NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
QU'EED BATTS	:	
Appellant	:	No. 258 EDA 2025

Appeal from the Judgment of Sentence Entered December 1, 2023
In the Court of Common Pleas of Northampton County Criminal Division
at No(s): CP-48-CR-0001215-2006

BEFORE: KUNSELMAN, J., NICHOLS, J., and SULLIVAN, J.

MEMORANDUM BY SULLIVAN, J.: **FILED NOVEMBER 13, 2026**

Qu'eed Batts ("Batts") appeals from the judgment of sentence—consisting of individual sentences of forty years to life for first degree murder and a consecutive sentence of ten to twenty years of imprisonment for attempted murder[1]—following his jury convictions for these offenses, arising from Batts's unprovoked shooting and killing of Clarence Edwards ("Edwards") and his shooting, in the back, of Cory Hilario ("Hilario"), which Batts perpetrated as a minor to ingratiate himself with a gang leader. Batts raises constitutional challenges to his sentence under the Eighth Amendment to the United States Constitution and Article I, Section 13 of the Pennsylvania Constitution. Following our review—and in light of our Supreme Court's recently decided opinion in ***Commonwealth v. Lee***, 357 A.3d 356 (Pa. 2026),

---

[1] ***See*** 18 Pa.C.S.A. §§ 2502(a); 901(a).

in which the Pennsylvania Supreme Court held that Section 13 provides enhanced protections above the Eighth Amendment[2]—we conclude the trial court's individualized assessment of Batts's culpability resulted in a sentence proportional to the offense, and, therefore, Batts's constitutional challenges fail.[3] Consequently, we affirm.

The trial court provided a comprehensive factual and procedural history of this case, which we set forth in relevant part as follows:

> I. Batts's Crimes
>
> In the early evening hours of February 7, 2006, Batts, a member of a criminal street gang known as the "Bloods," was travelling in Easton in a car with four other Bloods gang members. They approached a house at [] Spring Garden Street, where they saw two teenaged boys, [] Edwards [] and [] Hilario [], standing on a ladder and helping Edwards's father install a video camera on the front porch of the house. Batts did not know the two boys[,] but was told that they had stolen money and drugs from another gang member. The senior gang member in the car, Vernon Bradley ("Bradley"), asked who in the car would like to "put in some work," which Batts interpreted as a directive to kill the two boys on the front porch of the house. No one else in the car responded. Batts agreed to do the job.
>
> The car pulled over, and Bradley gave Batts a mask and a handgun. Batts exited the car, put on the mask and a glove, took the handgun, and walked up the front steps of the house.
>
> Batts ordered the three people on the porch to get down. Upon seeing him, they ran toward the front door. Edwards's

---

[2] Batts filed an application for post-submission communication directing our attention to ***Lee***, which we grant.

[3] Our Supreme Court granted *allocatur* regarding Section 13's applicability to juvenile offenders, ***see Commonwealth v. King***, 339 A.3d 350 (Pa. 2025); however, the Court has not issued a decision in that case.

father was the first to reach the door and managed to escape into the house. As Hilario tried to enter the house, Batts shot him in the back. Batts then turned toward Edwards, who had fallen down and was lying on the porch. Batts walked over to Edwards and looked down at him. Edwards looked up at Batts's face. Batts pointed the gun at Edwards and fired two bullets into his head at point blank range. Batts returned to the car, and the group drove away.

Police and emergency workers arrived at Edwards's house. Edwards's grandmother, Delores Howell, who had raised Edwards from the time he was six years old, opened the front door and saw Edwards lying on the porch with two bullet wounds in his head. The police would not allow anyone to touch Edwards, because it was necessary to transport him to the hospital immediately.

Hilario, who was eighteen years old, suffered a serious injury from the bullet wound in his back[,] but ultimately survived. The bullet fractured Hilario's rib and scapula, but because the bullet was lodged deep in muscle tissue, doctors decided to leave the bullet in his body.

One of the bullets Batts had fired at Edwards entered the top of his head on the left side, struck the top part of his skull, and exited through the other side of his head. The other bullet entered Edwards's left temple, crossed from one side of his head to the other on a downward trajectory, tearing his brain from left to right through the center, and came to rest in the right side of his skull. Edwards died at the hospital. He was sixteen years old and his mother's only child.

