

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
CHRISTOPHER PETER WHITE	:	
	:	
Appellant	:	No. 1606 MDA 2025

Appeal from the PCRA Order Entered October 13, 2025
In the Court of Common Pleas of Lycoming County Criminal Division at
No(s): CP-41-CR-0000700-2019

BEFORE: PANELLA, P.J.E., DUBOW, J., and SULLIVAN, J.

MEMORANDUM BY PANELLA, P.J.E.:

FILED: OCTOBER 13, 2026

Christopher Peter White appeals from the order dismissing his Post-Conviction Relief Act ("PCRA")¹ petition. White asserts the PCRA court erred in finding trial counsel was not ineffective as counsel did not timely petition for suppression of evidence as violative of Rules 209 and 210. After careful review, we affirm.

A prior panel of this Court set forth the relevant factual and procedural history:

The convictions against White stemmed from three separate drug transactions where White delivered crack cocaine to a confidential informant ("CI") on three dates: January 18, 2019, April 1, 2019, and April 22, 2019. The jury acquitted White of delivery of a controlled substance and criminal use of a communication facility relating to a separate incident on January 15, 2029.

¹ 42 Pa.C.S.A. §§ 9541-9546.

The trial court summarized the facts as follows:

For each transaction, the CI called or texted White (a.k.a. "Homey") to arrange to meet him to purchase cocaine from him. Then he contacted Trooper Mitchell McMunn. Trooper McMunn came to the CI's residence, and strip-searched the CI. The CI entered Trooper McMunn's vehicle, and Trooper McMunn drove the CI to an area near White's apartment, which was located above the K-Bar in Williamsport, Pennsylvania. Trooper McMunn gave the CI \$100 in pre-recorded funds to purchase the cocaine. The \$100 consisted of five \$20 bills that Trooper McMunn photocopied to record the serial numbers on the bills. The CI got out of the vehicle, went upstairs to White's apartment, handed White the money, White handed the CI the cocaine, and the CI left White's apartment. He returned to Trooper McMunn's vehicle and provided the cocaine to Trooper McMunn. Trooper McMunn drove the CI back to his residence and strip-searched him again. At trial, the CI identified White as the person who sold the drugs.

Prior to the April 22, 2019 controlled buy, Trooper McMunn obtained an anticipatory search warrant for White's apartment. The police arrested White after ... this buy and searched his apartment. ...

Trooper Zachary Martin testified that he was the evidence officer for the search of White's residence. The serial numbers for the buy money were provided to Trooper Martin and the other members of the search team. Commonwealth's Exhibit #12 was a photograph of the buy money before it was given to the CI. Trooper Kelley² located the buy money stacked on the right-hand corner of the countertop in White's apartment. The police photographed the countertop area, which showed the location of the

² Trooper Kelley's first name is not included in the certified record.

stack of bills. This photograph was admitted as Commonwealth's Exhibit #20.

[Trial Court Opinion,] 3/23/23, at 3-5 (footnote omitted).

The jury found White guilty of [three counts each of delivery of a controlled substance and criminal use of a communication facility.³] The court sentenced White to an aggregate term of 28 to 96 months' incarceration. ... White filed a post-sentence motion, which was denied.

Commonwealth v. White, 311 A.3d 611, * 1-2 (Pa. Super. filed Dec. 27, 2023) (record citations and brackets omitted).

This Court affirmed White's judgment of sentence on December 27, 2023. Notably, this Court, in a well-written opinion filed by the Honorable Maria McLaughlin, appropriately found the issues regarding violations of Rules 209 and 210 waived but noted that "[e]ven if the issue were not waived, White failed to show how any alleged deviations from Rules 209 and 210 were not merely technical in nature, deprived him of any constitutional rights, or substantially prejudiced him." **Id.** at * 8. White petitioned for allowance of appeal and the Supreme Court denied the petition on June 26, 2024.

White filed the instant *pro se* PCRA petition on October 3, 2024. The PCRA court appointed counsel. Counsel filed an amended PCRA petition on March 6, 2025. The court issued a Rule 907 notice of intent to dismiss the petition without a hearing on September 22, 2025. **See** Pa.R.Crim.P. 907. White filed a petition for reconsideration on October 8, 2025. The court

³ 35 P.S. § 780-113(a)(3) and 18 Pa.C.S.A. § 7512, respectively.

dismissed the PCRA petition on October 13, 2025, noting that “the petition to reconsider does not address any of the defects in the PCRA.” Order, 10/13/25, at 1 (unnecessary capitalization omitted).

