

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
COREY YARNISH	:	
	:	
Appellant	:	No. 906 WDA 2025

Appeal from the Judgment of Sentence Entered June 4, 2025
 In the Court of Common Pleas of Cambria County Criminal Division at
 No(s): CP-11-CR-0000236-2021

BEFORE: STABILE, J., DUBOW, J., and STEVENS, P.J.E.*

OPINION BY STEVENS, P.J.E.:

FILED: September 24, 2026

Appellant Corey Yarnish appeals from the judgment of sentence entered by the Court of Common Pleas of Cambria County after he was found in violation of his probation for the third time. Appellant contends that the trial court imposed a sentence of total confinement that exceeded the time limitations set forth in 42 Pa.C.S.A. § 9771, a statute recently amended by Act 44 of 2023.¹ Appellant also argues that the trial court abused its discretion in imposing an excessive sentence. After careful review, we affirm.

On June 1, 2021, Appellant pled guilty to Flight to Avoid Apprehension, Trial or Punishment (18 Pa.C.S.A. § 5126 – third-degree felony); multiple charges were *nolle prossed* in exchange for this plea. On July 6, 2021, the

* Former Justice specially assigned to the Superior Court.

¹ **See** Act of Dec. 14, 2023, P.L. 381, No. 44, § 3 (effective June 11, 2024). The version of Section 9771 applicable to Appellant’s resentencing was in effect from June 11, 2024 to October 19, 2025. A new version of Section 9771 with minor language changes not relevant to this case took effect on October 20, 2025. **See** Act of July 21, 2025, P.L. 127, No. 38, § 1.

trial court sentenced Appellant to eighteen to thirty-six months of imprisonment to be followed by twenty-four months of probation.

After Appellant was paroled and began serving the probationary tail of his sentence, Appellant did complete the drug treatment program at the Cambria County Day Reporting Center in July 2024. Notes of Testimony (N.T.), 6/4/25, at 2 (unpaginated).

However, Appellant had three subsequent probation revocations. First, on October 8, 2024, the Honorable Michael Carbonara found Appellant violated his probation when he failed drug testing; Appellant was resentenced to twenty-four months of probation and ordered to return to drug treatment. Second, on November 22, 2024, Appellant proceeded to a second violation hearing at which the Honorable Tamara Bernstein found Appellant had violated his probation as Appellant had several positive drug screens and Appellant admitted driving under the influence of controlled substances. N.T., 11/22/24, at 3-6. Judge Bernstein resentenced Appellant to thirty days of house arrest with a consecutive eighteen months of probation with restrictive conditions. Judge Bernstein ordered Appellant to return to the drug treatment program and warned Appellant if he failed drug testing again, he would be resentenced to incarceration upon another revocation of probation. N.T. 11/22/24, at 9.

In January 2025, after Appellant failed additional drug tests, he was permitted to enter inpatient drug treatment. N.T., 6/4/25, at 2. In February 2025, Appellant began missing his check-in appointments with his probation officers. ***Id.*** After Appellant was instructed multiple times to comply with his

check-in requirement, he absconded from supervision and drug rehabilitation. ***Id.*** Appellant did eventually contact Probation Officer Christopher Maul and claim that he was going to “rehab due to mental health issues.” ***Id.*** Maul expressed skepticism that Appellant had entered mental health rehab without following the proper protocol to do so including obtaining permission to withdraw from his inpatient drug rehabilitation program. ***Id.*** Appellant ignored these instructions and continued absconding from supervision. ***Id.***

On February 20, 2025, the trial court issued a bench warrant for Appellant’s arrest. Three months later, on May 24, 2025, Johnstown police officers discovered Appellant slumped over in a vehicle at a Sheetz store in Kernsville. ***Id.*** The officers suspected he was under the influence of a controlled substance. ***Id.*** Appellant was not charged for this incident as he was not observed driving the vehicle. ***Id.*** Appellant was taken into custody and tested positive for fentanyl, methamphetamines, amphetamines, MDMA, and morphine. ***Id.*** at 2-3.

