

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
BRIAN K. HUNTER	:	
	:	
Appellant	:	No. 1439 EDA 2025

Appeal from the Judgment of Sentence Entered April 21, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): MC-51-CR-0007956-2024

BEFORE: LAZARUS, P.J., MURRAY, J., and FORD ELLIOTT, P.J.E.*

JUDGMENT ORDER BY LAZARUS, P.J.: **FILED AUGUST 21, 2026**

Brian K. Hunter appeals from the judgment of sentence, entered in the Philadelphia Municipal Court, following his convictions of one count each of accidents involving damage to attended vehicle or property,¹ and related summary offenses.² Hunter filed a writ of *certiorari* in the Court of Common Pleas of Philadelphia County, which was denied. Hunter now appeals the denial of that writ to this Court. After review, we affirm.

In light of our disposition, a lengthy recitation of the facts is unnecessary. Briefly, on January 30, 2022, Hunter was driving his vehicle on

* Retired Senior Judge assigned to the Superior Court.

¹ 75 Pa.C.S.A. § 3743(a).

² Hunter was also convicted of: required financial responsibility, *id.* at § 1786(a); disregarding traffic lanes, *id.* at § 3309; careless driving, *id.* at § 3714(a); and giving false information, *id.* at § 3748.

Interstate 76 in Philadelphia. Hunter swerved, struck another vehicle, and fled the scene. The victims reported the crash to the Pennsylvania State Police.

On July 17, 2022, the Commonwealth filed a criminal complaint against Hunter, in which he was charged with, *inter alia*, accident resulting in damage to an attendant vehicle, a third-degree misdemeanor. Hunter was not apprehended until April 26, 2024.

On April 27, 2024, a preliminary arraignment was conducted and, ultimately, a municipal court trial was scheduled for July 25, 2024. On July 24, 2024, Hunter filed a motion to dismiss pursuant to Pa.R.Crim.P. 600. **See** Motion to Dismiss Pursuant to Rule 600, 7/24/24, at 1-5. Hunter argued that even though only 89 calendar days elapsed between his preliminary arraignment and the prospective trial date of July 25, 2024, the municipal court was required to include the 649-day pre-arrest period that preceded his preliminary arraignment in the time calculations for Rule 600. **See id.** On August 22, 2024, the municipal court judge conducted a hearing and, at the conclusion, granted Hunter's motion and dismissed the case.

The Commonwealth filed a timely appeal to the Philadelphia Court of Common Pleas, where, on January 22, 2025, the Honorable Judge James J. Eisenhower conducted a hearing. The Commonwealth argued that the municipal court applied the wrong rule of procedure when it applied Rule 600, and not Pa.R.Crim.P. 1013, to Philadelphia Municipal Court proceedings. Based upon that argument, the Commonwealth contended that Hunter's case

was erroneously dismissed because, unlike Rule 600, Rule 1013 begins to run from the date of the preliminary arraignment. At the conclusion of the hearing, Judge Eisenhower deferred his ruling.

On January 28, 2025, Judge Eisenhower entered an order that reversed the municipal court's order and remanded the case to Philadelphia Municipal Court for a trial. Ultimately, Hunter was tried and convicted of the above-mentioned offenses and, on April 21, 2025, Hunter was sentenced to three months of non-reporting probation for his conviction of accidents involving damage. No further penalty was imposed on the remaining offenses.

Hunter timely filed a writ of *certiorari* in the Court of Common Pleas of Philadelphia County, challenging Judge Eisenhower's order reversing the municipal court's dismissal of his charges. Judge Eisenhower denied Hunter's appeal on May 19, 2025.

Hunter has filed a timely notice of appeal and a court-ordered Pa.R.A.P. 1925(b) concise statement of errors complained of on appeal. Hunter now raises the following claim for our review: "Did the [Philadelphia] Municipal Court correctly dismiss a prosecution under [Rule] 600 because its terms apply to municipal court cases where the Commonwealth delays in executing an arrest warrant?" Brief for Appellant, at 2.

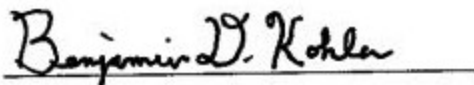
Hunter challenges the applicability of Rule 1013 to his municipal court case. In doing so, Hunter concedes that this Court is bound by our previous decision in ***Commonwealth v. Farlow***, 335 A.3d 371 (Pa. Super. 2025). **See**

Brief for Appellant, at 6 (“**Farlow** is wrongly decided”); **id.** (acknowledging this Court is bound by prior panel decisions).

Indeed, based upon our review of the record and the arguments made by Hunter, this case is controlled by the precedent established in **Farlow**, and we are prohibited from reaching a different conclusion. **Farlow** held that Rule 1013(A), not Rule 600, applies to cases tried in Philadelphia Municipal Court. **Id.** at 375; **see also id.** (Rule 1013(A)’s timeliness calculations begin “**no later than 180 days from the date on which the preliminary arraignment is held**”) (emphasis added); Pa.R.Crim.P. 1000 (“The rules in this chapter govern all proceedings in the Philadelphia Municipal Court[.]”). Accordingly, Hunter’s claim is without merit and we affirm the order.³

Judgment of sentence affirmed.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is written over a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 8/21/2026

³ Hunter urges this Court to either contravene binding precedent or hold our decision pending the Supreme Court’s decision in **Commonwealth v. Farlow**, 347 A.3d 658 (Pa. 2025) (Table) (granting allocatur review). We are bound by existing precedent and lack the authority to overturn another panel decision of this Court. **See Commonwealth v. May**, 271 A.3d 475, 482 (Pa. Super. 2022). Additionally, we previously denied Hunter’s request to stay this appeal pending the outcome of our Supreme Court’s decision in **Farlow**, and we decline to revisit our decision now. **See** Order, 2/2/26, at 1.