NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
JOHN SPAN	:	
	:	
Appellant	:	No. 2273 EDA 2025

Appeal from the PCRA Order Entered August 26, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0002172-2023

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
JOHN SPAN	:	
	:	
Appellant	:	No. 2274 EDA 2025

Appeal from the PCRA Order Entered August 26, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0002173-2023

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
JOHN SPAN	:	
	:	
Appellant	:	No. 2275 EDA 2025

Appeal from the PCRA Order Entered August 26, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0002174-2023

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA

	:	
v.	:	
	:	
	:	
JOHN SPAN	:	
	:	
Appellant	:	No. 2276 EDA 2025

Appeal from the PCRA Order Entered August 26, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0002180-2023

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
JOHN SPAN	:	
	:	
Appellant	:	No. 2277 EDA 2025

Appeal from the PCRA Order Entered August 26, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0002181-2023

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
JOHN SPAN	:	
	:	
Appellant	:	No. 2278 EDA 2025

Appeal from the PCRA Order Entered August 26, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0002185-2023

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	

JOHN SPAN	:	
	:	
Appellant	:	No. 2279 EDA 2025

Appeal from the PCRA Order Entered August 26, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0002186-2023

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
JOHN SPAN	:	
	:	
Appellant	:	No. 2280 EDA 2025

Appeal from the PCRA Order Entered August 26, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0002187-2023

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
JOHN SPAN	:	
	:	
Appellant	:	No. 2281 EDA 2025

Appeal from the PCRA Order Entered August 26, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0002188-2023

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
JOHN SPAN	:	
	:	
Appellant	:	No. 2282 EDA 2025

Appeal from the PCRA Order Entered August 26, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0002189-2023

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
JOHN SPAN	:	
Appellant	:	No. 2283 EDA 2025

Appeal from the PCRA Order Entered August 26, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0002192-2023

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
JOHN SPAN	:	
Appellant	:	No. 2284 EDA 2025

Appeal from the PCRA Order Entered August 26, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0002193-2023

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
JOHN SPAN	:	
Appellant	:	No. 2285 EDA 2025

Appeal from the PCRA Order Entered August 26, 2025

In the Court of Common Pleas of Philadelphia County Criminal Division at No(s): CP-51-CR-0004261-2023

BEFORE: SULLIVAN, J., BECK, J., and BENDER, P.J.E.

MEMORANDUM BY BENDER, P.J.E.: **FILED NOVEMBER 10, 2026**

Appellant, John Span, appeals from the order entered on August 26, 2025, that denied his petitions filed pursuant to the Post Conviction Relief Act (PCRA)[1] in the above-captioned matters.[2] Appellant's counsel, Peter A. Levin, Esq., has filed a ***Turner***/***Finley***[3] "no merit" brief and petition to withdraw. After review, we grant counsel's petition to withdraw and affirm the order denying PCRA relief.

The PCRA court summarized the relevant background and procedural history in its opinion filed on October 10, 2025. ***See*** PCRA Court Opinion (PCO), 10/10/25, at 2. Briefly, on August 15, 2023, Appellant entered a negotiated guilty plea to 13 counts of burglary and 2 counts of criminal conspiracy. ***See id.*** On that same day, the trial court accepted the plea and imposed the negotiated sentence of 11½ to 23 months of incarceration in accordance with the plea agreement at trial court dockets 2172-2023, 2173-2023, 2174-2023, 2181-2023, 2185-2023, 2186-2023, 2188-2023, 2189-

---

[1] 42 Pa.C.S. §§ 9541-9546.

[2] In an order filed on September 9, 2025, this Court consolidated the above-captioned appeals *sua sponte* pursuant to Pa.R.A.P. 513.

[3] ***Commonwealth v. Turner***, 544 A.2d 927 (Pa. 1988), and ***Commonwealth v. Finley***, 550 A.2d 213 (Pa. Super. 1988) (*en banc*).

2023, 2192-2023, 2193-2023, and 4261-2023. At the two remaining trial court dockets, 2180-2023 and 2187-2023, the trial court likewise imposed the negotiated sentence of four years of probation on each. The trial court ordered all sentences to run concurrently resulting in an aggregate sentence of 11½ to 23 months of incarceration with 4 years of concurrent probation. ***See id.***

On July 13, 2024, Appellant filed a *pro se* PCRA petition, and the PCRA court appointed counsel. Counsel filed an amended PCRA petition on November 1, 2024. On June 27, 2025, the PCRA court issued notice of its intent to dismiss Appellant's petition pursuant to Pa.R.Crim.P. 907, and on August 26, 2025, the court dismissed Appellant's petition.

