NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
ZAMANSOU THEOPHANE PARE	:	
Appellant	:	No. 229 MDA 2026

Appeal from the Judgment of Sentence Entered January 7, 2026
In the Court of Common Pleas of York County Criminal Division at No(s): CP-67-SA-0000335-2025

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

MEMORANDUM BY SULLIVAN, J.: **FILED: NOVEMBER 25, 2026**

Zamansou Theophane Pare ("Pare") appeals *pro se* from the judgment of sentence imposed following a trial *de novo* on a summary violation of roadway laned for traffic.[1] Pare raises a series of issues related to (1) alleged exculpatory videos; (2) alleged unlawful traffic stops by the citing officer; and (3) the sufficiency of the evidence supporting his conviction. Because Pare has not preserved his claims, and any properly developed claim lacks merit, we affirm.

The trial court set forth the following factual background to Pare's citation, which arose out of the second of two traffic stops that occurred in rapid succession in June 2025:

> Pare was traveling westbound on East Market Street near Northern Way in Springettsbury Township, York County. Officer Jeremy Young ("[Officer] Young") observed Pare's vehicle and

[1] 75 Pa.C.S.A. § 3309(1).

> noted the vehicle registration was suspended for insurance cancellation[, and the stopped Pare ("the first traffic stop"). During the first traffic stop,] Pare produced valid proof of insurance for the vehicle so [Officer] Young issued Pare a written warning. Th[e first] traffic stop ended with [Officer] Young telling Pare he was free to leave, which he did, and [Officer] Young turning off his emergency lights.
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> [Officer] Young described what occurred next, beginning with a description of the roadway in the area of the stop. East Market Street near the intersection of Northern Way has [four lanes:] a left turn lane from East Market to Northern Way, [two] lanes for proceeding straight on East Market Street and one right for turning right onto Northern Way from East Market Street. The first traffic stop described above took place in the right-hand turn lane. At the conclusion of the first traffic stop, Pare pulled forward in the right-hand turn lane to the stop bar, facing a red light. He proceeded past the stop bar into the intersection, but moving from the right-hand turn lane into the right of the two straight lanes. Pare stopped there because the light was red[] but had cut off the vehicle that was at the stop bar of the right of the two straight lanes. [Officer] Young described Pare's vehicle as being "canted" from the right turn lane into the straight lane. When the traffic light turned green, Pare traveled into the right of the two straight lanes and continued traveling west on East Market Street for a short distance.
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> When Young observed Pare cross the stop bar at the red light and make the lane change from the right turn only lane into the straight lane, he turned on his emergency light again and initiated a second traffic stop. Young estimated a distance of 100 feet between the first traffic stop and the second. The second traffic stop took place on the other side of the traffic light from the first traffic stop. Pare was issued a citation for violation of 75 Pa.C.S.[A.] § 3309(1).

Trial Court Opinion, 3/12/26, at 1-2 (record citations omitted).

On October 9, 2025, a magisterial district judge found Pare guilty of the violation, and on November 10, 2025, Pare filed in the court of common pleas

a timely notice appeal.[2] The court of common pleas found Pare guilty at a trial *de novo* on January 7, 2026, and imposed $306 in fines and costs. Pare timely appealed from the judgment of sentence, and both he and the trial court complied with Pa.R.A.P. 1925.

Pare intends to raise the following issues for review:

> 1. The trial court abused its discretion in denying [Pare's] request for dismissal or appropriate sanctions after the Commonwealth failed to preserve and produce body camera or traffic stop video evidence after reviewing the recording.
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> 2. The trial court abused its discretion in denying [Pare's] request for a continuance to obtain material and potentially exculpatory video evidence that had been requested and acknowledged prior to trial.
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> 3. The trial court erred in permitting the Commonwealth to proceed despite the destruction or non-preservation of material evidence central to the legality of the stop, in violation of [Pare's] due process rights.
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> 4. The trial court erred in crediting testimony that materially mischaracterized the basis for the initial stop, including inconsistent assertions that the stop was predicated on insurance cancellation when no such cancellation existed and no valid registration suspension was present.
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> 5. The trial court erred in failing to address the legality of the initial stop, which was based on administratively incorrect information indicating a suspended registration that did not exist.
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> 6. The trial court erred in failing to consider that during the stop the officer imposed conditions not authorized by statute (asking [Pare] to provide a document that needed to be update[d] by Pennsylvania department of transport by the end of his shift), including directing [Pare] to provide a copy of vehicle registration under threat of additional citation.