On June 4, 2025, the lower court held a violation of probation hearing at which Appellant was represented by Attorney David Raho, Esq. of the Public Defender’s Office. Probation Officer Maul testified to the aforementioned factual background, noting that this was Appellant’s third violation hearing. Maul recommended that the trial court revoke Appellant’s probation and resentence him to a period of incarceration, given that Maul felt that Appellant “[was not] supervisable in the community[,] has exhausted all options at the

county level[, and demonstrated that] he's a danger to himself and the community." ***Id.*** at 1-3.

At the conclusion of the hearing, the Honorable Patrick T. Kiniry revoked Appellant's probation and resentenced him to eighteen to thirty-six months' imprisonment, recommended Appellant for the State Drug Treatment Program, and found Appellant was RRRI eligible.

On June 11, 2025, Appellant submitted a *pro se* document to the trial court asking Attorney Raho to challenge his sentence. The PCRA court accepted the document for filing and forwarded a copy to Attorney Raho pursuant to Pa.R.Crim.P. 576.² On June 17, 2025, Appellant filed a *pro se* motion to modify his sentence, which was forwarded to Attorney Raho.

On July 7, 2025, Appellant filed a timely *pro se* notice of appeal. On the same day, Timothy J. Sloan, Esq. filed a motion for reconsideration of sentence on Appellant's behalf. On July 14, 2025, Attorney Sloan formally entered his appearance. On July 17, 2025, the trial court entered an order

² Pennsylvania Rule of Criminal Procedure 576(a)(4) provides that:

In any case in which a defendant is represented by an attorney, if the defendant submits for filing a written motion, notice, or document that has not been signed by the defendant's attorney, the clerk of courts shall accept it for filing, time stamp it with the date of receipt and make a docket entry reflecting the date of receipt, and place the document in the criminal case file. A copy of the time stamped document shall be forwarded to the defendant's attorney and the attorney for the Commonwealth within 10 days of receipt.

Pa.R.C.P. 576(a)(4).

noting that it had no jurisdiction to decide the post-sentence motions as Appellant had perfected an appeal to this Court.³

As a preliminary matter, we must decide whether this matter is properly before this Court. We note that Appellant filed a *pro se* notice of appeal while still represented by counsel. As our courts do not permit hybrid representation, “*pro se* filings submitted by counseled defendants are generally treated as legal nullities.” ***Commonwealth v. Williams***, 241 A.3d 353, 355 (Pa. Super. 2020) (citing ***Commonwealth v. Ali***, 608 Pa. 71, 10 A.3d 282 (2010)). However, our courts are required to docket a *pro se* notice of appeal from a counseled defendant, as the acceptance of this filing protects the defendant's constitutional right to appeal. ***Commonwealth v. Williams***, 151 A.3d 621, 624 (Pa. Super. 2016). As such, Appellant’s *pro se* notice of appeal was properly docketed in this case to protect his constitutional right to an appeal. Thus, we proceed to review the arguments presented in this case.

Appellant raises the following issues for our review:

³ On appeal, this Court directed Attorney Sloan to file a docketing statement pursuant to Pa.R.A.P. 3517 by August 11, 2025. On August 27, 2025, this Court directed Appellant to file a docketing statement by September 8, 2025 or the appeal would be dismissed. On October 10, 2025, after Appellant had not filed a docketing statement, this Court remanded the case for the trial court to determine whether Attorney Sloan had abandoned Appellant and to take appropriate action. On November 24, 2025, the trial court filed a response indicating that it had held a hearing at which Attorney Sloan averred that he had filed a docketing statement and had no intention of abandoning Appellant. However, due to the lack of effective communication, Attorney Sloan requested to withdraw. The trial court allowed Attorney Sloan to withdraw and appointed Timothy Burns, Esq. to represent Appellant on appeal.

- I. Did the trial court violate 42 Pa.C.S.A. § 9771 when it resentenced Appellant as a third time violator when he only committed one violation of his November 2024 sentence?
- II. Did the trial court err in imposing a sentence that was unreasonably excessive and outside the statutory guidelines?

Appellant's Brief, at 4.

