**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37**

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| COMMONWEALTH OF PENNSYLVANIA | : | IN THE SUPERIOR COURT OF PENNSYLVANIA |
| v. | : | |
| SEAN LEWIS QUARLES | : | |
| Appellant | : | No. 1393 MDA 2025 |

Appeal from the PCRA Order Entered April 24, 2025
In the Court of Common Pleas of Dauphin County Criminal Division at No(s): CP-22-CR-0004924-2019

BEFORE: KUNSELMAN, J., McLAUGHLIN, J., and BENDER, P.J.E.

MEMORANDUM BY McLAUGHLIN, J.: **FILED: SEPTEMBER 14, 2026**

Sean Lewis Quarles appeals *pro se* from the order denying his petition for relief under the Post Conviction Relief Act ("PCRA"), 42 Pa.C.S.A. §§ 9541-9546. He maintains that PCRA counsel was ineffective for failing to consider his claims of trial counsel's ineffectiveness. We vacate the court's order and remand for the appointment of new PCRA counsel.

A jury convicted Quarles of numerous drug offenses, including possession with intent to deliver. The court sentenced Quarles to a term of seven to 14 years' incarceration. We affirmed the judgment of sentence in March 2022. ***See Commonwealth v. Quarles***, No. 1204 MDA 2021 (Pa.Super. filed Mar. 22, 2022). In September 2022, the Pennsylvania Supreme Court denied his petition for allowance of appeal. ***Commonwealth v. Quarles***, No. 174 MAL 2022 (Pa. filed Sept. 27, 2022).

In May 2023, Quarles filed the instant *pro se* PCRA petition, his first, raising claims of ineffective assistance of counsel. ***See*** PCRA Petition, filed 5/8/23. He alleged that "counsel provided ineffective assistance during the pre-trial, trial, sentencing, and appellate stages of [his] case." ***Id.*** at 4. Quarles requested an evidentiary hearing and listed three witnesses who would testify: his mother, brother, and trial counsel. For his mother and brother, Quarles claimed that they would be "willing to testify on my behalf that I resided on the 2nd fl[oor] of the residence and not the 3rd fl[oor]." ***Id.*** at 7.

Quarles also included a Memorandum of Law detailing his claims for ineffective assistance of trial counsel. ***See*** Memorandum of Law in Support of Post-Conviction Relief Act Petition, filed 5/8/23. He claimed that trial counsel failed to file a motion to suppress, failed to request a cautionary instruction following the denial of a mistrial motion, and failed to call witnesses to testify to his character at sentencing. ***See id.*** at 18, 36, 46. He also argued that trial counsel failed to challenge the denial of a motion to sever as well as the sufficiency of the evidence on direct appeal. ***See id.*** at 48.

The PCRA court appointed counsel, who filed a motion to withdraw and a ***Turner/Finley***[1] ("no-merit") letter. ***See*** Motion to Withdraw, filed 3/20/24; ***Turner/Finley*** Letter, filed 3/20/24. In the no-merit letter, counsel stated that Quarles's "PCRA filing generally asserts ineffectiveness, but focuses

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[1] ***Commonwealth v. Turner***, 544 A.2d 927 (Pa. 1988); ***Commonwealth v. Finley***, 550 A.2d 213 (Pa.Super. 1988) (*en banc*).

primarily on [his] brother and mother who were not called at trial." ***Turner/Finley*** Letter at ¶ I. Counsel also stated that he "did not find any issues with arguable merit" concerning trial counsel. ***Id.*** at ¶ III.

In response, Quarles submitted a letter to the court raising PCRA counsel's ineffectiveness and requesting that the court appoint new counsel. ***See*** Quarles's Letter, filed 4/1/24. He argued that PCRA counsel "has abandoned a petition[] with merits of claims" and that he believed counsel never reviewed his PCRA petition. ***Id.*** The PCRA court granted counsel's motion to withdraw and issued notice of its intent to dismiss Quarles's petition without a hearing. ***See*** Order, filed 4/3/24; Pa.R.Crim.P. 907(1). Quarles filed a Motion for an extension to object to the court's Rule 907 notice. ***See*** Motion for Extension of Time to File the Objection to PCRA Court's Notice of Intent to Dismiss, filed 4/8/24. Quarles appealed before the PCRA court entered an order dismissing the PCRA petition. As such, we quashed the appeal as premature. ***See*** Order, filed 4/11/25. The PCRA court then dismissed the petition. ***See*** Order, filed 4/24/25. After the court reinstated Quarles's appellate rights *nunc pro tunc*, Quarles timely appealed. ***See*** Order, filed 9/24/25; Notice of Appeal, filed 10/8/25.

