

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
DARRYL BLANDING	:	
	:	
Appellant	:	No. 782 EDA 2025

Appeal from the PCRA Order Entered February 18, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0001786-2017

BEFORE: SULLIVAN, J., BECK, J., and BENDER, P.J.E.

MEMORANDUM BY SULLIVAN, J.:

FILED OCTOBER 13, 2026

Darryl Blanding ("Blanding") appeals from the order dismissing without a hearing his first petition filed pursuant to the Post Conviction Relief Act ("PCRA").¹ In addition, Blanding's court-appointed appellate counsel ("Appellate Counsel") has filed a petition to withdraw as counsel and an "**Anders**" brief.² Because we conclude Appellate Counsel fulfilled the

¹ **See** 42 Pa.C.S.A. §§ 9541-9546.

² A **Turner/Finley** "no-merit" letter is the correct filing when counsel wishes to withdraw from representing a PCRA petitioner. **See Commonwealth v. Turner**, 544 A.2d 927 (Pa. 1988); **Commonwealth v. Finley**, 550 A.2d 213 (Pa. Super. 1988) (*en banc*). Here, Appellate Counsel filed a brief pursuant to **Anders v. California**, 386 U.S. 738 (1967). Since an **Anders** brief provides greater protection to a defendant, this Court may accept an **Anders** brief instead of a **Turner/Finley** letter. **See Commonwealth v. Widgins**, 29 A.3d 816, 817 n.2 (Pa. Super. 2011).

procedural requirements of **Turner/Finley**, and the petition lacks merit, we affirm the court's order and grant Appellate Counsel's application to withdraw.

We take the underlying facts in this matter from our decision affirming the judgment of sentence.

This case arises from [Blanding's] sexual abuse of S.J.C. when she was eleven years old. S.J.C. is the oldest child of [Blanding's] then-girlfriend, B.J. (Mother), who moved into [Blanding's] home with her five children in North Philadelphia in May 2016. S.J.C.'s sister, A.J.C., is one year younger than S.J.C. and is also implicated in the abuse. During the relevant time period, Mother worked the night shift at Target and left the children in [Blanding's] care.

At [Blanding's] October 2018 jury trial, S.J.C. testified that the abuse began in the fall or winter of 2016. During the first incident, [Blanding] kissed S.J.C. on the mouth while they watched a movie with Mother, who had fallen asleep. [Blanding] then called S.J.C. to his bedroom alone while Mother was at work and her siblings were asleep and he touched her breasts, butt and vagina. As the abuse progressed, [Blanding] began to remove both of their clothing during the episodes. On at least one occasion, he moved his penis up and down on S.J.C.'s vagina and ejaculated into a towel. [Blanding] forced S.J.C. to perform oral sex on him and told her he would hurt her sisters if she told anyone about the abuse.

At one point, S.J.C. told Mother that [Blanding] was touching her inappropriately. After Mother spoke to [Blanding] about this, the abuse stopped only temporarily. However, during 2016, [Blanding] looked in on A.J.C. while she showered.

On January 9, 2017, as S.J.C. and A.J.C. walked together to school, [Blanding] drove up to them, put a Butterfinger candy in S.J.C.'s pocket and drove away. The girls threw the candy and became visibly upset. S.J.C. was taken to the principal's office and she disclosed the abuse to school counselor Dr. Christina Green-Lee "because it started to get too much for [her]." S.J.C. felt "like a weight lifted off [her] chest" and she and her siblings immediately moved in with L.C. (Grandmother).

On cross-examination, S.J.C. testified that before her family moved in with [Blanding], he would sometimes hit her when she disagreed with or disobeyed him. She did not want to live with [Blanding] even before the sexual abuse started. When Grandmother took her to the hospital for an examination relating to her allegations, S.J.C. would not remove her clothing. On redirect examination, S.J.C. explained that she did not want the doctors to look at her private area because she did not want anyone to touch her.

A.J.C. testified that when she was ten years old, [Blanding] came into the bathroom while she was naked in the shower and opened the shower curtain to look at her. She closed the curtain and told Mother and S.J.C. about the incident the next day. Mother yelled at [Blanding] and he did not look at A.J.C. in the shower again.

Grandmother testified that when she arrived at the Special Victims Unit to speak with her granddaughters, S.J.C. was pale and tearful and she looked tired and sad. S.J.C. reluctantly told Grandmother about the abuse and when she asked about intercourse, S.J.C. "told me that this man tried to put his penis in her butt and white stuff came out. . . . She told me that he used a green towel to wipe the white stuff off the top of his penis and he threw this green towel onto the floor." A.J.C. was trembling and very upset upon learning the extent of the abuse towards her sister. Grandmother explained regarding the lack of examination at the hospital that "S.J.C. just wasn't having anybody touching her or taking her clothes off and [the sisters] became quite hysterical to the point where they said we'll wait[.]"

