

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
: PENNSYLVANIA

v.

SETH R. BLACKMAN, JR.

Appellant

No. 1308 WDA 2021

Appeal from the PCRA Order Entered October 4, 2021
In the Court of Common Pleas of Allegheny County Criminal Division at
No(s): CP-02-CR-0002933-2019

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
: PENNSYLVANIA

v.

SETH R. BLACKMAN, JR.

Appellant

No. 1309 WDA 2021

Appeal from the PCRA Order Entered October 4, 2021
In the Court of Common Pleas of Allegheny County Criminal Division at
No(s): CP-02-CR-0003386-2019

BEFORE: DUBOW, J., MURRAY, J., and PELLEGRINI, J.*

CONCURRING MEMORANDUM BY PELLEGRINI, J.:

FILED: DECEMBER 7, 2022

I concur in the result. My review of the record, the evidentiary hearing, the PCRA court's opinion and Blackman's brief reveals that despite the wording in his statement of questions involved, Blackman litigated his first four claims

* Retired Senior Judge assigned to the Superior Court.

on appeal as sounding in ineffective assistance of counsel. As the majority memorandum notes, these issues were subsidiary to his general claim of ineffective assistance of plea counsel. **See** Majority Memorandum at 5 n.5. In discussing these issues, he claimed that plea counsel was ineffective for not objecting to the trial court's defective colloquy, failing to explain all of the charges and inducing him to plead guilty to Escape despite a lack of factual basis to support that charge. Thus, I disagree with the majority's characterization of these claims as direct appeal issues that have been waived. Nevertheless, I concur in the result because the PCRA court correctly concluded following the evidentiary hearing that plea counsel was not ineffective, and that Blackman had entered his plea knowingly, intelligently and voluntarily.