Quarles raises the following question: "Whether Post Conviction Relief Act [c]ounsel provided ineffective assistance of counsel when he failed to consider and present the meritorious claim of ineffective assistance of trial counsel that was detailed in [Quarles's] Memorandum of Law submitted with his Post Conviction Relief Act petition[?]" Quarles's Br. at 4.

Quarles challenges PCRA counsel's failure to address all the claims he detailed in his PCRA petition. Quarles argues that PCRA counsel "violated the ***Turner/Finley*** mandate that counsel must review 'each issue the petitioner wishes to have examined.'" ***Id.*** at 24 (quoting ***Commonwealth v. Rykard***, 55 A.3d 1177, 1184 (Pa.Super. 2012)). Quarles further claims that "PCRA counsel ignored [Quarles's] 67-paged [sic] Memorandum of Law that detailed and summarized several months of research on issues [Quarles] wished to be examined by counsel." ***Id.*** at 20. He maintains that counsel's review of his memorandum and PCRA petition resulted in counsel "pursuing an approach that [Quarles] did not ask him to pursue exclusively." ***Id.***

When reviewing the denial of a PCRA petition, we examine "whether the evidence of record supports the court's determination and whether its decision is free of legal error." ***Commonwealth v. Beatty***, 207 A.3d 957, 961 (Pa.Super. 2019).

"[A] PCRA petitioner has a rule-based right to the appointment of counsel for a first PCRA petition." ***Commonwealth v. Laird***, 331 A.3d 579, 595 (Pa. 2025) (cleaned up). A court, therefore, must appoint counsel to represent a defendant for a first PCRA petition. ***See*** Pa.R.Crim.P. 904(C). Appointed counsel then has a responsibility "to either (1) amend the petitioner's *pro se* [p]etition to present the petitioner's claims in acceptable legal terms, or (2) certify that the claims lack merit by complying with the mandates of ***Turner/Finley***." ***Commonwealth v. Cherry***, 155 A.3d 1080, 1083 (Pa.Super. 2017).

If counsel determines that the defendant's claims are meritless, counsel must file a petition to withdraw as well as a no-merit or ***Turner/Finley*** letter that: 1) details the nature and extent of counsel's review; 2) lists each issue the petitioner wishes to have reviewed; and 3) provides an explanation of why each of the petitioner's issues is meritless. ***See Commonwealth v. Pitts***, 981 A.2d 875, 876 n.1 (Pa. 2009). Counsel must also send the petitioner a copy of the no-merit letter, a copy of counsel's petition to withdraw, and a letter explaining the petitioner's right to proceed *pro se* or retain new counsel. ***See Commonwealth v. Widgins***, 29 A.3d 816, 818 (Pa.Super. 2011).

A court reviewing a petition to withdraw as counsel pursuant to ***Turner/Finley*** should deny the request where counsel fails to satisfy the above requirements. ***See Commonwealth v. Wrecks***, 931 A.2d 717, 721 (Pa.Super. 2007). Satisfying the prerequisites of ***Turner/Finley*** includes providing an analysis of all the issues the petitioner wishes to have reviewed. ***See Commonwealth v. Kelsey***, 206 A.3d 1135, 1139 (Pa.Super. 2019) (stating "[w]here PCRA counsel's no-merit letter does not discuss all of the issues that the convicted defendant has raised in a first PCRA petition and explain why they lack merit," it does not satisfy the requirements of ***Turner/Finley***).

Here, PCRA counsel's letter failed to meet the requirements of ***Turner/Finley***. The letter failed to list each issue Quarles wished to have reviewed and did not provide an explanation of why counsel believed each issue was meritless. PCRA counsel did not address Quarles's claims that trial

counsel was ineffective for failing to file a motion to suppress; failing to request a cautionary instruction following the denial of a mistrial motion; failing to call witnesses to testify to his character at sentencing; and failing to challenge the motion to sever and the sufficiency of the evidence on direct appeal.

Since PCRA counsel's no-merit letter was insufficient, the court erred in granting counsel's motion to withdraw. ***See Wrecks***, 931 A.2d at 721. As such, we vacate the PCRA court's order dismissing Quarles's PCRA petition and remand for the court to appoint new PCRA counsel. ***See Kelsey***, 206 A.3d at 1139-40 (vacating order dismissing first PCRA petition where PCRA counsel filed a deficient ***Turner/Finley*** letter by failing to address all of petitioner's claims). On remand, new PCRA counsel may file an amended PCRA petition or a no-merit letter.

Order vacated. Case remanded with instructions. Jurisdiction relinquished.
Judgment Entered.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 9/14/2026