NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
JUSTIN LEE HOCKENBERRY	:	
Appellant	:	No. 874 MDA 2026

Appeal from the PCRA Order Entered May 1, 2026
In the Court of Common Pleas of Franklin County Criminal Division at No(s): CP-28-CR-0002049-2019

BEFORE: BOWES, J., DUBOW, J., and SULLIVAN, J.

MEMORANDUM BY DUBOW, J.: **FILED: NOVEMBER 4, 2026**

Appellant Justin Lee Hockenberry appeals from the May 1, 2026 order entered by the Franklin County Court of Common Pleas denying his petition filed pursuant to the Post-Conviction Relief Act ("PCRA"),[1] in which he raised claims of ineffectiveness of trial counsel following his convictions of First-Degree Murder and related crimes. After careful review, we affirm the order.

We glean the relevant facts and procedural history from this Court's decision on direct appeal and the certified record. ***See Commonwealth v. Hockenberry***, 317 A.3d 564, 2024 WL 889090 (Pa. Super. 2024) (non-precedential decision), *appeal denied*, 324 A.3d 1201 (Pa. 2024). On the evening of November 11, 2019, Appellant's drug dealer, Demetrios Kalathas ("Victim"), drove to the property where Appellant lived to collect a debt of

[1] 42 Pa.C.S. §§ 9541-46.

$800. Subsequent investigation revealed that Appellant fatally shot Victim with a shotgun, placed his body in the trunk of Victim's Lincoln Town Car, and drove the car to the Lion's Club. Lion's Club surveillance video captured Appellant "enter the parking lot, drive around, park the Town Car, get out, walk around to discard [Victim's] wallet and cell phone, and finally walk over to where he hid the shotgun between concrete barriers." ***Id.*** at *3. Following a tip from Appellant's nephew, police discovered Victim's body in the truck of the Town Car. Notably, investigators testified to recovering $800 from Victim's pants' pocket, which the Commonwealth displayed at trial. N.T., 10/11/22, at 114-15. Appellant ultimately confessed to shooting Victim.

During a seven-day trial, the defense conceded that Appellant shot Victim and argued for conviction of Third-Degree Murder, claiming diminished capacity based upon his ingestion of various drugs on the night of the murder. He "presented his intoxication defense through cross-examination of the Commonwealth's witnesses, a defense witness, and his own expert." ***Hockenberry***, 2024 WL 889090 at *3. On October 18, 2022, the jury convicted Appellant of First-Degree Murder, Possession of a Controlled Substance, Abuse of Corpse, and Tampering with Evidence.

On December 20, 2022, the court sentenced Appellant to life imprisonment without parole for First-Degree Murder, in addition to an aggregate consecutive sentence of 8 to 48 months of imprisonment for the other charges. Appellant filed post-sentence motions, which the court denied.

In his direct appeal to this Court, Appellant challenged the sufficiency and weight of the evidence, based upon his belief "that because he presented evidence of his intoxication on the night of the murder, the Commonwealth did not prove his specific intent to kill." ***Id.*** at *2. This Court rejected Appellant's claim, recounting that the Commonwealth offered, *inter alia*, "expert testimony, lay witness testimony, and surveillance footage refuting [Appellant's] intoxication defense." ***Id.*** at *4. Similarly, this Court affirmed the trial court's denial of Appellant's weight challenge, finding that the jury "was within their province to weigh the evidence" in favor of the Commonwealth. ***Id.***

On August 19, 2024, the Supreme Court denied allowance of appeal. ***Commonwealth v. Hockenberry***, 324 A.3d 1201 (Pa. 2024). As Appellant did not appeal to the United States Supreme Court, his judgment became final on November 18, 2024.[2]

On September 11, 2025, Appellant filed *pro se* a timely PCRA petition. The PCRA court appointed counsel, who subsequently filed a ***Turner***/***Finley***[3] letter and a motion to withdraw. After review, the PCRA court granted the motion to withdraw and issued a Pa.R.Crim.P. 907 notice of intent to dismiss the petition without a hearing. On May 1, 2026, the PCRA court dismissed

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[2] 42 Pa.C.S. § 9545(b)(3); U.S. Sup. Ct. Rule 13(1).