Appellant filed a timely appeal,[4] and the PCRA court ordered Appellant to file a concise statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(b). In lieu of filing a Rule 1925(b) statement, counsel filed a statement of intent to withdraw pursuant to Pa.R.A.P. 1925(c)(4), having concluded that there were no arguably meritorious issues for appeal. The PCRA court filed its Rule 1925(a) opinion on October 10, 2025. On January 28, 2026, counsel filed a motion to withdraw and ***Turner***/***Finley*** brief in this Court.

The lone issue identified in the ***Turner***/***Finley*** brief is Appellant's claim that his guilty pleas were not knowingly, intelligently, and voluntarily entered

---

[4] Appellant filed a separate notice of appeal at each trial court docket. As noted above, the appeals were consolidated, and we refer to this appeal in the singular.

because Appellant believed that he would receive 8 months of credit for time served on a separate case in Bucks County. ***Turner***/***Finley*** Brief at 6. Before we address the merits of the issue identified in the ***Turner***/***Finley*** brief, we must first determine whether counsel complied with the procedural requirements of ***Turner*** and ***Finley***. "A ***Turner***/***Finley*** brief must: (1) detail the nature and extent of counsel's review of the case; (2) list each issue the petitioner wishes to have reviewed; and (3) explain counsel's reasoning for concluding that the petitioner's issues are meritless." ***Commonwealth v. Knecht***, 219 A.3d 689, 691 (Pa. Super. 2019). "Counsel must also send a copy of the brief to the petitioner, along with a copy of the petition to withdraw, and inform the petitioner of the right to proceed pro se or to retain new counsel." ***Id.*** If these requirements are met, "we then conduct an independent review of the petitioner's issues." ***Id.***

Here, counsel has substantially complied with the ***Turner***/***Finley*** requirements. Counsel has filed in this Court a ***Turner***/***Finley*** brief and petition to withdraw as counsel. Moreover, counsel attached to his petition a letter he sent to Appellant informing him of his rights. ***Knecht***, 219 A.3d at 691.[5] Accordingly, we now conduct our independent review.

As stated above, in the ***Turner***/***Finley*** brief, counsel addressed Appellant's claim that his guilty pleas were not knowingly, intelligently, and voluntarily entered based on Appellant's claim that he believed he would

---

[5] Appellant has not filed a response.

receive 8 months of credit for time served. ***Turner***/***Finley*** Brief at 6. Counsel concludes that Appellant's challenges concerning the guilty pleas at 2172-2023, 2173-2023, 2174-2023, 2181-2023, 2185-2023, 2186-2023, 2188-2023, 2189-2023, 2192-2023, 2193-2023, and 4261-2023 are time barred under the PCRA because Appellant has completed serving the sentences at those dockets. Further, although Appellant is currently serving the sentences imposed at the two remaining dockets, 2180-2023 and 2187-2023, counsel concludes that the challenge to the voluntary nature of his plea with respect to those two dockets lacks merit. ***See id.*** at 6-9.

The standard of review for an order denying a PCRA petition is whether that determination is supported by the evidence of record and is free of legal error. ***Commonwealth v. Johnston***, 42 A.3d 1120, 1126 (Pa. Super. 2012). The PCRA court's findings will not be disturbed unless there is no support for the findings in the certified record. ***Id.***

To be entitled to PCRA relief, a petitioner must establish the applicability of one or more of the enumerated errors set forth in 42 Pa.C.S. § 9543(a)(2). ***Commonwealth v. Hanible***, 30 A.3d 426, 438 (Pa. 2011). However, in order to be eligible for relief, a PCRA petitioner must plead and prove by a preponderance of the evidence that he or she has been convicted of a crime and that he or she is "currently serving a sentence of imprisonment, probation or parole for the crime." 42 Pa.C.S. § 9543(a)(1)(i). A petitioner who has completed serving his sentence is no longer eligible for PCRA relief. ***Commonwealth v. Soto***, 983 A.2d 212, 213 (Pa. Super. 2009);

Commonwealth v. Ahlborn, 699 A.2d 718, 720 (Pa. 1997). When a PCRA petitioner's sentence has expired, the petitioner's eligibility for PCRA relief has also expired. ***See Commonwealth v. Plunkett***, 151 A.3d 1108, 1109-10, 1112-13 (Pa. Super. 2016) (affirming the denial of the petitioner's PCRA petition where the petitioner's sentence expired during pendency of his appeal).