When reviewing an appeal from an order revoking probation, this Court is limited to determining the validity of the revocation, the legality of the judgment of sentence imposed, and the discretionary aspects of sentencing. **Commonwealth v. Cartrette**, 83 A.3d 1030, 1033-34 (Pa. Super. 2013) (*en banc*). We will not disturb the trial court's decision to revoke probation "on appeal in the absence of an error of law or an abuse of discretion." **Commonwealth v. Colon**, 102 A.3d 1033, 1041 (Pa. Super. 2014).

In his first issue, Appellant argues that the trial court imposed an illegal sentence when it resentenced Appellant for a third technical probation violation under 42 Pa.C.S.A. § 9771(c)(2) when he should have been deemed to have only one violation after his November 2024 resentencing. A claim that the trial court's sentence exceeded the time limitations permitted by Section 9771(c)(2) challenges the legality of sentence. **Commonwealth v. Seals**, 353 A.3d 747, 764 (Pa. Super. 2026).

We review a challenge to the legality of a sentence de novo and with a plenary scope of review. **Commonwealth v. Prince**, 320 A.3d 698, 700 (Pa. Super. 2024). Where, as here, our statutory analysis concludes that the trial court's authority is "preconditioned on the finding of a triggering fact," the "legality of sentence claim includes our de novo review of whether the requisite fact exists." **Id.** at 706. To the extent that our analysis "requires us to engage in statutory interpretation," that too

“presents a question of law,” *id.* at 703 (citation omitted), of which we engage in a de novo review. **Crosby**, 329 A.3d at 1148-49.

Id. at 766-67.

Section 9771 of the Sentencing Code grants a trial court the authority to modify or revoke probation, providing that as a general rule that

the court has inherent power to at any time terminate continued supervision, lessen the conditions upon which an order of probation has been imposed or increase the conditions under which an order of probation has been imposed upon a finding by clear and convincing evidence that a person presents an identifiable threat to public safety.

42 Pa.C.S.A. § 9771(a). Further, upon proof by a preponderance of the evidence that a probationer violated “specified conditions of probation,” the court may revoke an order of probation, increase the conditions of probation, or impose a brief sanction under an established court-imposed program. **Id.** § 9771(b).

If a trial court revokes a defendant’s probation and proceeds to resentencing, Section 9771(b) provides that “[s]ubject to the limitations in subsections (b.1) and (c), ... the sentencing alternatives available to the court shall be the same as were available at the time of initial sentencing, due consideration being given to the time spent serving the order of probation.” **Id.** § 9771(b).

However, through its enactment of Act 44, our Legislature restricted a trial court’s discretion to resentence a probation violator to a period of total confinement. The limitations on the trial court’s sentencing authority are set forth in Section 9771(c), which provides in relevant part:

(c) Limitation on sentence of total confinement.--There is a presumption against total confinement for technical violations of probation. The following shall apply:

(1) The court may impose a sentence of total confinement upon revocation only if:

- (i) the defendant has been convicted of another crime;
- (ii) the court finds by clear and convincing evidence that the defendant committed a technical violation that involves an identifiable threat to public safety and the defendant cannot be safely diverted from total confinement through less restrictive means; or
- (iii) the court finds by a preponderance of the evidence that the defendant committed a technical violation and any of the following apply:

(E) The defendant absconded and cannot be safely diverted from total confinement through less restrictive means.

(F) The technical violation involved an intentional and unexcused failure to adhere to recommended programming or conditions on three or more separate occasions and the defendant cannot be safely diverted from total confinement through less restrictive means. For purposes of this clause, multiple technical violations stemming from the same episode of events shall not constitute separate technical violations.

(2) If a court imposes a sentence of total confinement following a revocation, the basis of which is for one or more technical violations under paragraph (1)(ii) or (iii), the court shall consider the employment status of the defendant. The defendant shall be sentenced as follows:

- (i) For a first technical violation, a maximum period of 14 days.
- (ii) For a second technical violation, a maximum period of 30 days.

(iii) For a third or subsequent technical violation, the court may impose any sentencing alternatives available at the time of initial sentencing.