Dr. Green-Lee described S.J.C.'s demeanor as very upset and in a daze when she disclosed the abuse. S.J.C. was also limping and appeared to be in pain. She started to cry and stated that her mother's boyfriend had been touching her breasts and vagina and that "he penetrated her vagina with his fingers ... and humped her vagina with his genitalia[.]"

Com v. D.B., 251 A.3d 1270 (Pa. Super. 2021) (unpublished memorandum at **1-2) (record citations and footnotes omitted, some brackets in original, some added).

A jury convicted Blanding of attempted rape of a child, involuntary deviate sexual intercourse with a child, unlawful contact with a minor, endangering the welfare of a child, corruption of a minor, indecent assault of a person less than thirteen years of age and aggravated indecent assault of a child. The trial court sentenced Blanding to seventeen and one-half to thirty-five years in prison.

Blanding filed a timely appeal challenging the admission of Rule 404(b) evidence and the sufficiency of the evidence. **See id.** at **3-4. On March 31, 2021, this Court affirmed the judgment of sentence. **See id.** at *1. On October 27, 2021, the Pennsylvania Supreme Court denied Blanding's petition for *allocatur*. **See Commonwealth v. D.B.**, 265 A.3d 1277 (Pa. 2021).

In July 2022, Blanding filed a timely, *pro se* PCRA petition, on a pre-printed form in which he checked the box claiming his conviction was in violation of the Constitution and that he received ineffective assistance of counsel; he did not provide any elaboration on his allegations. **See** PCRA Petition, 7/25/22, at 2. Blanding then filed a supplemental petition, claiming his arrest was illegal because it was based on an anonymous tip. **See** Rule 907 Notice, 9/23/24, at 2-4.³ The PCRA court appointed counsel ("PCRA Counsel") who filed a **Turner/Finley** letter.⁴ The trial court issued a Rule 907

³ The supplemental petition is not included in the certified record.

⁴ PCRA Counsel's **Turner/Finley** letter is not included in the certified record.

notice, to which Blanding did not respond. The PCRA court granted counsel's request to withdraw and denied the petition. The instant, timely appeal⁵ followed.⁶

Appellate Counsel has filed a petition to withdraw in this Court, attaching an **Anders** brief, and the requisite notice to Blanding that he had the right to proceed *pro se* or retain private counsel. Blanding has not filed a response. We first determine whether Appellate Counsel has satisfied the requirements to be permitted to withdraw from representation.

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;

⁵ A great deal of confusion arose at this Court regarding Blanding's represented status, whether he was served with a copy of the order denying his PCRA petition, and what order he was appealing. However, the trial court appointed current counsel ("Appellate Counsel") to represent Blanding on appeal. Further, pursuant to **Commonwealth v. Midgley**, 289 A.3d 1111, 1117 (Pa. Super. 2023) (declining to dismiss appeal as untimely where it was unclear if the trial court had served appellant with a copy of the dismissal order), we will deem the appeal as timely filed.

⁶ Blanding and the PCRA court complied with Pa.R.A.P. 1925.

3. [C]ounsel's "explanation", in the "no merit" letter, of why the petitioner's issues were meritless;
4. The [] court conducting its own independent review of the record; and
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.

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).

Here, Appellate Counsel filed a brief and a petition to withdraw which stated the nature and extent of his review of the case; listed the issue for which Blanding seeks review, explained why and how Blanding's claims lack merit, and requested permission to withdraw. ***See Anders*** Brief; Petition to Withdraw as Counsel, 2/27/26, at 1-2. Appellate Counsel also sent Blanding

a copy of the “no-merit” letter, a copy of the petition to withdraw, and a statement advising Blanding of his right to proceed *pro se* or with privately retained counsel. **See *id.***, Letter Dated 2/27/26. Thus, the record reflects Appellate Counsel submitted a petition to withdraw and a brief that satisfies the technical demands of ***Turner/Finley***. Accordingly, we grant Appellate Counsel’s petition to withdraw and turn to Blanding’s intended claims to ascertain whether he is entitled to relief.

