

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
ABRAHIM FATA	:	
	:	
Appellant	:	No. 553 EDA 2026

Appeal from the Order Entered February 3, 2026
In the Court of Common Pleas of Lehigh County Criminal Division at
No(s): CP-39-CR-0004857-2017

BEFORE: BOWES, J., OLSON, J., and McLAUGHLIN, J.

MEMORANDUM BY McLAUGHLIN, J.:

FILED OCTOBER 27, 2026

Abraham Fata appeals *pro se* from the order dismissing his motion to correct his sentence. Since the trial court properly dismissed the motion because Fata is no longer serving the sentence he sought to correct, we affirm.

On June 5, 2018, Fata pleaded guilty to stalking.¹ That same day, the court sentenced him to eight to 23 months' incarceration, followed by three years' reporting probation. **See** Sentencing Order, filed 6/5/18. Between 2018 and 2020, Fata violated his parole and probation conditions, resulting in the court resentencing him to periods of incarceration and/or probation. Most recently, on January 16, 2024, the court found Fata in violation of his probation and resentenced him to nine to 23 months' incarceration, with credit for time served. **See** Order, filed 1/16/24. Fata completed his sentence for the

¹ 18 Pa.C.S.A. § 2709.1(a)(2).

subject conviction on September 25, 2025. **See** Probation and Parole Department Letter, dated 10/6/25.

On January 19, 2026, Fata filed a motion styled as a Motion to Correct Patent Error in Sentence Calculation. Fata maintained that his “term of imprisonment was incorrectly extended 74 days due to a misapplication of probation over a parole period, causing a patent and obvious sentencing error.” **See** Motion to Correct Patent Error in Sentence Calculation and Clerical Error in the Record *Nunc Pro Tunc* (“Motion to Correct”), filed 1/28/26, at ¶ 2. On February 3, 2026, the court entered an order dismissing the motion. The court determined that Fata had completed his sentence and was “no longer under the supervision of this [c]ourt. Therefore, [Fata] no longer has standing to request a re-calculation of his now-completed sentence.” **See** Order, filed 2/3/26, at n.1. Fata filed a motion to reconsider, which the court denied. This timely appeal followed.

Fata raises the following questions, which we reprint verbatim:

1. Did the trial court err as a matter of law by reclassifying a motion to correct a (patent and obvious) mathematical error as a PCRA petition [invoking the *Ahlborn* standing bar]?
2. Did the trial court violate **Pa.R.Crim.P. 113** and due process by issuing an order on an underlying record it admitted was (incomplete) and missing mandatory docket entries [Order, 2/3/26, Footnote 2]?
3. Did the trial court err by finding “waiver” based on the discontinuance of a prior appeal that was strategically necessitated by the trial court’s own misapplication of jurisdictional rules to stay separate PCRA proceedings?

Fata's Br. at 1 (unpaginated) (alterations and emphasis in original).

Mootness presents a pure question of law, "and therefore this Court's standard of review is *de novo* and our scope of review is plenary." ***Commonwealth v. Dixon***, 907 A.2d 468, 472 (Pa. 2006).

Fata argues that under ***Commonwealth v. Holmes***, 933 A.2d 57 (Pa. 2007), "courts retain an inherent power to fix patent errors at any time, independent of the PCRA's 'serving a sentence' requirement." Fata's Br. at 2 (unpaginated). Fata also argues "Pennsylvania courts recognize that a case is (not moot) when 'collateral consequences' remain" and "mootness does not apply because of the collateral consequences regarding [Fata's] pending civil/RICO claims for the (74-day illegal detention) valued at \$98,050." ***See id.*** at 2, 3 (unpaginated) (citing ***Commonwealth v. Reagan***, 479 A.2d 621 (Pa.Super. 1984)(emphasis omitted).

"An issue before a court is moot if in ruling upon the issue the court cannot enter an order that has any legal force or effect." ***Commonwealth v. Nava***, 966 A.2d 630, 633 (Pa.Super. 2009) (citation omitted).² A challenge to a sentence that has expired for which there are no collateral civil or criminal consequences is moot. ***See Commonwealth v. King***, 786 A.2d 993, 996-97 (Pa.Super. 2001) (finding appeal as moot where appellant challenged legality of probation sentence, had completed sentence, and no criminal or civil consequences existed). A collateral civil consequence may exist where there

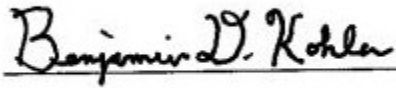
² Fata does not raise other exceptions to the mootness doctrine. ***See Nava***, 966 A.2d at 633 (listing exceptions).

is the potential for “a civil requirement over which a sentencing judge has no control.” ***Commonwealth v. Leidig***, 956 A.2d 399, 404 (Pa. 2008); **see *Commonwealth v. Duffey***, 639 A.2d 1174, 1176 (Pa. 1994) (stating suspension of driver’s license is a collateral consequence of driving under the influence conviction). Collateral consequences of a plea may include “the loss of the right to vote, to enlist in the armed services, to inherit property, to own a firearm or fishing license, to practice certain professions, and to hold public office or public employment.” ***Leidig***, 956 A.2d at 404.

Fata relies on his argument that he has a civil claim for \$98,050 for the alleged “74-day over-incarceration” to support his claim that there are collateral consequences. **See** Fata’s Br. at 3 (unpaginated); Motion to Correct at ¶ 3-4. However, he merely asserts that his civil claim is enough to overcome mootness. He does not explain why he believes this is so. His citation to ***Reagan*** does not clarify things. The ***Reagan*** Court held that an interlocutory order determining a criminal defendant’s competency to stand trial was not appealable. It made no mention of mootness or collateral consequences. **See *Reagan***, 479 A.2d at 622. Fata’s undeveloped argument frustrates appellate review and constitutes waiver of his collateral consequences argument. **See *Irwin Union Nat’l Bank and Trust Co. v. Famous***, 4 A.3d 1099, 1103 (Pa.Super. 2010). His additional claims that the trial court’s inherent power to correct patent errors overcomes mootness and that the trial court’s order was void *ab initio*, are meritless.

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: 10/27/2026