42 Pa.C.S.A. § 9771.

This Court has clarified that Section 9771(c) “sets forth two analytical components: subsection (c)(1), which contains the prerequisites to imposing a sentence of total confinement, and subsection (c)(2), which prescribes the time limitations upon such sentences.” **Commonwealth v. Potoczny**, 357 A.3d 540, 549 (Pa. Super. 2026) (citing 42 Pa.C.S. § 9771(c)(1)-(2); **Seals**, 353 A.3d at 759-60)). Thus, Section 9771(c) contains the “statutory prerequisites that unlock the trial court's authority to impose a sentence of incarceration.” **Potoczny**, 357 A.3d at 550 (quoting **Seals**, 353 A.3d at 763) (internal citation omitted).

In this case, the trial court specifically found it had the authority to impose a sentence of total confinement under Section 9771(c)(1)(iii)(F), in which Appellant’s “technical violation involved an intentional and unexcused failure to adhere to recommended programming or conditions on three or more separate occasions and the defendant cannot be safely diverted from total confinement through less restrictive means.” The trial court highlighted that since Appellant’s latest resentencing in November 2024, Appellant had five different categories of violations with multiple violations in some of the categories:

- 1) positive drug screens in January 2025;
- 2) multiple failed check-ins beginning in February 2025;

- 3) numerous failed in-person appointments with POs Maul and Smith beginning in February 2025;
- 4) absconding from in-patient drug treatment;
- 5) a positive drug screen in May 2025 at the time of his arrest.

T.C.O. at 7 (citing N.T. 6/3/25, at 3).

The trial court was also troubled by the fact Appellant was ultimately apprehended after he was found slumped over in a motor vehicle while under the influence of five different controlled substances. The trial court emphasized that Appellant's conduct "poses a substantial risk not only to himself, through his continued drug use, but also to the general public," given these circumstances suggest that Appellant was willing to operate a motor vehicle under the influence of drugs. T.C.O. at 8. The trial court determined that Appellant "has demonstrated that he is not amenable to treatment through either out-patient or unsecured in-patient treatment and cannot conform his behavior to the requirements of his probationary sentence." ***Id.***

Having found it possessed the authority to resentence Appellant to a sentence of total confinement, the trial court found that it was entitled to impose any sentencing alternatives available at the time of initial sentencing pursuant to Section 9771(c)(2)(iii) given that Appellant committed far more than three technical violations of probation.

First, the trial court found that Appellant's had multiple technical violations of probation at the June 4, 2025 revocation hearing that could be considered as separate violations for the purposes of sentencing under Section 9771(c)(2). While the trial court acknowledged that the record was unclear

as to the number of Appellant's failed drug screens, failures to check-in, and failures to make in-person appointments, the trial court found that each "such failure would constitute a separate violation as they did not arise from the 'same episode of events' but rather constitute separate events over a span of several weeks and continuing for months." T.C.O. at 7-8 (quoting 42 Pa.C.S.A. § 9771(c)(1)(iii)(F)).

Second, the trial court also noted that Appellant's probation had been previously revoked on two separate occasions: October 8, 2024 and November 22, 2024, respectively. The trial court asserted that "Section 9771 does not require the [trial] court to only consider the violation of the current resentence under circumstances where a defendant has been resentenced multiple times for violations occurring within a short time frame." T.C.O. at 9.

On appeal, Appellant does not challenge the validity of the trial court's probation revocation or the trial court's authority to impose a sentence of total confinement under Section 9771(c)(1). Appellant limits his argument to claim that the trial court was not justified in sentencing him under Section 9771(c)(2)(iii) for a third technical violation as he alleges that the trial court was required to consider the violations alleged in the instant revocation petition collectively as his first technical violation pursuant to Section 9771(c)(2)(i). Thus, Appellant claims the trial court was limited to imposing a fourteen-day maximum prison sentence. Appellant cites the language of Section 9771(c)(1)(iii)(F), which states that "[f]or purposes of this clause, multiple technical violations stemming from the same episode of events shall

not constitute separate technical violations” to support his argument that all technical violations presented at a single hearing are to be considered as a single violation.

