NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
SCOTT MICHAEL GRONDIN	:	
Appellant	:	No. 1521 EDA 2026

Appeal from the Judgment of Sentence Entered April 28, 2025
In the Court of Common Pleas of Montgomery County Criminal Division
at No(s): CP-46-CR-0004186-2024

BEFORE: LAZARUS, P.J., DUBOW, J., and KUNSELMAN, J.

MEMORANDUM BY LAZARUS, P.J.: **FILED NOVEMBER 25, 2026**

Scott Michael Grondin appeals *nunc pro tunc* from the judgment of sentence, entered in the Court of Common Pleas of Montgomery County, after entering a guilty plea to one count each of corrupt organizations,[1] conspiracy to sell firearms to ineligible individuals,[2] unsworn falsification to authorities,[3] possession of a firearm with an altered manufacturer's number,[4] and dealing in proceeds of unlawful activities;[5] three counts of possession of a controlled

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[1] 18 Pa.C.S.A. § 911(b)(2).

[2] ***Id.*** at § 903.

[3] ***Id.*** at § 4904(b).

[4] ***Id.*** at § 6110.2(a).

[5] ***Id.*** at § 5111(a)(2).

substance with intent to deliver (PWID);[6] four counts of persons not to possess, use, manufacture, control, sell, or transfer firearms;[7] and eighteen counts of selling firearms to ineligible individuals.[8] Counsel has filed an ***Anders***[9] brief and petition to withdraw from representation on appeal. After careful review, we affirm and grant counsel's petition to withdraw.

Between January 2023 and April 2024, Grondin was the principal actor in a firearm and narcotics trafficking ring operating in Montgomery and Philadelphia Counties. Authorities alleged that Grondin, together with Bella Skylar Kenna and several other individuals, acquired firearms through third-party (straw) purchasers and then subsequently sold those firearms to prohibited persons for United States currency. In some cases, the serial numbers of the firearms were altered or removed. Additionally, the authorities discovered that Grondin's criminal organization sold controlled substances (fentanyl, cocaine, and methamphetamine) to others, including a confidential informant.

Grondin was charged with the above-stated offenses in April 2024. On January 2, 2025, Grondin executed a written guilty plea agreement. Prior to entering his oral guilty plea on January 24, 2025, the parties agreed to a

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[6] 35 P.S. § 780-113(a)(30).

[7] 18 Pa.C.S.A. § 6105(a)(1).

[8] ***Id.*** at § 6111(g)(2).

[9] ***See Anders v. California***, 386 U.S. 738 (1967) and ***Commonwealth v. McClendon***, 434 A.2d 1185 (Pa. 1981).

minimum cap of 20 years' imprisonment and a maximum cap of 40 years' imprisonment, subject to a mandatory minimum sentence of at least five years of total confinement pursuant to 18 Pa.C.S.A. § 6111(h)(1).[10] ***See*** N.T. Guilty Plea Hearing, 1/24/25, at 11-12, 25-26. The court ordered a pre-sentence investigation (PSI) report that it reviewed prior to imposing sentence. On April 28, 2025, the court imposed an aggregate sentence of 20-40 years' imprisonment,[11] with credit for time served. Prior to rendering its sentence in open court, the trial judge stated:

> You were a part of that criminal enterprise. You ran the criminal enterprise. I do not doubt that you had a drug problem; however, it did not prevent you from being able to lead an elaborate organization. Most drug addicts are incapable of running such an elaborate organization and/or do not run such an elaborate criminal enterprise.

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[10] Grondin's plea represents a hybrid plea—falling somewhere between an open plea and a negotiated plea. "A hybrid plea agreement does not preclude appellate review of those discretionary aspects of the sentence that were not agreed upon in the negotiation process." ***Commonwealth v. Hester***, 171 A.3d 268, 271 (Pa. Super. 2017). Here, like in ***Commonwealth v. Harris***, 352 A.3d 460 (Pa. Super. 2026), the defendant agreed to give the court discretion to impose an aggregate sentence anywhere below the specified cap. ***See id.*** at 464. Accordingly, we find that Grodin can challenge the exercise of the court's discretion to sentence him anywhere up to the cap. ***See*** N.T. Guilty Plea Hearing, 1/14/25, 24 ("As the [c]ourt further finds as part of the valid enforceable agreement is a cap on the minimum sentence not to exceed 20 years, maximum sentence not to exceed 40 years.").

[11] Specifically, the court sentenced Grondin to: 7-14 years' imprisonment on one count of persons not to possess; 5-10 years' imprisonment on one count of possession of a firearm with altered manufacturer's number; 3-6 years' imprisonment for one count of PWID; and a 5-10 year mandatory minimum sentence of imprisonment for selling firearms to ineligible individuals. The court ran the sentences on all other counts concurrently.

