preliminary hearing. (Footnote Continued Next Page)

the extent Petitioner argues that the Commonwealth failed to produce sufficient evidence at any of the prior bail hearings to satisfy the **Talley** factors, we deem such claim waived. **See Langley, supra.**⁵ Accordingly, we conclude that the trial court did not abuse its discretion in denying Petitioner's most recent motion for modification of bail.

Order affirmed.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is written over a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

DATE: 9/21/2026

This Court was not provided with any notes of testimony from the March 3, 2026 hearing.

⁵ Moreover, upon review of the October 9, 2025 hearing, we would conclude that the Commonwealth presented sufficient evidence to satisfy the **Talley** factors at that hearing. The trial court received evidence of the serious nature of the charges levied against Petitioner, testimony from Petitioner's brother and one of the responding police officers about Petitioner's mental health and access to firearms, the possibility that Petitioner could harm either himself or members of the community, and testimony from Petitioner's brother that Petitioner's home was in or close to foreclosure, which the Commonwealth later argued would make electronic home monitoring an unrealistic option. Even without review of the March 2026 bail hearing, the record contains ample evidence supporting the trial court's May 2026 denial of bail.