* * * *

On the night of the shooting, [] Batts stayed at Bradley's house. The following day, he left Pennsylvania and went to stay with other gang members in Phillipsburg, New Jersey in order to avoid being arrested by the Easton police. [] Batts's mother called him and told him that Bradley had been arrested and that the police were looking for him. She urged him to turn himself in.

On February 10, 2006, [] Batts was arrested at the house where he was staying in Phillipsburg. When police entered the home, [] Batts attempted to hide his face inside his hoodie sweatshirt. When he was asked to identify himself, he gave a

false name; however, police were able to identify him from a photograph they had been given.

When [] Batts was questioned by police, he initially denied any involvement with the Bloods gang, and he said that Bradley was the one who had fired the gun at Hilario and Edwards; however, later in the same interview [] Batts confessed that it was he who had done the shooting. He showed no emotion, no remorse. He gave no indication that he was fearful of Bradley, and made no mention of having been forced to commit the crime.

* * * *

II. Pretrial Proceedings

Batts was charged with [several offenses in connection with the shooting].

* * * *

On February 21, 2007, the [c]ourt [held] that Batts would be tried as an adult on all charges.

* * * *

III. Procedural History - Conviction and Sentencings

At trial, Batts told the jury that he had committed his crimes because he feared that if he did not carry out Bradley's orders, Bradley would kill him.

Despite Batts's defense that he committed his crimes out of fear for his own life, on July 31, 2007, [a] jury convicted him of first-degree murder for the killing of Edwards and attempted murder and aggravated assault for the shooting of Hilario. Batts was acquitted of the two charges of conspiracy to commit criminal homicide.

Batts was sentenced on October 22, 2007 by Judge [William F.] Moran[, to, *inter alia*,] life in prison. The life sentence was then mandatory. . . ..

. . . Batts appealed his conviction to the Superior Court of Pennsylvania. On April 7, 2009, the Superior Court affirmed

Batts's conviction. Batts petitioned the Pennsylvania Supreme Court for *allocatur*[,] which was granted. While Batts's case was on appeal, in 2012, the United States Supreme Court decided ***Miller v. Alabama,*** 567 U.S. 460, 480 (2012). In ***Miller,*** the United States Supreme Court held that a mandatory sentence of life without parole for a juvenile violates the Eighth Amendment of the United States Constitution. ***Miller*** did not impose a categorical ban on life without parole for juveniles but held that such a sentence cannot be mandatory[,] but may be imposed only after the trial court has considered mitigating factors, particularly those related to the defendant's age and level of maturity at the time of the offense.

Applying ***Miller,*** . . . the Pennsylvania Supreme Court remanded Batts's case to this Court for resentencing. ***See Commonwealth v. Batts,*** 66 A.3d 286, 295 (Pa. 2013) ("***Batts I***"). Following Judge Moran's retirement, in April of 2013, then-President Judge F.P. Kimberly McFadden re-assigned the case [to Judge Michael J. Koury, Jr.] for disposition.

In ***Batts I,*** the Pennsylvania Supreme Court directed th[e trial c]ourt to resentence Batts[,] giving consideration to the factors outlined in ***Miller.*** The Pennsylvania Supreme Court confirmed that ***Miller*** does not preclude life without parole for juveniles but that upon consideration of the specified factors, th[e c]ourt may impose that sentence with or without the possibility of parole.

On May 2, 2014, after a two-day sentencing hearing, th[e trial c]ourt sentenced Batts to[, *inter alia*,] life without parole for the charge of first-degree murder. . . . Batts appealed and the Pennsylvania Superior Court affirmed his sentence. Thereafter, Batts filed for allocatur which the Pennsylvania Supreme Court granted.

In 2017, in a case known as ***Batts II***, the Pennsylvania Supreme Court reversed ***Batts I***, reversed the Pennsylvania Superior Court, and reversed th[e trial c]ourt's sentence imposed in 2014. ***See Commonwealth v. Batts***, 163 A.3d at 410, 484 (Pa. 2017) [("***Batts II***")]. ***Batts II*** held that there is a rebuttable presumption against the imposition of a sentence of life without parole for a juvenile offender[,] and the Commonwealth must prove beyond a reasonable doubt that the [juvenile] is

permanently incorrigible. Subsequently, Batts's case was remanded to th[e trial c]ourt for resentencing.