After Appellant filed his brief on appeal, a panel of this Court accepted a similar argument in ***Commonwealth v. Goodwin***, 355 A.3d 445 (Pa. Super. 2026) in which the defendant argued that all the technical violations raised in his first revocation hearing should be regarded as a single violation pursuant to Section 9771(c)(1). The defendant claimed the VOP court abused its discretion by imposing a one-to-two year sentence of imprisonment for a “third or subsequent technical violation” under Section 9771(c). The ***Goodwin*** Court agreed and held that a trial court did not have the authority upon probation revocation to sentence a probationer to enhanced sentences under Section 9771(c)(2)(ii) or (iii) at a “first hearing,” even if that hearing involved multiple technical violations, without first affording the probationer “the opportunity to conform [her] conduct to law after a first (or second) lesser sentence for a technical violation.”⁴ ***Id.*** at 456. ***See also Commonwealth v. Oglesby***, 357 A.3d 122, 137 (Pa. Super. 2026) (finding that “in calculating a probationer's technical violations for purposes of [S]ection 9771(c), a VOP

⁴ We note that this Court currently is revisiting the principles outlined in ***Goodwin***, having recently certified ***Commonwealth v. Butler***, 300 EDA 2025, for *en banc* consideration concerning whether “multiple technical-violations of probation addressed at a single revocation hearing constitute separate technical violations, barring exception under subsection 9771(c)(1)(F), or only a single technical violation for purposes of revocation sentencing under subsection 9771(c)(2)[.]” Order, 300 EDA 2025, 5/29/26.

court must consider only violating behaviors that were accompanied by a judicial finding that the probationer committed a violation”).

In the instant case, regardless of whether the technical violations raised at Appellant’s June 4, 2025 revocation hearing were considered a single violation or multiple violations for revocation sentencing under Section 9771(c)(2), this case can be distinguished from **Goodwin** as this was Appellant’s third revocation hearing, not his first. As such, Appellant had two prior judicial determinations that he had violated his probation. The **Goodwin** Court emphasized that if Goodwin’s technical violations were “presented to the trial court on an individual basis[,] each would undoubtedly have constituted an independent technical violation allowing for graduated punishment under the latest statutory scheme.” **Id. See also Oglesby**, 357 A.3d at 137 (finding that the defendant’s previous probation revocation and resentencing to be a relevant “violation” for sentencing under Section 9771(c)(2)).

As noted above, Appellant was found to have violated his probation on three separate occasions. Appellant’s probation was first revoked on October 8, 2024 for failing drug testing; Appellant was resentenced to twenty-four months of probation and ordered to return to his drug treatment program. Appellant’s probation was revoked a second time on November 22, 2024 for failed drug tests and admission to driving under the influence; Appellant was resentenced to thirty days of house arrest with a consecutive eighteen months of probation with restrictive conditions. The instant appeal involves

Appellant's June 4, 2025 revocation hearing, which was his third revocation in less than eight months.

Appellant contends without supporting authority that the trial court was not permitted to consider his prior two probation revocations in this context and proposes that a violation counter pursuant to Section 9771(c)(2) should reset to zero violations any time a defendant is resentenced for a probation violation. Such an interpretation is absurd; requiring a trial court to ignore the defendant's previous probation revocations based on separate technical violations would prevent the trial court from vindicating its authority and eliminate any remedy to allow the trial court to compel Appellant to submit to inpatient drug treatment.

As Appellant concedes that the trial court did not err in revoking his probation in the instant case and had authority to impose a sentence of total confinement under Section 9771(c)(1)(iii)(F) based on his violations presented at the instant revocation hearing, the trial court did not err in sentencing Appellant to a term of imprisonment for a third violation as Appellant's probation had been revoked in two previous hearings that were based on separate, individual violations.⁵

⁵ On appeal, the Commonwealth filed a brief asking that we remand this case back to allow the trial court to make specific findings pursuant to Section 9771(c)(1) on the record at the revocation hearing. The Commonwealth cites to this Court's decision in **Seals**, which stated that "[t]otal confinement is an option for a resentence 'only if' subsections (i), (ii), or (iii) of section 9771(c)(1) are satisfied." **Seals**, 353 A.3d at 767. Appellant filed an
(Footnote Continued Next Page)

Given that it was appropriate to sentence Appellant for a third or subsequent technical violation pursuant to Section 9771(c)(2)(iii), the trial court was entitled to “impose any sentencing alternatives available at the time of initial sentencing.” 42 Pa.C.S.A. § 9771(c)(2)(iii)).