In this case, you were the head of the organization. First[,] you located people who qualified to be able to purchase firearms. You then directed those people to purchase the firearms and deliver them to you. In those instances, you told them which firearms to purchase. You then took possession of the firearms knowing you were a person not to possess. You then located purchasers, most like you, who could not purchase, own, or possess a firearm. After locating those purchasers, you then negotiated a sale price and sold the firearms.

For your involvement, there are 17 straw purchases and subsequent illegal transfers. Most of the guns have not been recovered and are in the hands of dangerous criminals. We do not know how many crimes have occurred using those guns, nor will [we] know how many have yet to occur.

What you did in participating in this criminal enterprise can never be condoned by this Court. Your actions here were not a result of a mistake. Once[,] though [] against the law and punishable, could be characterized as a mistake, but 17 times is a conscious decision to engage in this criminal enterprise. That included possessing a firearm when you were prohibited from possessing them as a convicted felon. That included you engaging in the criminal enterprise to distribute and sell the firearms to other convicted felons. It included obliterating serial numbers, so the guns could not be traced. It includes the trafficking and sales of illegal firearms.

Your conduct contributed to violent crimes. Your conduct has put the public safety at risk. In this case, that was not the end of your criminal enterprise[;] rather[,] it also was a part of your criminal enterprise, was the trafficking of dangerous drugs. Both the guns and the drugs have likely caused serious bodily injury or death to many people.

As a result of your conduct, you pose a serious risk to public safety. The best decision you made was negotiating a cap on your sentence.

To your family, I do not doubt your love and loyalty to your son, your relative. I would expect no less, but there are two sides here. There is the side with a loving, devoted family. That is what you saw. But the other side was someone who led an elaborate criminal organization. Someone who was good to his family. Someone who put hundreds of people at risk with drugs and guns.

> And then still at risk today, the unknown death and serious injury from the guns and drugs, the unknown violent crime.
>
> I have to take into account that there are mothers and relatives out there who are suffering and may have lost family members as a result of this.

Id. at 81-83.

Grondin filed a post-sentence motion claiming that, in imposing its sentence, the court failed to account for the fact that Grondin accepted personal responsibility for his crimes, as well as other mitigating evidence. On August 29, 2025, the trial court denied Grondin's post-sentence motion. Grondin did not file a direct appeal.

On March 12, 2026, Grondin filed a *pro se* petition pursuant to the Post Conviction Relief Act (PCRA), 42 Pa.C.S.A. §§ 9541-9546, seeking reinstatement of his appellate rights *nunc pro tunc*, claiming trial counsel was ineffective because he did not inform him that his post-sentence motion had been denied, and, therefore, Grondin was unable to file a timely notice of appeal. ***See*** Pa.R.Crim.P. 720(A)(2)(a). On March 17, 2026, the court granted Grondin's PCRA petition and reinstated his direct appeal rights. Counsel was appointed to represent Grondin on appeal. No appeal was filed.[12]

On May 1, 2026, Grondin filed a second PCRA petition, again requesting that his appeal rights be reinstated *nunc pro tunc*. On May 4, 2026, the court granted the request, reinstating Grondin's direct appeal rights *nunc pro tunc*.

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[12] Counsel indicated in Grondin's second PCRA petition that "[d]ue to an internal miscommunication in [his] office[,] the [n]otice of [a]ppeal was not filed." PCRA Petition, 5/1/26, at ¶ 4. Grondin later amended the petition.

On May 22, 2026, Grondin filed a notice of appeal and Pa.R.A.P. 1925(b) concise statement of errors complained of on appeal.[13] Subsequently, counsel filed an ***Anders*** brief and application seeking to withdraw on appeal.

"When faced with a purported ***Anders*** brief, this Court may not review the merits of any possible underlying issues without first examining counsel's request to withdraw." ***Commonwealth v. Goodwin***, 928 A.2d 287, 290 (Pa. Super. 2007) (en banc). Prior to withdrawing as counsel on direct appeal under ***Anders***, counsel must file a brief that meets the requirements established by the Pennsylvania Supreme Court in ***Santiago***, ***supra***, namely:

> (1) provide a summary of the procedural history and facts, with citations to the record;
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> (2) refer to anything in the record that counsel believes arguably supports the appeal;
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> (3) set forth counsel's conclusion that the appeal is frivolous; and
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> (4) state counsel's reasons for concluding that the appeal is frivolous. Counsel should articulate the relevant facts of record, controlling case law, and/or statutes on point that have led to the conclusion that the appeal is frivolous.

Id., 978 A.2d at 361.

