NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
SYED AUN ABBAS BUKHARI	:	
Appellant	:	No. 1781 MDA 2025

Appeal from the Judgment of Sentence Entered November 21, 2025
In the Court of Common Pleas of York County
Criminal Division at No(s): CP-67-CR-0006177-2023

BEFORE: PANELLA, P.J.E., DUBOW, J., and SULLIVAN, J.

MEMORANDUM BY PANELLA, P.J.E.: **FILED NOVEMBER 06, 2026**

Syed Aun Abbas Bukhari appeals from the judgment of sentence entered in the York County Court of Common Pleas on November 21, 2025. On appeal, Bukhari challenges the court's denial of his motion to dismiss based upon Section 109 and 110 of the Crimes Code, *i.e.* the double jeopardy and compulsory joinder rules. Upon careful review, we affirm.

On January 3, 2024, a criminal information was filed charging Bukhari with Count 1: fleeing or attempting to elude officer, Count 2: reckless driving, Count 3: careless driving, Count 4: exceed max speed limit established by 55 miles per hour, Count 5: driving at safe speed, Count 6: violating rules of the Pennsylvania Turnpike Commission, Count 7: obedience to traffic-control devices, and Count 8: driving in right lane.

On November 8, 2024, Bukhari filed a motion to dismiss, in which he argued his prosecution in York County was barred by a former prosecution in Cumberland County based upon 18 Pa.C.S.A. §§ 109 and 110. Following a response from the Commonwealth, a hearing on the motion to dismiss was held on January 22, 2025. The trial court summarized the testimony from the hearing as follows:

> At the January 22, 2025 motion to dismiss hearing, Trooper Dylan Adams testified that on November 20, 2023, just after midnight, he was on patrol with Trooper McKnight. While on a traffic stop on 1-83 Trooper Adams overheard on their radio that Pennsylvania State Police (hereinafter "PSP") Carlisle was in pursuit of a red BMW that was entering the turnpike and heading east. Hearing this, the troopers discontinued their traffic stop, proceeded to the turnpike, and waited at the turnpike exit for York County to see if the fleeing car would pass their location. A red BMW passed their location; however, due to its speed, Trooper Adams could not read the registration. Trooper Adams was able to observe that the license plate of the red BMW was yellow, which, from his experience, Trooper Adams opined normally indicates a New Jersey registration. The troopers entered the turnpike and activated their emergency equipment to effectuate a traffic stop but the suspect vehicle fled.
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> Trooper Adams was unable to keep pace with the much faster BMW. As a result, Trooper Adams radioed ahead to Harrisburg to set up spike strips because "we figured if he ran from Carlisle, he is going to run from us also." Trooper Adams was aware that Cumberland PSP had discontinued their pursuit of the red BMW. Asked to confirm that the BMW sped up after Trooper Adams first saw it, Trooper Adams responded: "He was not going 150 miles an hour, no, ma'am." Trooper Adams estimated that, when it passed him, the vehicle was going faster than the posted speed limit of 70 miles per hour. Trooper Adams noted that he can read registrations of vehicles driving 55 m.p.h. and can sometimes read registrations of vehicles driving 70 m.ph. but at 80 plus m.p.h. then Trooper Adams cannot read registrations. Putting aside exacting speeds, Trooper Adams confirmed that the red BMW was traveling at a slower speed when Trooper Adams first observed it

than when Trooper Adams began to pursue the BMW. The spike strips that were set out by Harrisburg resulted in the BMW getting flat tires and [Bukhari] and his passenger were taken into custody.

No one from Cumberland County, where the radio transmission about the red BMW originated, contacted Trooper Adams for assistance. Rather, Cumberland PSP followed regulations and called out their pursuit. Trooper Adams was not dispatched to the turnpike. Trooper Adams was informed that PSP Carlisle was pursuing a red BMW with New Jersey registration for which PSP Carlisle had the tag number. However, unlike where Harrisburg assisted at Trooper Adams' request, Carlisle did not request Trooper Adams' assistance. "We took it upon ourselves to go sit on the turnpike and see if the vehicle would pass us, if we could get it to stop, *since it* ***already*** *ran from Carlisle*."