Our Supreme Court has emphasized that “as the sentencing alternatives available at the time of initial sentencing are all of the alternatives statutorily available under the Sentencing Code,” a trial court upon the revocation of probation “is similarly free to impose any sentence permitted under the Sentencing Code and is not restricted by the bounds of a negotiated plea agreement between a defendant and a prosecutor.” ***Commonwealth v. Wallace***, 582 Pa. 234, 870 A.2d 838 (2005). This Court has also held that

Application for Remand, but repeated his claim that the trial court did not comply with Section 9771(c)(2).

While we recognize that the trial court did not make specific findings pursuant to Section 9771(c)(1) on the record at the revocation hearing, the parties fail to recognize that Appellant has neither challenged the validity of the trial court’s revocation of probation, nor its authority to impose a sentence of total confinement pursuant to Section 9771(c)(1), nor its failure to set forth its findings on the record at the resentencing hearing. Appellant has conceded that his technical violations did satisfy the prerequisites to imposing a sentence of total confinement. Appellant instead argues that his technical violations at the instant revocation hearing should have been collectively considered as his first probation violation for sentencing purposes pursuant to Section 9771(c)(2). As such, we decline the parties’ request to remand to require the trial court to provide reasoning for findings that Appellant has not challenged. ***See also Commonwealth v. Armolt***, 294 A.3d 364, 377 (Pa. 2023) (providing that “[a]lthough an appellate court **may** *sua sponte* raise and address issues concerning illegal sentences, ... we may also decline to do so where appropriate”) (emphasis in original) (citation and internal quotation marks omitted). We thus deny Appellant’s Application to Remand.

when a defendant violates his probation, he may be sentenced to the statutory maximum, regardless of the fact that his guilty plea promised him a lesser sentence to induce him to plead guilty. ***Commonwealth v. Tann***, 79 A.3d 1130, 1133 (Pa. Super. 2013).

As noted above, Appellant pled guilty to Flight to Avoid Apprehension, Trial or Punishment (felony of the third degree) pursuant to 18 Pa.C.S.A. § 5126. The maximum sentence for a third-degree felony is no more than seven years' imprisonment. ***See*** 18 Pa.C.S.A. § 1103. Appellant was initially sentenced to eighteen to thirty-six months' (1½ to 3 years) imprisonment to be followed by twenty-four months' (two years) probation. Upon revocation in this case, the trial court resentenced Appellant to eighteen to thirty-six months' imprisonment (1½ to 3 years).

In determining whether the incarceration and probation components of a split sentence are to be factored in when assessing the legality of a new sentence imposed upon the revocation of probation, this Court has discussed the following principles:

When determining the lawful maximum allowable on a split sentence, the time originally imposed cannot exceed the statutory maximum. *See* 42 Pa.C.S. § 9754; 42 Pa.C.S. § 9756; ***Commonwealth v. Nickens***, 259 Pa.Super. 143, 393 A.2d 758, 759 (1978); ***Commonwealth v. Perkins***, 302 Pa.Super. 12, 448 A.2d 70 (1982). Thus, where the maximum is ten years, a defendant cannot receive a term of incarceration of three to six years followed by five years probation. However, in a situation where probation is revoked on a split sentence, as in the case *sub judice*, a defendant is not entitled to credit for time spent on probation. 42 Pa.C.S. § 9771(b); *see also* 42 Pa.C.S. § 9760 (credit for time served). Nor is a defendant automatically granted

credit for time served while incarcerated on the original sentence unless the court imposes a new sentence that would result in the defendant serving time in prison in excess of the statutory maximum. ***Commonwealth v. Yakell***, 876 A.2d 1040 (Pa.Super. 2005); ***Commonwealth v. Williams***, 443 Pa.Super. 479, 662 A.2d 658 (1995).

Pursuant to 42 Pa.C.S. § 9771(b), when a defendant is found in violation of his probation, “upon revocation the sentencing alternatives available to the court shall be the same as were available at the time of initial sentencing, due consideration being given to the time spent serving the order of probation.” Therefore, the sentencing court at the time of re-sentencing must give “due consideration” to the time the defendant spent serving probation, but need not credit the defendant with any time spent on probation.