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[2] Because the thirtieth day for filing his summary appeal fell on a Saturday, Pare's filing on the following Monday was timely. ***See*** 1 Pa.C.S.A. § 1908.

> 7. The trial court erred in failing to suppress or otherwise address the legality of the second stop, initiated approximately ten feet after [Pare] was released from the first stop, without independent reasonable suspicion.
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> 8. The evidence was insufficient to sustain the conviction where the officer could not clearly recall whether an unsafe lane change occurred and no independent corroborating evidence was presented.

Pare's Rule 1925(b) Statement, 12/25/26, at 1-2 (reordered) (some formatting omitted); ***see also*** Pare's Brief at 2 (cross-referencing his Rule 1925(b) statement).

Before addressing Pare's issues, we must consider whether the defects in his brief require dismissal of the appeal.[3] Although this Court "is willing to construe liberally materials filed by a *pro se* litigant, *pro se* status generally confers no special benefit upon an appellant. Accordingly, a *pro se* litigant must comply with the procedural rules set forth in the Pennsylvania Rules of [ ]Court." ***Commonwealth v. Lyons***, 833 A.2d 245, 251–52 (Pa. Super. 2003) (internal citations omitted). Pennsylvania Rule of Appellate Procedure 2101 provides:

> Briefs . . . shall conform in all material respects with the requirements of these rules as nearly as the circumstances of the particular case will admit, otherwise they may be suppressed, and, if the defects are in the brief . . . of the appellant and are substantial, the appeal . . . may be quashed or dismissed.

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[3] The Commonwealth has objected to defects in Pare's brief, although it also addresses the merits of most of Pare's arguments.

Pa.R.A.P. 2101.[4]

Pennsylvania Rule of Appellate Procedure 2119 requires, *inter alia*, citation and discussion of pertinent authorities and appropriate references to the record. ***See*** Pa.R.A.P. 2119(a)-(c). "It is well-established that when issues are not properly raised and developed in briefs, when the briefs are wholly inadequate to present specific issues for review, a court will not consider the merits thereof." ***Commonwealth v. Tchirkow***, 160 A.3d 798, 804 (Pa. Super. 2017) (internal citation, quotations, and brackets omitted). "Mere issue spotting without analysis or legal citation to support an assertion precludes our appellate review of a matter[,]" and "this Court will not act as counsel" to develop a claim on an appellant's behalf. ***Commonwealth v. Martz***, 232 A.3d 801, 811 (Pa. Super. 2020) (internal citation and brackets omitted).[5]

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[4] In terms of the contents of a brief, Pare's cross-reference to his Rule 1925(b) statement does not comply with Pa.R.A.P. 2116. ***See*** Pa.R.A.P. 2116(a) (stating that "[t]he statement of the questions involved must state concisely the issues to be resolved, expressed in the terms and circumstances of the case but without unnecessary detail. . . . No question will be considered unless it is stated in the statement of questions involved or is fairly suggested thereby"). Moreover, Pare did not append a copy of his Rule 1925(b) statement to his brief. ***See*** Pa.R.A.P. 2111(b). These defects alone, however, do not impede meaningful appellate review.

[5] Pare has filed a reply brief in which he adds citations to the record and the case law. He contends his reply brief should operate to supplement his original brief. Pare's Reply Brief at 9-10. However, "a reply brief cannot be a vehicle to argue issues raised but inadequately developed in appellant's original brief." ***Commonwealth v. Fahy***, 737 A.2d 214, 218 n.8 (Pa. 1999) (internal citation omitted). Similarly, an appellant cannot raise new issues in a reply brief. ***See id***.

As noted above, Pare intends to raise eight issues, and it bears noting that the arguments in his brief consist of single-paragraph assertions without citations to the record and only occasional citations to law. Pare's first three issues relate to body camera and dash-cam videos, which Pare asserted he requested before his summary trial, but which the Commonwealth represented no longer existed by the time of the trial *de novo*. ***See*** Pare's Brief at 2-3. Pare's arguments, citations, and analysis consist of the following:

- "Even in summary proceedings, once a specific request is made, due process requires preservation. ***Brady v. Maryland***, 373 U.S. 83 (1963) applies. The trial court's ruling that full discovery rules do not apply in summary cases misses the constitutional point. Dismissal or appropriate sanctions were required."
- "[Pare] presented the July 10, 2025 police email proving the video existed and could have been produced. The trial court's conclusion that [Pare] 'provided insufficient facts' is contradicted by the record. Denying a short continuance under these circumstances was manifestly unreasonable. ***Baysmore v. Brownstein***, 771 A.2d 54 (Pa. Super. 2001)."
- "The video was the only objective evidence of the stops and [Officer Young's] actions. Its destruction after review and after a specific request violated due process. The Commonwealth should not have been permitted to proceed."