When pressed on whether [Bukhari] was already fleeing Cumberland authorities, Trooper Adams noted that they were not actively chasing [Bukhari]. Trooper Adams heard no sirens from a police car, nor did he see any lights from a police car. Trooper Adams specified as follows:

> It's nighttime, our lights are bright, you can see them from a pretty good distance, especially on the turnpike, which is flat and straight. There were no other police lights. He wasn't fleeing from anyone until I pulled out and he started to flee from me.

Though PSP Carlisle also arrived at the scene where [Bukhari] was arrested, Trooper Adams indicated that their arrival was after [Bukhari] was already in custody and things were "pretty much wrapped up" as the troopers waited for supervisors to arrive to determine where the BMW and [Bukhari] would be processed. Carlisle PSP discontinued their pursuit at mile marker 236 and Trooper Adams sighted the red BMW at mile marker 242, which, Trooper Adams agreed, amounted to approximately a seven-mile distance. Trooper Adams further agreed that from the time PSP Carlisle discontinued their pursuit to when Trooper Adams observed the red BMW, based upon the speeds involved, Trooper Adams had been sitting on the turnpike for roughly five to seven minutes.

Trial Court Opinion, 2/19/26, at 2-4 (citations omitted). At the conclusion of the hearing, the trial court denied the motion to dismiss, emphasizing that Cumberland County had discontinued their pursuit and concluding that Bukhari "did have an opportunity once he was followed by troopers in York County to stop and didn't again. So, I see those as two separate crimes, and so I'm going to deny the motion to dismiss." N.T., 1/22/25, at 31.

On August 21, 2025, a stipulated bench trial was held. The parties provided the trial court with the following stipulation of facts:

> On November 20, 2023, Trooper Dylan Adams was on patrol, in uniform, in a marked unit along with his partner, Trooper McKnight. The troopers were on a traffic stop on 183 North at MM 39, Trooper McKnight informed Trooper Adams that PSP Carlisle was currently in a pursuit on the PA Turnpike driving East of a red BMW M4 bearing NJ registration D56SCE. The troopers left their traffic stop and drove North on 183 to the PA Turnpike and positioned their car on the right side of the roadway perpendicular to the road. At that point, they were told PSP Carlisle discontinued the pursuit due to losing sight of the vehicle.
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> The Trooper observed a red BMW m4 with a NJ registration pass in front of his patrol vehicle in the left lane. Trooper Adams drove into the right lane and initiated his emergency lights and siren to conduct a traffic stop on the PA Turnpike at MM242 Fairview Township, York County. The vehicle did not react to the emergency equipment and sped up and a pursuit was initiated. The Troopers pursued the vehicle and the vehicle sped up and began to pull away from their patrol vehicle. Trooper Adams looked at his calibrated speedometer and was driving at a speed of 125MPH in an attempt to catch up to the vehicle.
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> Trooper McKnight radioed to PSP Harrisburg asking for assistance. Trooper Lammer and Trooper Archulet positioned themselves on the PA Turnpike at Mile Marker 247. They utilized spike strips on the red BMW M4. It was a successful spike and the vehicle pulled over at MM250. Upon reaching the location where the vehicle was stopped. Trooper Adams observed it to be the same vehicle that

> passed him and Trooper McKnight at MM242, a red BMW M4 bearing NJ registration D57SCE, Trooper Adams confirmed this was the same vehicle that fled from PSP Carlisle. The driver of the vehicle was discovered to be the accused Syed Bukhari, by his NJ OLN.

Stipulation of Facts, 8/22/25. Following a recitation of the charges and the court's review of the information, the court found Bukhari guilty of Counts 1 through 7. The court dismissed Count 8 for lack of an information on that charge.

On November 21, 2025, the court sentenced Bukhari as follows:

- Count 1: 2 years' probation, plus costs and a $500.00 fine
- Count 2: $200.00 fine, with court costs waived
- Count 3: merged with Count 2
- Count 4: $122.50 fine, with court costs waived
- Count 5: merged with Count 4
- Count 6: $25.00 fine, with court costs waived
- Count 7: $25.00 fine, with court costs waived

The court reiterated that Count 8 was previously dismissed. This timely appeal followed.

Bukhari raises the following issue on appeal:

> Did the [trial] court err in denying [] Bukhari's motion to dismiss pursuant to 18 Pa.C.S.[A.] §§ 109 or 110 where this case involved the same lead charge, the same facts, and the same criminal episode as a Cumberland County prosecution that Bukhari had already resolved through a guilty plea?