Following the decision in ***Batts II***, in June of 2017, the Commonwealth and Batts engaged in plea negotiations and presented an [apparently] agreed-upon sentence to the Court. For the charge of murder, the Commonwealth and Batts proposed an agreed-upon sentence for a minimum period of thirty years imprisonment to a maximum period of life imprisonment. For the charge of attempted murder, the Commonwealth and Batts agreed to a sentence for a minimum period of ten years to a maximum period of twenty years imprisonment. The Commonwealth and Batts did not agree as to whether the sentence for attempted murder should run consecutive or concurrent to the sentence for murder and asked the [c]ourt to decide this issue.

Thereafter, in January of 2018, [the trial court] held another sentencing hearing. Subsequent to the sentencing hearing but prior to imposing sentence, Batts made an argument based on ***Commonwealth v. Felder***, a case pending in the Pennsylvania Supreme Court, that if th[e trial c]ourt ran his sentence for attempted murder consecutive to his sentence for the charge of murder, for a total sentence of forty years imprisonment to life imprisonment, his total sentence constitutes a *de facto* life sentence. ***See*** 269 A.3d 1232, 1236 (Pa. 2022). Given Batts's argument, the Commonwealth and Batts agreed to hold Batts's case in abeyance pending disposition of ***Felder***.

While ***Felder*** was pending before the Pennsylvania Supreme Court, in 2021, the United States Supreme Court decided the case of ***Jones v. Mississippi***, 593 U.S. 98, 113 (2021). In ***Jones***, the United States Supreme Court held that ***Miller***, the United States Supreme Court case that ***Batts II*** relied on in making its holding, did not require [a finding of] permanent incorrigibility. The United States Supreme Court noted that ***Montgomery v. Louisiana***, a United States Supreme Court case decided in 2016, "flatly stated that ***Miller*** did not impose a formal fact[-]finding requirement[,] and that a finding of fact regarding a child's incorrigibility is not required." Rather, the Court stated that the sentencing court has the discretion to decide whether a life-without-parole sentence for a juvenile offender is appropriate and that the sentencing court must consider the offender's age at the time of the offense when making that determination.

In February of 2022, the Pennsylvania Supreme Court decided ***Felder*** and recognized that ***Jones*** abrogated ***Batts II***. [***See***] ***Felder***, 269 A.3d at 1246. The [C]ourt stated:

> Though we might prefer the more expansive view of ***Miller*** as seen through the lens of ***Montgomery***, we cannot ignore that ***Jones***'s interpretation is controlling as a matter of Eighth Amendment law. And because that decision abrogates our foundational understanding in ***Batts II*** that a juvenile homicide offender cannot constitutionally receive a sentence of life without parole unless he or she is proven to be permanently incorrigible, the procedural protections we adopted in that case to ensure that result are no longer tenable as an exercise of this Court's power of judicial administration.

Id. The [C]ourt further explained that "[a] life-without-parole sentence for a juvenile murderer is thus constitutional, and hence no viable ***Miller*** claim[] exists, so long as the sentence is not mandatory." ***Id***. at 1243 (quoting ***Jones***, 593 U.S. at 103). The [C]ourt stated, "[S]o long as the sentence imposed is discretionary and takes into account the offender's youth, even if it amounts to a *de facto* life sentence, ***Miller*** is not violated." ***Id***. at 1246.

On May 20, 2022, following the Pennsylvania Supreme Court decision in ***Felder***, Batts filed a motion to enforce the plea agreement from 2017. On July 14, 2022, th[e trial c]ourt denied Batts's motion.

On November 2, 2023, [the court] held a sentencing hearing. On December 1, 2023, th[e c]ourt resentenced Batts. For the charge of murder in the first degree for the murder of Edwards, Batts was sentenced to serve a term of imprisonment for a minimum term of forty years to maximum term of life imprisonment. For the charge of the attempted murder of Hilario, Batts was sentenced to serve a term of imprisonment for a minimum period of ten years to a maximum period of twenty years to run consecutive to the sentence of murder in the first degree. The [c]ourt found that the sentence for aggravated assault merged with the sentence for attempted murder. Therefore, the

total term of imprisonment for both charges was for a minimum period of fifty years to a maximum period of life.

* * * *

IV. December 1, 2023 Resentencing Hearing

. . . At the [December 1, 2023] resentencing hearing, the [c]ourt reviewed the factual and procedural background; applicable law governing the sentencing determination; detailed the written materials the [c]ourt reviewed prior to the hearing; and received testimony and written statements from witnesses for the Commonwealth and the defense.