Commonwealth v. Crump, 995 A.2d 1280, 1283–84 (Pa. Super. 2010).

In cases such as this where the trial court originally imposed a split sentence of incarceration and probation, upon the revocation of probation, “[a]s long as the new sentence imposed does not exceed the statutory maximum when factoring in the incarcerated time already served, the sentence is not illegal.” ***Id.*** at 1280.

As noted above, Appellant was originally sentenced to 1½ to 3 years’ imprisonment to be followed by eighteen to thirty-six months’ probation. Upon the revocation of his probation, he was resentenced to 1½ to 3 years’ imprisonment. As such, the total time that Appellant could spend incarcerated does not surpass the seven-year maximum sentence. Appellant is not entitled to the inclusion of his original probationary sentence in determining the legality of his resentencing upon the revocation of his probation. Accordingly,

we conclude that the trial court's sentence did not exceed time limitations set forth in 42 Pa.C.S.A. § 9771.

Appellant claims the trial court abused its discretion in imposing an excessive sentence as it did not set forth its reasoning for its sentence on the record. A claim that a trial court has failed to state on the record its reasons for its sentence constitutes a challenge to the discretionary aspects of sentence. **See Commonwealth v. Mann**, 820 A.2d 788, 798 (Pa. Super. 2003); **Commonwealth v. Reeves**, 778 A.2d 691, 692-93 (Pa. Super. 2001).

We emphasize that "[t]o preserve an attack on the discretionary aspects of sentence, an appellant must raise his issues at sentencing or in a post-sentence motion. Issues not presented to the sentencing court are waived and cannot be raised for the first time on appeal." **Commonwealth v. Verma**, 334 A.3d 941, 946 (Pa. Super. 2025) (quoting **Commonwealth v. Malovich**, 903 A.2d 1247, 1251 (Pa. Super. 2006)). **See Reeves**, 778 A.2d at 692-693 (defendant waived his specific claim that the trial court failed to state reasons for sentence on the record by failing to raise this argument in a post-sentence motion as the trial court was deprived of opportunity to consider claim).

In this case, as Appellant did not preserve this claim to the discretionary aspects of his sentence at sentencing or in a post-sentence motion, the trial court did not have an opportunity to reconsider or modify his sentence on this basis. As a result, we find Appellant waived this issue on appeal.

Even if Appellant had properly preserved this issue for review, it would not entitle him to relief.

42 Pa.C.S. § 9721(b) specifies that in every case following the revocation of probation, “the court shall make as a part of the record, and disclose in open court at the time of sentencing, a statement of the reason or reasons for the sentence imposed.” See *also* Pa.R.Crim.P. 708(C)(2) (indicating at the time of sentence following the revocation of probation, “[t]he judge shall state on the record the reasons for the sentence imposed.”).

However, following revocation, a sentencing court need not undertake a lengthy discourse for its reasons for imposing a sentence or specifically reference the statutes in question. Simply put, since the defendant has previously appeared before the sentencing court, the stated reasons for a revocation sentence need not be as elaborate as that which is required at initial sentencing. The rationale for this is obvious. When sentencing is a consequence of the revocation of probation, the trial judge is already fully informed as to the facts and circumstances of both the crime and the nature of the defendant, particularly where, as here, the trial judge had the benefit of a PSI during the initial sentencing proceedings.

Commonwealth v. Pasture, 630 Pa. 440, 452–53, 107 A.3d 21, 28 (2014) (citation omitted).

A review of the transcript of Appellant’s June 4, 2025 resentencing hearing shows that the trial court did in fact set forth its reasoning for sentencing Appellant to an extended period of incarceration. The trial court emphasized that Appellant had been given numerous opportunities to reform his behavior through his probationary sentences, but showed an inability to comply with his probation requirements. N.T., 6/4/25, at 6. The trial court agreed with the probation officer’s assessment that Appellant was “unsupervisable” on probation as he had exhausted and disregarded all

available county resources designed to help Appellant, exemplified by his decision to abscond from inpatient drug treatment. ***Id.*** at 4-6. The trial court noted that Appellant was on a dangerous path in failing to address his drug addiction as he was found in the seat of a motor vehicle with five different controlled substances in his blood. ***Id.*** The trial court emphasized that it was not looking to “punish” Appellant, but impose incarceration where he could receive secured drug treatment in order to save Appellant’s life. ***Id.*** at 6. Thus, the trial court did set forth its rationale for imposing its June 4, 2025 sentence.

