NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
NILE WARD	:	
Appellant	:	No. 596 EDA 2026

Appeal from the PCRA Order Entered January 14, 2026
In the Court of Common Pleas of Delaware County Criminal Division at
No(s): CP-23-CR-0004072-2022

BEFORE: SULLIVAN, J., LANE, J., and FORD ELLIOTT, P.J.E.*

MEMORANDUM BY SULLIVAN, J.: **FILED NOVEMBER 20, 2026**

Nile Ward ("Ward") appeals from the order dismissing his petition filed pursuant to the Post Conviction Relief Act ("PCRA")[1] following an evidentiary hearing. Ward's current counsel, Richard Joseph Blasetti, Esquire ("Attorney Blasetti") has filed a ***Turner***/***Finley*** brief and a petition to withdraw.[2] Because Attorney Blasetti's brief does not meet the threshold requirements for seeking withdrawal, we deny his petition to withdraw and direct him to file either a new petition to withdraw and a compliant ***Turner***/***Finley*** brief, or an advocate's brief.

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* Retired Senior Judge assigned to the Superior Court.

[1] ***See*** 42 Pa.C.S.A. §§ 9541-9546.

[2] ***See Commonwealth v. Turner***, 544 A.2d 927 (Pa. 1988), and ***Commonwealth v. Finley***, 550 A.2d 213 (Pa. Super. 1988) (*en banc*) (collectively, "***Turner***/***Finley***").

The present appeal stems from Ward's open guilty plea to twenty-five charges, including several counts of robbery, criminal conspiracy, theft by unlawful taking, and carrying a firearm without a license. Ward received an aggregate sentence of sixteen to forty years of imprisonment. He did not file a post-sentence motion or a direct appeal.

In February 2025, Ward filed a timely *pro se* PCRA petition asserting plea counsel was ineffective for: 1) promising a 10 to 20 year sentence if Ward pled guilty, 2) failing to review discovery with him. The trial court appointment Scott D. Galloway, Esquire ("PCRA counsel") to represent Ward. PCRA counsel subsequently filed a ***Turner***/***Finley*** letter. The PCRA court subsequently dismissed the petition and granted PCRA counsel's petition to withdraw.

Ward filed a *pro se* notice of appeal, and the PCRA court appointed Attorney Blasetti to represent Ward on appeal. Attorney Blasetti has filed a ***Turner***/***Finley*** brief in this Court and a petition to withdraw. We must first determine whether has satisfied the requirements to be permitted to withdraw from representation in this PCRA appeal. ***See Commonwealth v. Freeland***, 106 A.3d 768, 774 (Pa. Super. 2014).

Pursuant to ***Turner***/***Finley***, an "[i]ndependent review of the record by competent counsel is required before withdrawal [on collateral review] is permitted." ***Commonwealth v. Pitts***, 981 A.2d 875, 876 n.1 (Pa. 2009). In ***Pitts***, our Supreme Court explained that independent review requires proof of:

> 1. A "no merit" letter by [ ] counsel detailing the nature and extent of his review;
>
> 2. The "no merit" letter by [ ] counsel listing each issue the petitioner wished to have reviewed;
>
> 3. [C]ounsel's "explanation", in the "no merit" letter, of why the petitioner's issues were meritless;
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> 4. The [ ] court conducting its own independent review of the record; and
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> 5. The [ ] court agreeing with counsel that the petition was meritless.

Id. (citation and some brackets omitted).

Additionally:

> Counsel must also send to the petitioner: (1) a copy of the "no-merit" letter/brief; (2) a copy of counsel's petition to withdraw; and (3) a statement advising petitioner of the right to proceed *pro se* or by new counsel.
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> If counsel fails to satisfy the foregoing technical prerequisites of ***Turner***/***Finley***, the court will not reach the merits of the underlying claims but, rather, will merely deny counsel's request to withdraw. Upon doing so, the court will then take appropriate steps, such as directing counsel to file a proper ***Turner***/***Finley*** request or an advocate's brief.
>
> However, where counsel submits a petition and no-merit letter that do satisfy the technical demands of ***Turner***/***Finley***, the [court] must then conduct its own review of the merits of the case. If the court agrees with counsel that the claims are without merit, the court will permit counsel to withdraw and deny relief.

Commonwealth v. Wrecks, 931 A.2d 717, 721 (Pa. Super. 2007) (citations omitted).

Attorney Blasetti asserts he reviewed Ward's case. ***See*** Application to Withdraw, 7/8/26, at ¶ 3. His brief lists a single issue that he deems to be of arguable merit. ***See Anders*** Brief at 9-14. However, instead of declaring the

issue without merit, Attorney Blasetti notes that at his guilty plea, Ward said he was ***not*** satisfied with trial counsel's representation – a declaration no one in the court recognized – that Ward was only nineteen at the time of his plea, and was unaccustomed to dealing with an authority figure. ***See Turner***/***Finley*** Brief at 9-11. As a result, Attorney Blasetti asserts, Ward was "deserving of either counsel and or the [c]ourt hitting the pause button to find out what was on [Ward's] mind, ask him whether more time with defense counsel would help, or have a discussion with both counsel." ***See id***. at 14.

Attorney Blasetti's ***Turner***/***Finley*** brief is facially defective because it does not explain why Ward's claim is meritless and in fact suggests the claim may have merit. ***See Pitts***, 981 A.2d at 876 n.1. This defect precludes this Court's review of the ***Turner***/***Finley*** brief. Accordingly, we deny Attorney Blasetti's petition to withdraw without prejudice. Within thirty days of this decision, Attorney Blasetti shall either file a new petition to withdraw and no-merit brief that complies with requirements of ***Turner***/***Finley***, and with the proof of the appropriate notifications to Ward, ***see generally Commonwealth v. Muzzy***, 141 A.3d 509, 510-12 (Pa. Super. 2016), or an advocate's brief.

Petition to withdraw denied without prejudice. Counsel shall within thirty days of this decision file a new petition to withdraw and no-merit brief pursuant to ***Turner***/***Finley*** and ***Muzzy***, or an advocate's brief. The Commonwealth will then have thirty days to file a responsive pleading.

Petition to withdraw denied. Panel jurisdiction retained.