A. Written Materials Reviewed By the Court

During a conference on January 18, 2023, [and] by agreement of the parties, th[e trial c]ourt determined that the record upon which th[e c]ourt decided Batts's previous sentences in 2014 and 2017 would be the record relied upon in the current sentencing proceeding. In addition to the record from the 2014 and 2017 sentencing hearings, at the November 2, 2023 hearing, th[e c]ourt confirmed with the Commonwealth and defense counsel that the parties agreed that the record for purposes of sentencing would be the following, all of which the [c]ourt reviewed prior to the sentencing hearing:

1) the trial transcripts;

2) the parties' sentencing memoranda;

3) the transcript from the hearing in January 2018;

4) the transcript from the two-day sentencing hearing in 2014;

5) any testimony given on November 2, 2023;

6) the transcript from the November 2, 2023 arguments regarding sentencing;

7) the October 11, 2013 presentence investigation report [("PSI")] prepared at the [c]ourt's request

by the Northampton County Department of Adult Probation and Parole;

8) the January 23, 2018 updated [PSI] prepared at the [c]ourt's request by the Northampton County Department of Adult Probation and Parole;

9) the February 13, 2018 updated [PSI] prepared at the [c]ourt's request by the Northampton County Department of Adult Probation and Parole;

10) the December 7, 2022 updated [PSI] prepared at the [c]ourt's request by the Northampton County Department of Adult Probation and Parole;

11) the October 23, 2023 updated [PSI] prepared at the [c]ourt's request by the Northampton County Department of Adult Probation and Parole;

12) a July 26, 2013 report by forensic psychologist Susan E. Kraus, Ph.D. [("Dr. Kraus")], who performed a psychological evaluation of Batts on behalf of Northampton County in connection with the presentence investigation;

13) a January 16, 2007 report by forensic psychiatrist Timothy J. Michals, M.D. [("Dr. Michals")], a Commonwealth expert, who performed a psychological evaluation of Batts in connection with the February 21, 2007 decertification hearing;

14) a March 12, 2014 report by Dr. Michals, who performed a second psychological evaluation of Batts in connection with this sentencing proceeding;

15) a January 12, 2007 report by forensic psychologist Steven E. Samuel, Ph.D. [("Dr. Samuel")], a Commonwealth expert, who performed a psychological evaluation of Batts in connection with the February 21, 2007 decertification hearing;

16) a November 21, 2013 report by forensic psychologist Frank M. Dattilio, Ph.D. [("Dr. Dattilio")], a defense expert, who performed a psychological evaluation of Batts in connection with this sentencing proceeding;

17) a December 31, 2013 sentencing memorandum by Dana Cook, M.S., [("Cook")] Deputy Director of the Atlantic Center for Capital Representation, a defense expert, who reviewed records and conducted interviews of Batts and his family members in connection with this sentencing proceeding;

18) an October 29, 2013 letter from Delores Howell, the grandmother of [] Edwards, one of the victims in this case;

19) the written statement read and submitted by Batts's mother . . ..

20) the letter the Court received from Phillipsburg High School Principal, Gregory Troxell [("Troxell")];

21) the sentencing guideline forms submitted to the [c]ourt; and

22) a card mailed to the undersigned by Gloria Senavits [("Senavits")], postmarked November 13, 2023.

N.T.[, 12/1/23,] at 22-25.

Prior to the resentencing hearing, these written materials were shared with Batts, his counsel, and the attorney for the Commonwealth. . . . [T]he [c]ourt explained that the statutory maximum for: 1) first degree murder is life without parole; 2) attempted murder is forty years [of] imprisonment; and 3) aggravated assault is ten years [of] imprisonment. [The court] explained that Batts's conviction for aggravated assault merged with the conviction for attempted murder for purposes of sentencing. . . .

* * * *

B. The Court's Identification of Information Relevant to the Sentencing Factors

The [c]ourt summarized the evidence relevant to the factors it was required to consider in imposing sentence, relying on the record, the trial transcripts, the sentencing memoranda submitted by the Commonwealth and the defense, the testimony and evidence presented at the resentencing hearing, and the presentence investigation and expert reports, which summarized an extensive body of information about Batts, including records maintained by schools, prisons, government agencies, and mental health professionals; the results of psychological testing; and interviews of Batts, his friends and family members, and people in the community who were affected by his crimes.