In addition, counsel must provide a copy of the ***Anders*** brief to his client. "Attending the brief must be a letter that advises the client of his right

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[13] The Rule 1925(b) statement raises the following issues: (1) excessive and unreasonable sentence; (2) failure to adequately consider/give proper weight to substantial mitigating evidence; (3) sentence fails to reflect individualized assessment of Grondin's character, background, and rehabilitative needs; and (4) imposing maximum-agreed-upon sentence was an abuse of discretion because it did not reflect mitigating circumstances and goals of sentence. ***See*** Pa.R.A.P. 1925(b) Statement, 6/17/26, at 1-2 (unpaginated).

to: '(1) retain new counsel to pursue the appeal; (2) proceed *pro se* on appeal; or (3) raise any points that the appellant deems worthy of the court[']s attention in addition to the points raised by counsel in the ***Anders*** brief.'" ***Commonwealth v. Orellana***, 86 A.3d 877, 880 (Pa. Super. 2014) (quoting ***Commonwealth v. Nischan***, 928 A.2d 349, 353 (Pa. Super. 2007)).

Instantly, counsel's ***Anders*** brief states that he has examined the entire certified record, including the criminal complaint, guilty plea and sentencing proceedings, post-sentence filings, Rule 1925(b) statement, and the trial court's Rule 1925(a) opinion. ***See Anders*** Brief, at ¶ 26. Following his review, counsel has concluded that the appeal is wholly frivolous. ***Id.*** Counsel's brief identifies one issue that would arguably support an appeal and, pursuant to ***Santiago***, explains why he believes this claim to be frivolous. Finally, counsel indicates that he supplied Grondin with a copy of the brief, along with his petition to withdraw and a letter explaining Grondin's right to proceed *pro se* or with newly retained counsel, and to raise any additional issues he believes might arguably support an appeal.[14] Thus, counsel has satisfied the procedural requirements for withdrawal. Accordingly, this Court must now conduct its own review of the proceedings and render an independent judgment as to whether the appeal is, in fact, wholly frivolous. ***See Commonwealth v. Wright***, 846 A.2d 730, 736 (Pa. Super. 2004).

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[14] Grondin has not filed a response to counsel's ***Anders*** brief.

Counsel claims in his ***Anders*** brief that the sole issue arguably supporting this appeal concerns the discretionary aspects of Grondin's sentence. Specifically, counsel asserts that the court abused its discretion by imposing a manifestly excessive aggregate sentence that failed to adequately consider Grondin's mitigating evidence and rehabilitative needs, ***see*** 42 Pa.C.S.A. § 9721(b), where Grondin "presented substantial mitigating evidence, including evidence of addiction, childhood trauma, family support, acceptance of responsibility, and rehabilitative potential." ***Anders*** Brief, at ¶ 16.

Grondin's issue is a challenge to the discretionary aspects of his sentence. Challenges to the discretionary aspects of sentencing do not entitle an appellant to an appeal as of right. ***Commonwealth v. Sierra***, 752 A.2d 910 (Pa. Super. 2000). Rather, prior to reaching the merits of a discretionary sentencing issue:

> [W]e conduct a four-part analysis to determine: (1) whether appellant has filed a timely notice of appeal, ***see*** Pa.R.A.P. 902 and 903; (2) whether the issue was properly preserved at sentencing or in a motion to reconsider and modify sentence, ***see*** Pa.R.Crim.P. 720;[15] (3) whether appellant's brief has a fatal

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[15] Instantly, the trial court reinstated Grondin's direct appeal rights *nunc pro tunc*, not his right to file post-sentence motions *nunc pro tunc*. However, under the PCRA, a petitioner who is granted reinstatement of direct appeal rights *nunc pro tunc* is not entitled to a subsequent order reinstating the right to file post-sentence motions *nunc pro tunc* if he had not requested such relief with the PCRA court. ***See Commonwealth v. Fransen***, 986 A.2d 154 (Pa. Super. 2009). Here, Grondin only requested the PCRA court reinstate his direct appeal rights. ***See*** Amended PCRA Petition to Reinstate Appellate
(Footnote Continued Next Page)

> defect, [***see***] Pa.R.A.P. 2119(f); and (4) whether there is a substantial question that the sentence appealed from is not appropriate under the Sentencing Code, 42 Pa.C.S.A. § 9781(b).

Commonwealth v. Evans, 901 A.2d 528, 533 (Pa. Super. 2006) (internal citations omitted).

When appealing the discretionary aspects of a sentence, an appellant must invoke the appellate court's jurisdiction by including in his brief a separate concise statement demonstrating a substantial question as to the appropriateness of the sentence under the Sentencing Code. ***Commonwealth v. Mouzon***, 812 A.2d 617 (2002); Pa.R.A.P. 2119(f). "The requirement that an appellant separately set forth the reasons relied upon for allowance of appeal 'furthers the purpose evident in the Sentencing Code as a whole of limiting any challenges to the trial court's evaluation of the multitude of factors impinging on the sentencing decision to exceptional cases.'" ***Commonwealth v. Phillips***, 946 A.2d 103, 112 (Pa. Super. 2008) (quoting ***Commonwealth v. Williams***, 562 A.2d 1385, 1387 (Pa. Super. 1989) (en banc) (emphasis in original)).