White timely appealed and complied with the PCRA court’s order to file a Rule 1925(b) statement. **See** Pa.R.A.P. 1925(b). The PCRA court, in lieu of a Rule 1925(a) opinion, referred this Court to its notice of intent to dismiss and order dismissing the PCRA petition. **See** Pa.R.A.P. 1925(a). This matter is now ripe for our review.

White raises one issue:

Did error occur in the denial of [White’s] request for post-conviction relief [as] trial counsel failed to timely request suppression based on violations of Pa.R.Crim.P. 209 and 210, failed to raise the issue in post-trial relief and was deemed to have waived the issue on appeal?

Appellant’s Brief, at 4.

White argues his trial counsel was ineffective in failing to timely request the suppression of evidence based upon violations of Rules 209 and 210. **See id.** at 7-10. Notably, White had 3 different attorneys appointed to represent him in the lower court due to reasons outside his control. White only alleges generally that “trial counsel” was ineffective, without specifying if he is referring to any one counsel in particular.

We begin with the legal standards surrounding our review of a PCRA petition and ineffective assistance of counsel:

Our standard of review of the denial of a PCRA petition is limited to examining whether the evidence of record supports the court’s

determination and whether its decision is free of legal error. This Court grants great deference to the factual findings of the PCRA court if the record contains any support for those findings. We review the court's legal conclusions *de novo*.

Counsel is presumed to have rendered effective assistance.

To establish a claim of ineffective assistance of counsel, a defendant must show, by a preponderance of the evidence, ineffective assistance of counsel which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilty or innocence could have taken place. The burden is on the defendant to prove all three of the following prongs: (1) the underlying claim is of arguable merit; (2) that counsel had no reasonable strategic basis for his or her action or inaction; and (3) but for the errors and omissions of counsel, there is a reasonable probability that the outcome of the proceedings would have been different.

The threshold inquiry in ineffectiveness claims is whether the issue/argument/tactic which counsel has foregone and which forms the basis for the assertion of ineffectiveness is of arguable merit. Counsel cannot be found ineffective for failing to pursue a baseless or meritless claim.

Once this threshold is met we apply the reasonable basis test to determine whether counsel's chosen course was designed to effectuate his client's interests.

The test for deciding whether counsel had a reasonable basis for his action or inaction is whether no competent counsel would have chosen that action or inaction, or, the alternative, not chosen, offered a significantly greater potential chance of success. Counsel's decisions will be considered reasonable if they effectuated his client's interests. We do not employ a hindsight analysis in comparing trial counsel's actions with other efforts he may have taken.

To show prejudice, the petitioner must demonstrate that there is a reasonable probability that, but for counsel's allegedly unprofessional conduct, the result of the proceedings would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome.

To succeed on an allegation of counsel's ineffectiveness a post-conviction petitioner must, at a minimum, present argumentation ... on all three prongs of the ineffectiveness standard. An undeveloped argument, which fails to meaningfully discuss and apply the standard governing the review of ineffectiveness claims, simply does not satisfy the petitioner's burden of establishing that he is entitled to any relief.

Commonwealth v. Sargent, 359 A.3d 441, 447-48 (Pa. Super. 2026)

(citations, quotation marks, brackets, and ellipses omitted).

The PCRA court found White's PCRA petition suffered from multiple procedural defects, including failing to clearly state the basis for his claim (whether a constitutional violation or ineffective assistance of counsel), failing to allege the claim is not previously litigated or waived, and attaching witness certifications that do not comply with the statute. The court then held:

Even if these procedural issues did not exist, the court would find that White is not entitled to relief in this case.

White contends that his constitutional rights were violated when trial counsel failed to timely request suppression based on violations of Rule 209 and 210. To the extent that White is asserting a direct constitutional violation (as opposed to an [ineffective assistance of counsel] claim), the court would reject it.