Appellant's Brief, at 4.

Bukhari first claims that his judgment of sentence should be reversed on the fleeing or attempting to elude charge because Section 109 bars a second prosecution based upon the same facts and "for a violation of the same

provision of the statutes" as an earlier prosecution, where the first prosecution resulted in a conviction that has not been reversed or vacated. 18 Pa.C.S.A. § 109(3). Specifically, Bukhari asserts that his prior prosecution in Cumberland County resulted in a conviction, as he pled guilty to the same lead charge—fleeing or attempting to elude—and that conviction has not been reversed or set aside. ***See*** Appellant's Brief, at 15.

Bukhari argues the only question for Section 109 purposes is whether these charges are based on the "same facts." ***Id.*** To this end, Bukhari argued in his motion to dismiss that the prosecutions were based on the same facts because "this was one continuous police pursuit" and both prosecutions "allege that [Bukhari] was Fleeing and Eluding through the Commonwealth of Pennsylvania on the same date, November 20, 2023, and roughly in the same time period." Motion to Dismiss, 11/8/24, at ¶ 20.

The trial court conversely concludes that the York County prosecution is not based upon the same facts as Bukhari's Cumberland County prosecution:

> First, unlike Trooper Adams who, in his own pursuit of [Bukhari], requested the assistance of Harrisburg PSP, Cumberland PSP did not request assistance. Cumberland merely called out their pursuit in conformity with policy. Second, Cumberland PSP discontinued their pursuit approximately seven miles and five to seven minutes prior to Trooper Adams sighting the red BMW. Third, [Bukhari] sped up after Trooper Adams began his own independent pursuit. [Bukhari] would not have needed to speed up except that he decided to engage in a second pursuit. And, fourth, as we stated at the time of the hearing, Cumberland discontinued their pursuit and [Bukhari] chose not to stop a second time.

Trial Court Opinion, 2/19/26, at 11 (citation omitted). The court further acknowledged this Court's decision in ***Commonwealth v. Bukhari***, 747 MDA 2025 (Pa. Super. filed Dec. 17, 2025) (unpublished memorandum), in which we rejected Bukhari's constitutional double jeopardy challenge for offenses charged in Franklin County that occurred on the same date as the offenses charged in York and Cumberland County. As highlighted by the trial court, we noted there that:

> [] the Pennsylvania Supreme Court has held: "[w]hen a criminal act has been committed, **broken off, and then resumed**, at least two crimes have occurred and sentences may be imposed for each..." ***Commonwealth v. Belsar***, 676 A.2d 632, 634 (Pa 1996).
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> [***Commonwealth v. Sheets***, 302 A.3d 145, 153 (Pa. Super. 2023).]

Bukhari, 747 MDA 2025, at *4 (emphasis added). Using similar reasoning, the court concluded that there was a break in time, albeit brief, from Bukhari's acts in Cumberland County and there were clear offenses that were separate and apart from those committed by Bukhari in Cumberland County. ***See*** Trial Court Opinion, 2/19/26, at 12. We find the court did not err in this conclusion. As the court did not err in concluding the instant prosecution was not based on the same facts as the prior prosecution, Section 109 did not bar this second prosecution.

Next, "[w]here the relevant facts are undisputed, the question of whether prosecution is barred by the compulsory joinder rule, 18 Pa.C.S.A. § 110, is subject to plenary and *de novo* review." ***Commonwealth v. Brown***,

212 A.3d 1076, 1082 (Pa. Super. 2019) (citation omitted). The compulsory joinder statute states, in pertinent part:

> Although a prosecution is for a violation of a different provision of the statutes than a former prosecution or is based on different facts, it is barred by such former prosecution under the following circumstances:
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> (1) The former prosecution resulted in an acquittal or in a conviction as defined in section 109 of this title (relating to when prosecution barred by former prosecution for the same offense) and the subsequent prosecution is for:
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> …
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> (ii) any offense based on the same conduct or arising from the same criminal episode, if such offense was known to the appropriate prosecuting officer at the time of the commencement of the first trial and occurred within the same judicial district as the former prosecution unless the court ordered a separate trial of the charge of such offense or the offense of which the defendant was formerly convicted or acquitted was a summary offense or a summary traffic offense[.]

