IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania	:	
	:	
v.	:	No. 888 C.D. 2024
	:	
Antonio Geatti,	:	
Appellant	:	Submitted: October 13, 2026

BEFORE: HONORABLE PATRICIA A. McCULLOUGH, Judge
HONORABLE MICHAEL H. WOJCIK, Judge
HONORABLE MATTHEW S. WOLF, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE McCULLOUGH FILED: November 17, 2026

Antonio Geatti, *pro se* (Appellant), appeals from the order entered on May 1, 2024, by the Court of Common Pleas of the 26th Judicial District, Columbia County Branch (trial court). Through that order, the trial court dismissed Appellant's summary appeal and affirmed his conviction by a magisterial district judge (MDJ) of a violation of a municipal code provision prohibiting the removal of condemnation placards without authorization. The trial court dismissed Appellant's summary appeal due to Appellant's failure to appear at the trial *de novo*.

Also before the Court is Appellant's "Application to be Exonerated from Criminal Charges" (Exoneration Application), in which he asks this Court to direct that all citations filed against him below be "dropped," that he be "exonerated" from all associated accusations, and that the monies paid because of the citations be returned to him.[1]

[1] By order entered May 6, 2026, we directed that the Exoneration Application be listed with our disposition on the merits.

After review, we affirm the trial court's order and dismiss Appellant's Exoneration Application as moot.

I. BACKGROUND

On February 13, 2024, Appellant filed a notice of appeal in the trial court from his summary conviction[2] of removing a condemnation placard from a property in Scott Township, Columbia County. (O.R. Doc. 1.)[3] Although Appellant appealed from only a single conviction (citation R 3031403-4), he included in this appeal two other citations (R 3031410-4 and R 3031408-2) that had not yet been heard and adjudicated in the magisterial district court. Appellant filed a motion for discovery on March 14, 2024, and a motion to dismiss all three citations on April 10, 2024. (O.R. Docs. 3, 4.) On April 17, 2024, the trial court scheduled a hearing for 1:00 p.m. on April 29, 2024. (O.R. Doc. 4.) The scheduling order was mailed to Appellant via first-class mail to the address on file with the clerk of courts. (Trial Ct. Docket, at 3.) Appellant did not appear at the hearing on April 29, 2024, and the trial court entered an order on May 1, 2024 (dated April 29, 2024), dismissing Appellant's appeal due to his failure to appear. (O.R. Doc. 6.)

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[2] Appellant did not appear at the summary hearing before the MDJ, after which a bench warrant was issued for his arrest. (Original Record (O.R.) Doc. 2, at 2; Trial Ct. Docket, at 1.)

[3] Scott Township has adopted the International Property Maintenance Code (2021) (IPMC). *See* Township of Scott, Pa., Code § 104-1 (2022), *available at* https://ecode360.com/31288363 (last visited November 17, 2026). Section 111.7.1 of the IPMC prohibits removal of a condemnation placard without the approval of the code official. IPMC § 111.7.1, *available at* https://codes.iccsafe.org/content/IPMC2021p2 (last visited November 17, 2026).

In the meantime, Appellant appealed to the Superior Court at 12:59 p.m. on April 29, 2024.[4] (O.R. Doc. 5.) Therein, Appellant purported to appeal all three of his citations to the "next level of criminal court outside of the 26th District" and requested that they be dismissed. (O.R. Doc. 5, at 1, 5.) On May 3, 2024, the trial court ordered Appellant to file a Pennsylvania Rule of Appellate Procedure (Pa.R.A.P.) 1925(b) Concise Statement of Errors Complained of on Appeal (Concise Statement) within 21 days. (O.R. Doc. 9.) On June 3, 2024, Appellant filed what he styled as an "explanation" and "response to the judge's request," in which he insisted that the trial court should have dismissed all three citations.[5] (O.R. Doc. 10.) The trial court issued a Pa.R.A.P. 1925(a) supplemental opinion on June 26, 2024, concluding therein that it properly dismissed Appellant's summary appeal due to his failure to appear at the hearing on April 29, 2024. (O.R. Doc. 11.) The Superior Court transferred the appeal to this Court on July 12, 2024.[6]

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[4] Although Appellant appealed to the Superior Court before the trial court entered its May 1, 2024 order, we directed that Appellant's appeal be treated as if taken from that order. (Order, 10/11/2024, at 1-2.)