The determination of what constitutes a substantial question must be evaluated on a case-by-case basis. ***Commonwealth v. Anderson***, 830 A.2d

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Rights *Nunc Pro Tunc*, 5/1/26, at ¶ 10. Therefore, ordinarily we would find that he has waived any discretionary aspect of sentencing claim on appeal for failure to request reinstatement of his right to file post-sentence motions *nunc pro tunc*. ***See*** Pa.R.Crim.P. 720. Nevertheless, in light of counsel's motion to withdraw and the fact that he raised the issue in a post-sentence motion before his appeal rights were reinstated, we will address the issue. ***See Commonwealth v. Lilley***, 978 A.2d 995, 998 (Pa. Super. 2009) (explaining ***Anders*** requires review of issues otherwise waived on appeal).

1013 (Pa. Super. 2003). A substantial question exists "only when the appellant advances a colorable argument that the sentencing judge's actions were either: (1) inconsistent with a specific provision of the Sentencing Code; or (2) contrary to the fundamental norms which underlie the sentencing process." ***Sierra***, ***supra***, at 912-13 (quoting ***Commonwealth v. Brown***, 741 A.2d 726, 735 (Pa. Super. 1999) (en banc)).

Here, counsel claims that the sentencing court imposed a manifestly excessive sentence and failed to adequately consider Grondin's mitigating evidence and rehabilitative needs. "A claim that the sentencing court imposed an unreasonable sentence by sentencing outside the guideline ranges raises a 'substantial question' which is reviewable on appeal." ***Commonwealth v. Davis***, 737 A.2d 792, 798 (Pa. Super. 1999). We find that Grondin has raised a substantial question invoking our Court's jurisdiction. ***See Commonwealth v. Dodge***, 77 A.3d 1263 (Pa. Super. 2013) (en banc) (excessive sentence claim, in conjunction with assertion court did not consider mitigating factors, raises substantial question). Accordingly, we will review the merits of his sentencing challenge.

Our standard of review concerning the discretionary aspects of sentencing is as follows:

> Sentencing is a matter vested in the sound discretion of the sentencing judge, and a sentence will not be disturbed on appeal absent a manifest abuse of discretion. In this context, an abuse of discretion is not shown merely by an error in judgment. Rather, the appellant must establish, by reference to the record, that the sentencing court ignored or misapplied the law, exercised its

> judgment for reasons of partiality, prejudice, bias[,] or ill will, or arrived at a manifestly unreasonable decision.

Commonwealth v. Coulverson, 34 A.3d 135, 143 (Pa. Super. 2011) (citation omitted).

"[A] court is required to consider the particular circumstances of the offense and the character of the defendant." ***Commonwealth v. Griffin***, 804 A.2d 1, 10 (Pa. Super. 2002). When the court fashions its sentence, it must consider "the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the defendant." 42 Pa.C.S.A. § 9721(b). Following our review of the record, we discern no abuse of discretion on the part of the trial court when it sentenced Grodin.

The record reflects that, prior to sentencing, the trial court reviewed a PSI report that included mitigating factors relating to Grondin. ***See Commonwealth v. Watson***, 228 A.3d 928, 936 (Pa. Super. 2020) ("Where [PSI] reports exist, we shall continue to presume that the sentencing judge was aware of relevant information regarding the defendant's character and weighed those considerations along with mitigating statutory factors."). The court also reviewed the Commonwealth's and defense counsel's sentencing memoranda, as well as letters written on behalf of Grondin by his family and friends. Finally, the court heard extensive mitigating testimony from Grondin's family members, who discussed his kind-hearted, friendly, and agreeable nature, substance abuse/addiction history, troubled childhood, life struggles, remorse since committing the instant offenses, and how he is a

"changed person [who] has been transformed by a relationship with the creator of the universe." N.T. Sentencing Hearing, 4/28/25, at 29-54. Accordingly, we do not find that the trial court abused its discretion in imposing Grondin's sentence, which was at the upper range of the agreed-upon sentencing cap, where the court set forth its reasons for imposing the sentence, ***see*** N.T. Guilty Plea Hearing, 1/24/25, 81-83, and considered the above-stated information prior to sentencing. ***Coulverson***, ***supra***. The record clearly demonstrates that the court properly considered the requisite subsection 9721(b) factors.

Moreover, having conducted our own independent review of the record, ***Wright, supra***, we agree with counsel that Grondin's appeal is wholly frivolous and, therefore, that counsel should be permitted to withdraw.

Judgment of sentence affirmed. Petition to withdraw granted.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/25/2026