The direct claim that Rules 209 and 210 were violated was waived by failing to assert it in a timely [omnibus pre-trial motion]. ...Moreover, Rule 209 and 210 are procedural rules, not constitutional provisions. The violation of procedural rules, without more, do not require suppression. **See Commonwealth v. Mason**, 490 A.2d 421, 426 (Pa. 1985) ("exclusion/suppression of evidence is not an appropriate remedy for every violation of the Pennsylvania Rules of Criminal Procedure concerning searches and seizures; it is only where the violation also implicates fundamental, constitutional concerns, is conducted in bad-faith or has substantially prejudiced the defendant that exclusion *may* be an appropriate remedy.").

Furthermore, [this] Court stated: "Even if the issue were not waived, White failed to show how any alleged deviations from Rules 209 and 210 were not merely technical in nature, deprived him of any constitutional rights, or substantially prejudiced him." **White**, [311 A.3d at * 8]. [This] Court is the highest court in which White could have had review as a matter of right. Any further appeal is by allowance or permission. Since [this] Court has already ruled on this issue, as a direct claim it has been previously litigated.

The court also rejects this claim as an [ineffective assistance of counsel] claim. ...

The claim lacks arguable merit. Even if Rules 209 and 210 were violated, White failed to plead how the alleged violation would entitle him to suppression of any evidence in this case. His underlying substantive claim that the warrant was invalid or unlawful were litigated by [pre-trial counsel] and rejected by the lower court and [this] Court.

White has not pled that counsel lacked a reasonable basis for failing to assert his claim. As the time for filing such a motion was long past when [trial counsel] was appointed to represent White, there was a reasonable basis not to assert it; it had already been waived by failing to raise it in a timely [omnibus pre-trial motion] or motion to suppress. Furthermore, every rule violation does not entitle one to suppression of evidence.

White also has not pled any facts to show prejudice. He has only asserted that procedural rules were violated, which would not result in suppression. In fact, the court doubts that he could allege

any facts to show prejudice in light of the fact that the substantive claims regarding validity of the warrant were litigated by [pre-trial counsel]. Therefore, even if this claim had been asserted in a timely [omnibus pre-trial motion] or suppression motion, White has not shown a reasonable probability that the outcome of the proceedings would have been different.

Notice of Intent to Dismiss, 9/22/25, 6-8 (brackets and some citations omitted).

White's entire argument regarding the three ineffectiveness prongs is as follows:

The underlying claim certainly had merit: While not automatic, in certain circumstances, the failure to comply with Pa.R.Crim.P. 209 and 210 may result in suppression of evidence.

In the instant matter, there is no logical reasons for trial counsel not to preserve the claim: Prior counsel thought it important enough to raise at the beginning of trial.

The denial of an evidentiary hearing makes it difficult for [White] to establish the final prong, but it can still be developed. Had trial counsel timely raised the issue or preserved it when given the opportunity, it is reasonable to suggest that either this Court or the trial court could have found the lapses as actionable. The fact that not just one, but two rules were apparently broken, lends itself to the notion that the conduct was not simply oversight and the remedy could be more than administrative in nature.

Appellant's Brief, at 9-10.

This argument is woefully underdeveloped. White does not address the issues pointed out by the PCRA court. Importantly, White does not argue how, if the rules were in fact violated, he was prejudiced to the extent that suppression should have been granted. We hold that White failed to satisfy

his burden of proving ineffective assistance of counsel. **See Sargent**, 359 A.3d at 448.

We could affirm on this basis alone. **See id.** However, the PCRA court correctly held that the “exclusion/suppression of evidence is not an appropriate remedy for every violation of the Pennsylvania Rules of Criminal Procedure concerning searches and seizures.” **Mason**, 490 A.2d at 426; Notice of Intent to Dismiss, 9/22/25, at 7. “White failed to show how any alleged deviations from Rules 209 and 210 were not merely technical in nature, deprived him of any constitutional rights, or substantially prejudiced him.” **White**, 311 A.3d at * 8. We therefore hold that even if this claim were properly argued, White would not be entitled to relief because he has failed to establish the requisite prejudice, *i.e.* that suppression would have been granted if a timely motion to suppress for violation of Rules 209 and 210 were filed. **See Sargent**, 359 A.3d at 448 (prejudice requires the petitioner to demonstrate a reasonable probability that the outcome of the proceedings would have been different).

Finding no merit to White’s only claim, we affirm the order of the PCRA court.

Order affirmed.

Judgment Entered.

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

Benjamin D. Kohler, Esq.
Prothonotary

Date: 10/13/2026