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

Appellant's petition without a hearing, finding no merit to Appellant's claims of ineffectiveness of counsel.

On May 21, 2026, Appellant filed *pro se* a notice of appeal. Appellant and the PCRA court complied with Pa.R.A.P. 1925.

On appeal, Appellant raises the following issues:

> 1. Did the PCRA court err[] in failing to grant relief on [Appellant's] ineffective assistance of trial counsel claim for [trial counsel's] failure to object to the $800.00 of counterfeit currency presented at day 2 of trial, under the best evidence rule, to present motive in this case?
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> 2. Did the PCRA court err[] in failing to grant relief on [Appellant's] ineffective assistance of trial counsel claim for [trial counsel's] failure to present evidence of [Appellant's] and Victim's substance abuse, in support of his defense at trial?
>
> 3. Did the PCRA court err[] in failing to grant relief on [Appellant's] ineffective assistance of trial counsel claim for [trial counsel's] failure to call the Victim's girlfriend as a witness at trial, who would have presented testimony of the Victim's and [Appellant's] substance abuse, that would have undermined the evidence presented at trial to satisfy a First[-]Degree Murder conviction?

Appellant's Br. at 1-2 (some capitalization omitted).

We review the denial of a PCRA petition to determine whether the record supports the PCRA court's determination and whether its order is otherwise free of legal error. ***Commonwealth v. Fears***, 86 A.3d 795, 803 (Pa. 2014). This Court grants great deference to the findings of the PCRA court if they are supported by the record. ***Commonwealth v. Boyd***, 923 A.2d 513, 515 (Pa. Super. 2007). "We give no such deference, however, to the court's legal conclusions." ***Commonwealth v. Smith***, 167 A.3d 782, 787 (Pa. Super. 2017). Our "scope of review is limited to the findings of the PCRA court and

the evidence of record, viewed in the light most favorable to the prevailing party at the PCRA court level." ***Commonwealth v. Koehler***, 36 A.3d 121, 131 (Pa. 2012).

In each of his issues, Appellant claims ineffective assistance of counsel. A petitioner may obtain PCRA relief if he "proves, by a preponderance of the evidence, that his conviction or sentence resulted from the '[i]neffective assistance of counsel which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place.'" ***Commonwealth v. Johnson***, 966 A.2d 523, 532 (Pa. 2009) (quoting 42 Pa.C.S. § 9543(a)(2)(ii)).

In addressing ineffectiveness claims, we presume that counsel rendered effective assistance. ***Koehler***, 36 A.3d at 132. "[T]o prove counsel ineffective, [a petitioner] must demonstrate that (1) the underlying legal issue has arguable merit; (2) counsel's actions lacked an objective reasonable basis; and (3) Appellant was prejudiced by counsel's act or omission." ***Id.*** Failure to satisfy any prong of the test will result in rejection of the petitioner's claim. ***Commonwealth v. Eichinger***, 108 A.3d 821, 830-31 (Pa. 2014) (citation omitted).

Appellant's first claim of ineffective assistance of counsel relies upon the best evidence rule, which mandates generally that "[a]n original writing, recording, or photograph is required in order to prove its content . . . ." Pa.R.E. 1002. Notably, however, "[t]he rule is not implicated just because evidence is relevant; the rule applies if the writing, recording, or photograph

is necessary to prove the elements of a case." ***Commonwealth v. Green***, 162 A.3d 509, 518 (Pa. Super. 2017) (*en banc*) (citation and internal quotation marks omitted).