18 Pa.C.S.A. § 110(1)(ii).

Section 110 offers statutory protection in the successive prosecution scenario. The critical question in a successive prosecution claim is whether the separate offenses are part of the same "criminal episode," a term which "can be amorphous and troublesome to apply." ***Commonwealth v. Bracalielly***, 658 A.2d 755, 761 (Pa. 1995). It is well-settled, however, that "charges which are based upon the same conduct or arise from the same criminal episode or transaction" must be consolidated for trial. ***Commonwealth v. Tarver***, 357 A.2d 539, 540-41 (Pa. 1976). The Pennsylvania Supreme Court has set forth

a four-part test to determine when section 110 bars a subsequent prosecution:

> (1) the former prosecution must have resulted in an acquittal or conviction;
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> (2) the current prosecution is based upon the same criminal conduct or arose from the same criminal episode as the former prosecution;
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> (3) the prosecutor was aware of the instant charges before the commencement of the trial on the former charges; and
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> (4) the current offense occurred within the same judicial district as the former prosecution.

Commonwealth v. Fithian, 961 A.2d 66, 72 (Pa. 2008). "Each prong of this test must be met for compulsory joinder to apply." ***Id.***

Here, Bukhari only disputes the second element: whether the offenses were based on the same conduct or arose from the same criminal episode as the Cumberland County offenses for which Bukhari had already pled guilty.

"To determine whether various acts constitute a single criminal episode, a court must consider the logical relationship and the temporal relationship between the acts." ***Commonwealth v. Spotz***, 759 A.2d 1280, 1285 (Pa. 2000) (citations omitted). Courts have recognized that although the relationship between the timing of actions is often determinative, "in defining what acts constitute a single criminal episode, not only is the temporal sequence of events important, but also the logical relationship between the acts must be considered." ***Commonwealth v. Reid***, 77 A.3d 579, 582 (Pa. 2013) (citation omitted).

Offenses are logically related when "there is a substantial duplication of factual, and/or legal issues presented by the offenses." ***Id.*** (citation omitted). Whether there is substantial duplication of fact and law "depends ultimately on how and what the Commonwealth must prove in the subsequent prosecution." ***Id.*** at 585. For example, there would be substantial duplication "if the Commonwealth's case rests solely upon the credibility of one witness in both prosecutions" and there would not be substantial duplication if proof requires "the introduction of the testimony of completely different police officers and expert witnesses as well as the establishment of separate chains of custody." ***Id.*** (citations omitted.)

Here, the trial court concluded there was no logical relationship between the offenses, reasoning as follows:

> As we have already acknowledged, there was no great gap in time between [Bukhari]'s Cumberland crimes and his York County crimes; however, there was a seven mile and five-to-seven-minute break between Cumberland breaking off pursuit and [Bukhari]'s separate crimes in York County. [Bukhari] sped up to evade troopers from a separate barracks in a separate county after he had already completed his evasion of the separate PSP troopers in Cumberland County. Thus, there were different witnesses in each case. [Bukhari]'s Cumberland case involved PSP troopers from a different barracks who observed [Bukhari]'s actions in Cumberland County before discontinuing their pursuit. The crimes occurred in different locations. There was no logical relationship between the acts.

Trial Court Opinion, 2/19/26, at 14-15. We agree with the trial court. Although the minimal separation between Bukhari's criminal acts may suggest a temporal relationship between the conduct at issue in each prosecution, a

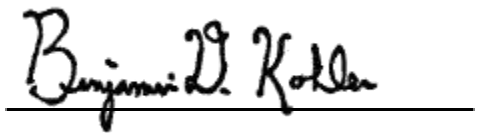
closer review indicates there was no logical relationship between the acts. As the trial court found, once Cumberland County discontinued their pursuit, and Bukhari entered York County, he had the full opportunity to stop. However, he chose not to, and instead chose to commit new crimes in a different county. We do not find the trial court abused its discretion in finding two separate criminal episodes had occurred. Moreover, there was little, if any, duplication of the witnesses necessary to support the respective convictions. While Trooper Adams, of the PSP, testified regarding the chain of events in York County, the officers that responded to the offenses committed in Cumberland County would have had to testify to those events.

As we find the court did not err in concluding the prosecutions did not entail a single criminal episode, compulsory joinder was not required here.

For the reasons above, Bukhari's issue merits no relief, and we affirm his judgment of sentence.

Judgment of sentence affirmed.

Judgment Entered.



Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/06/2026