[5] Appellant's Concise Statement appears to have been untimely filed past the 21-day deadline in the trial court's order. Nevertheless, the trial court's order did not comply with the requirements of Pa.R.A.P. 1925(b)(3)(iii)-(iv) in that it did not specify the address at which Appellant could serve the trial court with his Concise Statement and did not advise Appellant that any issues not included in the Concise Statement would be deemed waived on appeal. *See* Pa.R.A.P. 1925(b)(3)(iii)-(iv). We accordingly will not find waiver in this instance. *See Berg v. Nationwide Mutual Insurance Co., Inc.*, 6 A.3d 1002, 1008, 1011 (Pa. 2010) (trial court's compliance with the requirements of Rule 1925(b)(3) triggers an appellant's obligations to timely file a concise statement; where the trial court's order does not comply, the waiver provisions do not apply).

[6] Appellant filed his appellate brief, consisting of one and one-half pages, on January 21, 2025. The Commonwealth did not file an appellate brief, and by order entered November 14, 2025, we precluded it from doing so.

II. DISCUSSION

In his brief, Appellant argues that the three citations referenced in his summary appeal are meritless and should be dismissed. Although he also contends that the trial court "ignored" his motions to dismiss and for discovery, Appellant does not mention or attempt to explain his failure to appear on April 29, 2024, which was the sole basis for the trial court's dismissal order. (Appellant's Br. at 1-2 (unpaginated).) In its supplemental Rule 1925(a) opinion, the trial court explained its decision as follows:

> [Appellant], in his initial appeal to the [trial court], included two cases that had not yet been heard at the [MDJ]. The [a]ppeal was captioned as a [m]otion, and possibly an argument could have been made regarding the inclusion of the other two cases had [Appellant] appeared at the [h]earing. Instead, [Appellant] was one floor below, one minute prior to his [h]earing, filing a[n] [a]ppeal to the Superior Court. . . .
>
> There is no record for th[e trial c]ourt to rely upon, as [Appellant] did not appear for his [h]earing [in the trial court], as well as the fact that the [m]agisterial [district c]ourt is not a court of record. There is no testimony to review or evaluate as to any evidentiary standard, nor is there any law to debate. [Appellant]'s appeal should be [dismissed].

(Trial Ct. Op., at 2 (unpaginated).) Thus, although Appellant invites us to review the merits of the underlying citations, only the trial court's dismissal for Appellant's failure to appear is before us. We cabin our analysis accordingly.

Pennsylvania Rule of Criminal Procedure 462 (Rule 462) governs the trial following an appeal of a summary conviction. Such trials "shall be heard *de novo* by the [trial court] sitting without a jury." Pa.R.Crim.P. 462(A). If the defendant fails to appear, the trial court "may dismiss the appeal and enter judgment[.]" Pa.R.Crim.P. 462(D). However, prior to dismissing a summary appeal due to the defendant's failure

to appear, the trial court must determine whether the defendant had adequate cause for his absence. Pa.R.Crim.P. 462(D), cmt; *Commonwealth v. Simms*, 198 A.3d 500, 503 (Pa. Cmwlth. 2018).

Because trial courts often will dismiss a summary appeal due to the defendant's absence from trial, whether good cause exists for the nonappearance is often raised for the first time in this Court. *Simms*, 198 A.3d at 503-04. An appellant seeking to set aside a dismissal under Rule 462(D) must establish that (1) the trial court dismissed the appeal pursuant to Rule 462(D); (2) nothing in the original record indicates that the trial court conducted an inquiry to determine whether the defendant had good cause for the nonappearance; *and* (3) either (a) the trial court failed to consider reasons advanced by the defendant that may constitute good cause, or (b) the defendant has advanced reasons in this Court with sufficient detail such that, if credited by the trial court on remand, they may constitute good cause. *Id.* at 507, 509. When *all three* of these elements are established, we will vacate the trial court's dismissal and remand the matter for a good cause determination. *Id.* at 507-08.