Pare's Brief at 5-6.

Pare's arguments are problematic for several reasons. First, to the extent Pare refers to a July 2025 email about the videos, he did not present the trial court with a copy of the email or move for its admission into evidence. The email is not included in the record, and it is well settled that this Court cannot consider matters not included in the record. ***See Commonwealth v.***

Johnson, 33 A.3d 122, 126 n.6 (Pa. Super. 2011).[6] Second, Pare did not cite to points in the record where he raised these issues or meaningfully discuss the trial court's reasons for denying him relief on the issues related to the video. ***See*** Pa.R.A.P. 2119(c); ***see also*** Pa.R.A.P. 2117(c). Most significantly, Pare's arguments, his bare citations to ***Brady*** and ***Baysmore***, and his sparse reference to due process and the denial of a request for a continuance amount to mere issue spotting. Pare baldly asserts that the Commonwealth needed to present "objective evidence," but he has presented no additional arguments, based on the record, why the trial court should have found the videos still existed by the time of the trial *de novo*, how the videos would have been favorable to the defense, or why the destruction of the videos constituted a due process violation. ***See generally Commonwealth v. Small***, 741 A.2d 666, 683 (Pa. 1999) (concluding the trial court did not abuse its discretion when denying a continuance, where, *inter alia*, there was no guarantee a witness could be located even if the court granted the continuance); ***Commonwealth v. Donoughe***, 243 A.3d 980, 984-85 (Pa. Super. 2020) (affirming a trial court's decision to deny a motion to dismiss charges based on the police's destruction of video evidence); ***Commonwealth v. Williams***,

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[6] Pare filed in this Court an application to supplement the record in March 2026. This Court denied the application without prejudice to Pare's right to seek relief in the trial court. ***See*** Order, 4/14/26, at 1. There is no indication Pare sought further relief in the trial court. This Court nonetheless notes that Pare would have received the July 2025 email concerning the videos three months before his summary trial and almost six months before his trial *de novo* and he presented no evidence of any follow up to the request.

154 A.3d 336, 341 (Pa. Super. 2017) (noting that assertions that video evidence could have been helpful or materially exculpatory were speculative and reiterating that where the subject evidence is only potentially useful, a defendant is required to show the Commonwealth acted in bad faith in failing to preserve it). Without further analysis by Pare, this Court would have to act as counsel to develop meaningful appellate arguments on his behalf. ***See Martz***, 232 A.3d at 811.[7] This Court cannot do so. ***See id***. Therefore, Pare's first three issues are waived, and this Court will dismiss them without further discussion. ***See Tchirkow***, 160 A.3d at 804.

Pare also raises numerous issues sounding in suppression or challenging the legality of the first and second traffic stops. In his fourth issue, he claims the first traffic stop was unlawful and argues the trial court erred in crediting Officer Young's testimony he initially stopped Pare for a suspended registration and/or insurance cancellation when the basis of the stop was for an "EZ Pass

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[7] Pare's attempt to use his reply brief to remedy the defects in his original brief is unavailing. ***See Fahy***, 737 A.2d 218 n.8. Additionally, Pare's citation to "***Commonwealth v. Mercado***, 280 A.3d 708 (Pa. Super. 2022)" in his reply brief is of no further assistance in this appeal. Pare's Reply Brief at 12 (some formatting altered). Pare's citation to the Atlantic Reporter refers to the middle of a Maryland Court of Appeals decision that neither bears the case name referred to by Pare, nor discusses an issue relevant to the present appeal. ***See Rainey v. State***, 280 A.3d 697, 708 (Md. 2022). A search of Pennsylvania cases with "Mercado" in the title has yielded no results for a case supporting the proposition advanced by Pare. ***See*** Pare's Reply Brief at 12 (stating, "In ***Mercado***, the Court held that the destruction of materially exculpatory evidence particularly video recordings that captured the critical events violated the defendant's due process rights where the Commonwealth failed to preserve the evidence after a timely request") (some formatting altered).

issue." Pare's Brief at 6-7. In his fifth issue, he contends the trial court erred in refusing to consider his arguments about the legality of the first traffic stop when it was "directly relevant to the credibility of the entire encounter and the second stop that immediately followed." ***Id***. at 7. In his sixth issue, he claims Officer Young also acted unlawfully by issuing a warning in the first traffic stop and demanding Pare provide valid documentation by the end of the officer's shift. ***See id***. at 9. In his seventh issue, he asserts Officer Young lacked "reasonable suspicion" to conduct the second traffic stop when the officer stopped him "seconds later and only a short distance away" from the first traffic stop. ***Id***. at 8.