Lastly, we note that, within his argument section discussion his challenge to the discretionary aspects of sentence, Appellant summarily claims he “was not awarded any credit for time previously served.” Appellant’s Brief, at 19. We recognize that “[a] challenge to the trial court’s failure to award credit for time served prior to sentencing involves the legality of a sentence.” ***Commonwealth v. Clayborne***, 356 A.3d 187, 215 (Pa. Super. 2026) (citing ***Commonwealth v. Johnson***, 967 A.2d 1001, 1003 (Pa. Super. 2009)).

Before we reach the merits of this argument, we must determine whether it was properly preserved.

“Generally speaking, issues not properly raised and preserved before the trial court ‘are waived and cannot be raised for the first time on appeal.’ ... A challenge that implicates the legality of an appellant’s sentence, however, is an exception to this issue preservation requirement.” ***Commonwealth v. Thorne***, --- Pa. ---, 276 A.3d 1192, 1196 (2022), *quoting* Pa.R.A.P. 302(a). An appellate court may address, and even raise *sua sponte*, challenges to the legality of an appellant’s sentence even if the

issue was not preserved in the trial court. **See Commonwealth v. Hill**, 662 Pa. 127, 238 A.3d 399, 407 (2020).

Moreover, regardless of whether a particular claim implicates the legality of a sentence, it is well settled that an appellant bears the burden of sufficiently developing his arguments to facilitate appellate review. See **Wirth v. Commonwealth**, 626 Pa. 124, 95 A.3d 822, 837 (2014). “[O]ur rules of appellate procedure are explicit that the argument contained within a brief must contain ‘such discussion and citation of authorities as are deemed pertinent.’” **Id.**, quoting Pa.R.A.P. 2119(a). “Where an appellate brief fails to provide any discussion of a claim with citation to relevant authority or fails to develop the issue in any other meaningful fashion capable of review, that claim is waived. It is not the obligation of an appellate court to formulate [an] appellant’s arguments for him.” **Banfield v. Cortés**, 631 Pa. 229, 110 A.3d 155, 168 n.11 (2015) (alteration in original), quoting **Wirth**, 95 A.3d at 837; see **Samuel-Bassett v. Kia Motors America, Inc.**, 613 Pa. 371, 34 A.3d 1, 29 (2011) (a litigant’s “failure to develop the claim in any meaningful fashion ... so as to allow for appellate review [is] a sufficient basis in itself to reject the argument”) (citation omitted). Indeed, we are “neither obliged, nor even particularly equipped, to develop an argument for a party. To do so places the Court in the conflicting roles of advocate and neutral arbiter. The Court is left to guess at the actual complaint that is intended by the party.” **Commonwealth v. Williams**, 566 Pa. 553, 782 A.2d 517, 532 (2001) (Castille, J., concurring).

Armolt, 294 A.3d at 376–77.

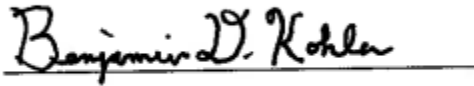
We note that Appellant did not raise the issue of whether he received credit for time served before the trial court at his resentencing, in a timely filed post-sentence motion, or even in his Rule 1925(b) statement; as such, the trial court did not review this claim. Further, beyond the mere assertion that he did not receive credit for time served, Appellant does not offer any argument or any authority to support this claim in his appellate brief or

attempt to explain why he is entitled to credit for time served upon the revocation of his probation. As Appellant's failure to develop this claim prevents this Court from providing meaningful appellate review, this claim is waived.

Accordingly, for all of the aforementioned reasons, we affirm.

Judgment of sentence affirmed. Application to Remand denied.

Judgment Entered.

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

Benjamin D. Kohler, Esq.
Prothonotary

9/24/2026