Here, we conclude that Appellant has not satisfied all three *Simms* elements, and, accordingly, we will not set aside the trial court's dismissal. Preliminarily, we note that Appellant has not anywhere in any of his filings in the trial court or in this Court acknowledged or given any explanation for his absence from the April 29, 2024 hearing. He therefore has not properly raised or preserved this issue for our review. Nevertheless, for the sake of completeness and given Appellant's *pro se* status, we will address the three *Simms* elements *seriatim*.

First, as to whether the trial court dismissed Appellant's summary appeal pursuant to Rule 462(D), the trial court's order does not note or make any findings as

to what transpired at the hearing on April 29, 2024.[7] Nevertheless, the trial court cited Appellant's nonappearance as the reason for the dismissal, and the trial court's docket notes that, as a result of the dismissal, Appellant was adjudicated to be guilty of the underlying citation. (O.R. Doc. 7; Trial Ct. Docket, at 4.) Thus, we conclude that the trial court dismissed the summary appeal pursuant to Rule 462(D).[8]

Second, as to whether the trial court conducted an inquiry to determine whether Appellant's absence from the hearing was for good cause, there is nothing in the record before us (which, again, does not include a transcript) indicating that the trial court investigated the reasons for Appellant's absence at the April 29, 2024 hearing. The second *Simms* factor therefore appears to be satisfied. We note, however, the trial court's suggestion that, given the time at which Appellant filed his notice of appeal on April 29, 2024 (12:59 p.m.) and the time set for the hearing (1:00 p.m.), Appellant missed the hearing to file his appeal. (Trial Ct. Op. at 2.) Appellant has not challenged that suggestion in this Court.

Third, as to the trial court's consideration of Appellant's proffered reasons for missing the April 29, 2024 hearing, nowhere in the trial court or appellate records

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[7] No transcript from the April 29, 2024 hearing appears in the record. The trial court's order states: "AND NOW, to wit, this 29th day of April, 2024, it appearing that the Defendant has not appeared for his summary appeal hearing, the Defendant's appeal is hereby DISMISSED and the disposition of the Magisterial District Judge is hereby AFFIRMED." (O.R. Doc. 6) (caps in original).

[8] Although the trial court's April 17, 2024 scheduling order did not expressly indicate that the April 29, 2024 hearing would be the *de novo* trial on Appellant's summary appeal, the trial court treated it as such and dismissed the appeal pursuant to Rule 462(D). (O.R. Doc. 4.) Appellant has not alleged either that he was confused by the trial court's order or that he was unaware that the *de novo* trial would occur on April 29, 2024. Moreover, although we have treated Appellant's appeal to this Court as taken from the trial court's May 1, 2024 dismissal order, Appellant in fact filed this appeal *prior* to the trial court's entry of that order and *prior* to the commencement of the April 29, 2024 hearing. (O.R. Doc. 5.) Appellant clearly decided in advance that he was not going to attend *any* hearing on his summary appeal, whether styled as a hearing on his motion to dismiss or a *de novo* trial on the merits.

is there any indication that Appellant disputes his failure to appear. There further is no indication that Appellant has ever attempted to explain the reasons for his absence, and we can find none. Appellant was served with the trial court's April 17, 2024 scheduling order at the address on record with the clerk of courts. (Trial Ct. Docket, at 1.) He received and responded to other trial court filings sent to that address, including the trial court's Concise Statement order. (O.R. Docs. 9, 10.) Appellant's notice of appeal, Concise Statement, and appellate brief recite reasons why the underlying citations should be dismissed, but they say nothing about Appellant's failure to appear. Appellant thus has failed to satisfy the third *Simms* element, without which we have no basis upon which to set aside the trial court's dismissal order. We accordingly affirm.[9]

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PATRICIA A. McCULLOUGH, Judge

[9] Because we affirm the trial court's dismissal order, Appellant's Exoneration Application is moot and will be dismissed.

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Appellant	:	

ORDER

AND NOW, this 17th day of November, 2026, the order entered by the Court of Common Pleas of the 26th Judicial District, Columbia County Branch, on May 1, 2024, is hereby affirmed. Antonio Geatti's Application to be Exonerated from Criminal Charges filed on July 9, 2025, is dismissed as moot.

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PATRICIA A. McCULLOUGH, Judge