Appellant argues that trial counsel was ineffective in failing to object, based on the best evidence rule, to the Commonwealth's display of $800 which officers purportedly found on Victim's body. Appellant's Br. at 9-11. Without evidentiary support, Appellant contends that an objection "would have preserved an issue of evidence tampering by both [the Pennsylvania State Police and the Franklin County Police] which would have provided relief under a breach of the chain of custody causing taint and spoilation of the said evidence." ***Id.*** at 10-11. He claims without analysis that there was no strategic basis for counsel's failure to object based on the best evidence rule, which he claims "would have produced a different outcome." ***Id.*** at 11.

We reject Appellant's claim as it lacks arguable merit. First, Appellant fails to explain how the best evidence rule applies to the $800 in currency. Rather, as we have previously stated regarding currency, "where the contents of the documentary evidence (*i.e.* the writing on the bill) [are] not at issue, the best evidence rule does not apply[.]" ***Commonwealth v. Ribot***, 169 A.3d 64, 68 (Pa. Super. 2017) (emphasis omitted). Moreover, as the PCRA court observed, the best evidence rule does not apply because the $800 was not necessary to prove any element of Appellant's crimes: specifically First-Degree Murder, Possession of a Controlled Substance, Abuse of Corpse, and Tampering with Evidence. PCRA Ct. Op., 7/14/26, at 9. Accordingly, we agree

that Appellant did not demonstrate that counsel was ineffective for failing to object to the presentation of the $800 in currency based on the best evidence rule.

Appellant combines his discussion of his second and third issues, claiming that the trial counsel provided ineffective assistance in failing to present additional evidence and testimony relating to his and Victim's substance abuse. Appellant's Br. at 11-13. Without citation to any precedent, Appellant claims that because "counsel works for the petitioner and not the other way around," counsel should be deemed ineffective if she "does not present a defense theory requested by a defendant[.]" ***Id.*** at 12. He further states that additional evidence of substance abuse "would have been highly persuasive to the jury in regards to the 'specific intent' element of the First[-]Degree Murder conviction[.]" ***Id.***[4]

We reiterate that "it is an appellant's duty to present arguments that are sufficiently developed for our review. The brief must support the claims with pertinent discussion, with references to the record[,] and with citations to legal authorities." ***Commonwealth v. Hardy***, 918 A.2d 766, 771 (Pa. Super. 2007) (internal citation omitted). "Although the courts may liberally construe materials filed by a *pro se* litigant, *pro se* status confers no special benefit upon a litigant." ***Commonwealth v. Blakeney***, 108 A.3d 739, 766 (Pa. 2014). Indeed, *pro se* litigants "are subject to the same rules of

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[4] Appellant also reiterates his previously litigated sufficiency and weight claim which this Court rejected on direct appeal. Appellant's Br. at 12-13.

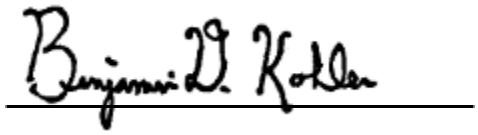
procedure as are represented defendants." ***Id.*** "Moreover, when defects in a brief impede our ability to conduct meaningful appellate review, we may dismiss the appeal entirely or find certain issues to be waived." ***Hardy***, 918 A.2d at 771, ***see also*** Pa.R.A.P. 2101.

In this case, the defects in Appellant's brief impede our review of this issue as he fails to address the three prongs of a claim of ineffective assistance of counsel. Moreover, we agree with the PCRA court's rejection of Appellant's claim, concluding that additional evidence of Appellant substance abuse would have been cumulative of the evidence presented at trial. PCRA Ct. Op. at 14. As the court emphasized, the "entire theory of defense was that [Appellant] did not intend to murder the Victim due to his dissociated state from his substance abuse on the day of the murder." ***Id.*** at 16. Likewise, the PCRA court opined that any testimony relating to Victim's substance use would be cumulative, given that "there [was] no dispute as to the illicit substances consumed by the [Victim] as shown in his autopsy and toxicology report." ***Id.*** at 15.

As we conclude that none of Appellant's issues warrant relief, we affirm the order dismissing Appellant's PCRA petition.

Order affirmed.

Judgment Entered.



Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/4/2026