

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
WILLIE R. TRAVIS	:	
	:	
Appellant	:	No. 213 MDA 2026

Appeal from the Judgment of Sentence Entered January 14, 2026
In the Court of Common Pleas of Dauphin County Criminal Division at
No(s): CP-22-SA-0000250-2025

BEFORE: KUNSELMAN, J., KING, J., and STEVENS, P.J.E.*

DISSENTING MEMORANDUM BY STEVENS, P.J.E.:

FILED: SEPTEMBER 4, 2026

The Majority concludes the Commonwealth submitted insufficient evidence that Appellant, Willie R. Travis, knew his license was suspended on the date in question, and, accordingly, the Majority vacates Appellant's judgment of sentence, as well as dismisses with prejudice the Commonwealth's traffic citation for driving with a suspended license, 75 Pa.C.S.A. § 1543(a). However, after careful review of the certified record, I conclude Appellant has waived his sufficiency of the evidence claim, and, thus, would affirm his judgment of sentence.

* Former Justice specially assigned to the Superior Court.

This Court's scope and standard of review for sufficiency of the evidence claims is well-settled:

A claim challenging the sufficiency of the evidence is a question of law. [Accordingly,] our standard of review is *de novo*, and our scope of review is plenary. In reviewing a sufficiency challenge, we determine whether the evidence at trial, and all reasonable inferences derived therefrom, when viewed in the light most favorable to the Commonwealth as verdict winner, [is] sufficient to establish all elements of the offense beyond a reasonable doubt.

Commonwealth v. Wellmon, 345 A.3d 370, 373 (Pa.Super. 2025) (quotation marks, brackets, and citations omitted).

However, it is equally well-settled that, in applying this scope and standard of review, the fundamental tool on appeal is the official record of the events that occurred in the trial court. **Commonwealth v. Preston**, 904 A.2d 1 (Pa.Super. 2006) (*en banc*). Pennsylvania Rule of Appellate Procedure 1921 provides:

The original papers and exhibits filed in the lower court, paper copies of legal papers filed with the prothonotary by means of electronic filing, the transcript of proceedings, if any, and a certified copy of the docket entries prepared by the clerk of the lower court shall constitute the record on appeal in all cases.

Pa.R.A.P. 1921.

The explanatory comment to Rule 1921, as well as our case law, establishes that the "[u]ltimate responsibility for a complete record rests with the party raising an issue that requires appellate court access to record materials." Pa.R.A.P. 1921, Explanatory Comment (citing **Commonwealth v. Williams**, 552 Pa. 451, 715 A.2d 1101, 1106 (1998) (addressing obligation

of the appellant to purchase transcript and ensure its transmission to the appellate court)). Thus, an appellant must ensure the record certified on appeal is complete in the sense that it contains all materials necessary for the reviewing court to perform its duty. ***See Preston, supra.***

Moreover, the explanatory comment to Pennsylvania Rule of Appellate Procedure 1931 indicates that, if a party discovers anything material has been omitted from the certified record, the omission can be corrected pursuant to the provisions of Pennsylvania Rule of Appellate Procedure 1926, under which an appellate court may direct that an omission or misstatement shall be corrected through the filing of a supplemental certified record.

The purpose of Rule 1931(d) is to assist appellants by providing notice as to what was transmitted so that remedial action can be taken if necessary. Rule 1931(d) does not absolve the appellant from the duty to see that this Court receives all documentation necessary to substantively address the claims raised on appeal.

Commonwealth v. Bongiorno, 905 A.2d 998, 1001 (Pa.Super. 2006) (*en banc*).

As this Court has emphasized:

The law of Pennsylvania is well-settled that matters which are not of record cannot be considered on appeal. Thus, an appellate court is limited to considering only the materials in the certified record when resolving an issue. In this regard, our law is the same in both the civil and criminal context because, under the Pennsylvania Rules of Appellate Procedure, any document which is not part of the officially certified record is deemed non-existent—a deficiency which cannot be remedied merely by including copies of the missing documents in a brief or in the reproduced record. The emphasis on the certified record is necessary because, unless the trial court certifies a document as part of the official record, the appellate judiciary has no way of

knowing whether that piece of evidence was duly presented to the trial court[,], whether it was produced for the first time on appeal, [or whether it is an accurate representation]. Simply put, if a document is not in the certified record, the Superior Court may not consider it.

This Court cannot meaningfully review claims raised on appeal unless we are provided with a full and complete certified record. This requirement is not a mere “technicality” nor is this a question of whether we are empowered to complain *sua sponte of lacunae* in the record. In the absence of an adequate certified record, there is no support for an appellant’s arguments, and, thus, there is no basis on which relief could be granted.

Preston, 904 A.2d at 6-7 (citations omitted). Simply put, the “ultimate responsibility of ensuring that the transmitted record is complete rests squarely upon the appellant and not upon the appellate courts.” **Id.** at 7 (citing Pa.R.A.P. 1931).

In the case *sub judice*, in analyzing Appellant’s sufficiency of the evidence claim, and concluding the evidence was insufficient, the Majority examines PennDOT’s Certified Driving History for Appellant, as well as the January 14, 2026, transcript provided to this Court.

However, the PennDOT Certified Driving History for Appellant has not been included in the certified record for our review.¹ Rather, Appellant

¹ The record certified to this Court reveals that, on March 30, 2026, via mail, Appellant was provided with notice of the record contents being transmitted to this Court pursuant to Pa.R.A.P. 1931(d). PennDOT’s Certified Driving History for Appellant is not on this list of documents, yet Appellant took no steps to supplement the record.

Further, in a letter dated February 10, 2026, and served on Appellant, this Court’s Prothonotary advised Appellant of his obligation to ensure the record is complete, including ordering necessary portions of the transcript and exhibits, and indicated waiver could be found if he did not ensure the adequacy of the record for appellate review.

attached to his *pro se* appellate brief a marked up, two-page excerpt from his alleged PennDOT Certified Driving History. As indicated *supra*, this Court has no way of knowing whether this is an accurate depiction of Appellant's PennDOT Certified Driving History and/or whether it is the same as the one considered by the trial court.

Moreover, relying on the transcript provided to this Court, the Majority concludes the "trial court held...essentially appellate oral argument" as opposed to a proper trial *de novo*. Majority Memorandum, at 3. However, in requesting the transcript, it should be noted Appellant checked the box for "opening statements" as opposed to "entire proceeding." Thus, this Court cannot be sure we received a copy of the entire proceedings that occurred on January 14, 2026.

Consequently, given Appellant's responsibility to ensure this Court has a complete certified record, and his failure to do so in the case *sub judice*, Appellant has waived his sufficiency of the evidence claim. Although Appellant is proceeding *pro se* on appeal, his "*pro se* status does not entitle [him] to any particular advantage,...[and he is] bound by our procedural rules." ***Deek Inv. L.P. v. Murray***, 157 A.3d 491, 494 (Pa.Super. 2017) (quotation and quotation marks omitted). Accordingly, I would affirm Appellant's judgment of sentence and respectfully dissent on this basis.