In the ***Anders*** Brief, Appellate Counsel raises a single issue for our review:

Did the [PCRA c]ourt err when it denied [Blanding’s PCRA] petition where: 1) [Blanding’s] *pro se* PCRA [p]etition state[s] no specific facts that support proof that [Blanding] received ineffective assistance of counsel; 2) [Blanding] failed to present any specific facts or evidence to substantiate a constitutional due process violation under the 14th Amendment; and 3) [Blanding] failed to present any specific facts of evidence to substantiate violations of [Blanding’s] right to be free from unlawful searches and seizures pursuant to the 4th Amendment?

Anders Brief at 8.

Our standard of review of an order dismissing a PCRA petition is well-settled:

Our review of a PCRA court’s decision is limited to examining whether the PCRA court’s findings of fact are supported by the record, and whether its conclusions of law are free from legal error. We view the record in the light most favorable to the prevailing party in the PCRA court. We are bound by any credibility determinations made by the PCRA court where they are supported by the record. However, we review the PCRA court’s legal conclusions *de novo*.

Commonwealth v. Staton, 184 A.3d 949, 954 (Pa. 2018) (internal citations and quotation marks omitted). The PCRA petitioner “has the burden to persuade this Court that the PCRA court erred and that such error requires relief.” **Commonwealth v. Wholaver**, 177 A.3d 136, 144–45 (Pa. 2018) (internal citations omitted).

Blanding first claims he received ineffective assistance of trial counsel.

See Anders Brief at 21. It is well settled that

counsel is presumed to have been effective and [] the petitioner bears the burden of proving counsel’s alleged ineffectiveness. To overcome this presumption, a petitioner must establish that: (1) the underlying substantive claim has arguable merit; (2) counsel did not have a reasonable basis for his or her act or omission; and (3) the petitioner suffered prejudice as a result of counsel’s deficient performance, that is, a reasonable probability that but for counsel’s act or omission, the outcome of the proceeding would have been different. A PCRA petitioner must address each of these prongs on appeal. A petitioner’s failure to satisfy any prong of this test is fatal to the claim.

Wholaver, 177 A.3d at 144 (citations and quotation marks omitted).

Here, Blanding simply checked the box on the pre-printed form stating he wished to raise an ineffective assistance of counsel claim. **See** PCRA Petition, 7/25/22, at 2. He has never provided any further elaboration on the claim. **See** Rule 907 Notice, 9/23/24, at 3-4; **Anders** Brief at 20. Blanding never meaningfully addressed any of the three prongs necessary to establish an ineffectiveness claim under the PCRA. **Wholaver, supra**. Because Blanding failed to develop his ineffectiveness claim beyond the bald allegation set forth above, he failed to demonstrate prejudice resulting from counsel’s

allegedly deficient performance. Claims of ineffective assistance of counsel are not self-proving. **See *Commonwealth v. Wharton***, 811 A.2d 978, 986 (Pa. 2002). Thus, Appellate Counsel is correct in stating Blanding's first claim does not merit appellate relief.

Blanding's second claim regarding an alleged due process violation is equally unavailing. Again, he merely checked a box on a pre-printed form and never elaborated beyond that. **See** PCRA Petition, 7/25/22, at 2; Rule 907 Notice, 9/23/24, at 4-5; **Anders** Brief at 20-21. "To obtain reversal of a PCRA court's decision to dismiss a petition without a hearing, an appellant must show that he raised a genuine issue of fact which, if resolved in his favor, would have entitled him to relief, or that the court otherwise abused its discretion in denying a hearing." **Commonwealth v. Roney**, 79 A.3d 595, 604 (Pa. 2013) (quotation marks and citations omitted). Blanding has not done so. We again agree with Appellate Counsel that Blanding's second issue does not merit appellate relief.

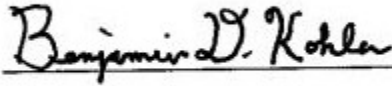
In his third issue, Blanding contends his arrest was illegal and in violation of the Fourth Amendment because it was based upon an anonymous tip. **See** Rule 907 Notice, 9/23/24, at 4-5; **Anders** Brief at 20-21. However, this claim is belied by the record, which demonstrates Blanding was arrested after S.J.C. disclosed the abuse to a school counselor and then her grandmother. **See *D.B.***, 251 A.3d 1270 (Pa. Super. 2021) (unpublished memorandum at **1-2). Moreover, the claim is waived because it could have

been raised on direct appeal and was not. ***See id.*** at **3-4; 42 Pa.C.S.A. § 9544(b).

Accordingly, for the reasons discussed above, we grant Appellate Counsel's petition to withdraw. Further, we affirm the order of the trial court denying Blanding's PCRA petition.

Petition to withdraw granted. Order 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: 10/13/2026