Here, Appellant's sentences at trial court docket numbers 2172-2023, 2173-2023, 2174-2023, 2181-2023, 2185-2023, 2186-2023, 2188-2023, 2189-2023, 2192-2023, 2193-2023, and 4261-2023 expired on July 15, 2025, when Appellant completed serving his incarceration sentence, and the PCRA court correctly determined that Appellant is ineligible for relief under the PCRA. ***See*** PCO, 10/10/25, at 2-3. Accordingly, we agree with counsel that there are no arguably meritorious issues at these dockets due to the expiration of Appellant's sentences. ***Turner***/***Finley*** Brief at 6-7.

At trial court dockets 2180-2023 and 2187-2023, although Appellant continues to serve his terms of probation and therefore meets the eligibility requirement for PCRA relief under 42 Pa.C.S. § 9543(a)(1)(i), counsel concluded that Appellant's issue concerning the voluntary nature of his plea is meritless. ***Id.*** at 7-9.

At the outset, we observe that 42 Pa.C.S. § 9760, which governs credit for time served, does not afford credit for time spent in custody to a sentence of probation. ***See*** 42 Pa.C.S. § 9760. Furthermore, time served in one criminal matter is not credited toward a sentence in a separate and distinct

matter. ***Commonwealth v. Richard***, 150 A.3d 504, 520-521 (Pa. Super. 2016).

The PCRA court addressed time credit as it relates to dockets 2180-2023 and 2187-2023 as follows:

> Appellant asserts that his guilty plea was not knowing, intelligent, or voluntary because he believed he would receive credit for approximately 8 months served on a different matter in Bucks County. This claim is belied by the record. At the time of his plea, Appellant confirmed that he understood he would serve the full 23 months of confinement. N.T. [Plea Hearing,] 8/15/2023 6:2-20. Later in the proceedings Appellant's attorney, Keith Hadsell, told this [c]ourt that Appellant would be 25 years old at the time he was released from jail. Appellant corrected Attorney Hadsell and informed him that he would be 26 at the time of his release. N.T. 8/15/2023 at 15:12-23. Appellant was born on May 24, 1999. That means he would have been … 26 years, 1 month, and 21 days old at the time his term of confinement ended on July 15, 2025. It is therefore clear from the record that, at the time of his plea, Appellant did not believe he would be eligible for release [at the expiration of his minimum sentence], and that he understood the length of his sentence. Moreover, it is legally impossible for Appellant to receive "double credit" for time served in Bucks County. ***See*** [***Richard***, 150 A.3d at 520-21] ("a defendant shall be given credit for any days spent in custody prior to the imposition of sentence, but only if such commitment is on the offense for which sentence is imposed. Credit is not given, however, for a commitment by reason of a separate and distinct offense."); ***see also Commonwealth v. Ellsworth***, 97 A.3d 1255, 1257 (Pa. Super. 2014) ("a defendant is not entitled to receive credit against more than one sentence for the same time served."). Therefore, Appellant's claims are without merit, and this [c]ourt properly denied his petition.

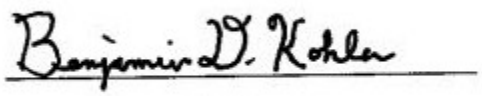
PCO at 4-5 (some formatting altered).

We agree with the PCRA court's assessment and conclude that Appellant's claim relative to trial court dockets 2180-2023 and 2187-2023 lacks merit. The record reflects that Appellant understood the terms and

length of his sentences, ***see*** N.T., 8/15/2023 at 6, 15, and in any event, time spent in custody on a separate and distinct matter in Bucks County can not be applied toward the instant cases in Philadelphia. ***See Richard***, 150 A.3d at 520-521. Further, our independent evaluation of the record has disclosed no additional meritorious issues. Accordingly, we affirm the order denying Appellant's PCRA petition and grant counsel's petition to withdraw.

Order affirmed. Petition to withdraw granted.

Judgment Entered.



Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/10/2026