Pare's arguments in terms of the suppression of evidence or the legality of the first or second traffic stop lack any appropriate development of pertinent law or discussion of the record. ***See Martz***, 232 A.3d at 811. Indeed, Pare cites no legal authority to support his arguments. ***See*** Pare's Brief at 7-9. This Court cannot act as Pare's counsel to develop his arguments. ***See Martz***, 232 A.3d at 811. Therefore, Pare waived these issues, and this Court will not consider them. ***See Tchirkow***, 160 A.3d at 804.[8]

In his eighth and final issue, Pare asserts the evidence was insufficient to sustain his conviction. His argument consists of the following:

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[8] As the trial court noted, Pare did not clearly request the suppression of any evidence before or at the trial *de novo*. ***See*** Trial Court Opinion, 3/12/26, at 4. Therefore, to the extent Pare argues he was entitled to the suppression of evidence, such arguments are also waived for failing to raise that theory of relief in the trial court. ***See*** Pa.R.A.P. 302(a).

> The officer could not clearly recall whether an unsafe lane change actually occurred. There was no video, no dash-cam footage, no independent witnesses, and no physical evidence. Uncertain, uncorroborated testimony is insufficient to prove a violation of 75 Pa.C.S.[A.] § 3309(1) beyond a reasonable doubt.

Pare's Brief at 8.

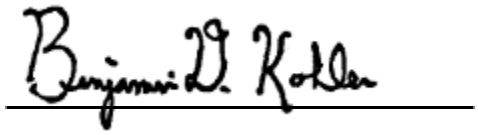
Notably, Pare disregards this Court's standard of review when reviewing the sufficiency of the evidence. ***See Commonwealth v. Arrington***, 233 A.3d 910, 919 (Pa. Super. 2020) (noting that, when reviewing the sufficiency of the evidence: this Court must view all the evidence admitted at trial in the light most favorable the Commonwealth as the verdict winner; any doubts regarding a defendant's guilt may be resolved by the fact-finder unless the evidence is so weak and inconclusive that as a matter of law no probability of fact may be drawn from the combined circumstances; all evidence actually received must be considered; and the finder of fact, when passing upon the credibility of witnesses and the weight of the evidence produced, is free to believe all, or part or none of the evidence); ***see also Commonwealth v. Giron***, 155 A.3d 635, 638 (Pa. Super. 2017) (noting that "there is no requirement that videotape or physical evidence be presented at trial" and that an officer's testimony alone is sufficient to prove impairment for the purpose of driving under the influence). Pare offers no discussion of the elements of a section 3309(1) violation or why the evidence actually received by the trial court failed to establish a specific element of the statute. ***See*** Pare's Brief at 8. Rather, Pare simply declares Officer Young's testimony was unworthy of belief because the Commonwealth did not corroborate the

officer's testimony with objective evidence. ***See id***. Such an argument does not preserve a proper sufficiency of the evidence claim. ***See Donoughe***, 243 A.3d at 986.

In any event, having reviewed the record, and mindful of the appropriate standard of review, this Court discerns no merit to Pare's specific contention that Officer Young's testimony was so weak or inconclusive that as a matter of law no probability of fact could have been drawn from the combined circumstances. ***See*** N.T., 1/7/26, at 11-14 (describing Pare's operation of his vehicle after the first traffic stop). The trial court, as the finder of fact, was entitled to weigh Officer Young's testimony and was free to believe all, part, or none of the evidence presented at trial. ***See*** Trial Court Opinion, 3/12/26, at 1-2; ***Arrington***, 233 A.3d at 919. A police officer's testimony alone may be sufficient evidence, ***see Giron***, 155 A.3d at 638, and, as noted above, Pare waived his claims based on the absence of video evidence. Therefore, absent any developed legal arguments that Pare's maneuver after the first traffic stop did not constitute a violation of section 3309, this Court concludes Pare's sufficiency of the evidence argument fails.

Judgment of sentence affirmed.

Judgment Entered.



Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/25/2026