1. The Facts of the Case

[The court recounted the circumstances of Batts's murder of Edwards and attempted murder of Hilario.]

2. Batts's Background and History

At the resentencing hearing . . ., the [c]ourt detailed the history of Batts's life, describing his birth to unwed teenaged parents; his removal from his parents' custody due to his mother's neglect and his father's incarceration; his successive placements with relatives and foster families in multiple states; his exposure to bullying, violence, and sexual abuse; his difficulties in different schools; his return to his mother at age twelve; his initiation into the Bloods gang when he was in eighth grade; and his ultimate decision to move out of his parents' house and make his home with the Bloods gang at age fourteen.

* * * *

3. Batts's Attack on Hilario and Edwards

[The court detailed the circumstances of Batts's crimes. Notably, Batts told Dr. Michals that no one had ordered or threatened him to coerce him to murder Edwards and shoot Hilario. However, Batts told Dr. Dattilio that he had been

threatened. Batts told Dr. Dattilio that he felt nothing after the killing except worry that he might be arrested and go to jail.]

4. Batts's Flight to New Jersey and Subsequent Arrest

[The court set forth the details of Batts's flight, discussed above.]

5. Batt's Trial and Incarceration

. . . [T]he [c]ourt detailed Batts's experiences during his incarceration, both while he was in Northampton County Prison awaiting trial[,] and after he was sent to a series of state prisons following his convictions and sentencing:

Pretrial Incarceration

> After [] Batts's arrest[], he was placed in Northampton County Prison where he remained for [twenty-one] months. While he was there he got into several fights with inmates who knew or were related to his victims. Because [] Batts was a juvenile, he was regularly confined to his cell for his own safety. [] Batts made a motion to have his case transferred to the juvenile justice system, a decertification motion.
>
> On February 21, 2007, Judge [] Moran held a hearing on the motion. The Commonwealth and defense presented fact and expert witnesses including Dr. Michals and Dr. Samuel, both of whom had evaluated [] Batts.
>
> Dr. Samuel's report stated, quote, it is my opinion that the type of anger and rage necessary to commit the crimes of which [Batts] is charged had been evident in him since childhood and that it is very unlikely that either could be tempered or distilled from his personality within the time frame permitted by the juvenile justice system within the facilities of the juvenile justice system, end quote.
>
> Dr. Michals's report stated, quote, given the assassination nature of this killing, it is my opinion that [] Batts, as a result of his underlying personality,

is not amenable to care, treatment, and rehabilitation within the juvenile justice system. He lacks sympathy for the weak and oppressed and is often contemptuous of those who express compassion and concern for the underdog, but denying the legitimacy of tender and caring feelings, he may make the entire therapeutic process hostage to his antagonism, end quote.

Judge Moran then denied [] Batts's decertification motion, and he was tried as an adult.

Education in Prison

Since [] Batts has been in state prison, he has completed the following courses:

Leadership development, long-term offenders, violence prevention and victim awareness program, restorative justice program, Dare to Care Program. [] Batts told Dr. Dattilio that he also completed a prevocational class on how to create a resume and apply for jobs.

In the most recent presentence investigation, the records reveal that [] Batts was enrolled and completed the violence prevention moderate intensity program as well as the long-term offenders program. The presentence investigation also notes that [] Batts did not complete these programs, so it is unclear whether they were completed.

[] Batts asserted that he completed his GED in 2010, although prison records reflect he began the program in 2009. The records were inconclusive to whether he completed the program; however, at this point it appears that [] Batts has, indeed, obtained his GED.

Employment in Prison

Because of his age, [] Batts was not employed before he went to prison; however, since he has been in prison, he has worked in the kitchen, he has cleared laundry on his cell block, and he has worked in the

barber shop. He told Dr. Dattilio that if he is ever released from prison he would like to own his own business, for example, driving a truck or operating a barbershop.

Activities in Prison

[] Batts participates in prison sports and fitness programs, including football, basketball, softball and weight[-]lifting.

Conduct in Prison

Since he has been in prison, [] Batts has been disciplined for five incidents of misconduct. On December 16, 2009, [] Batts was found guilty of refusing to obey an order and was suspended from his prison job for [fifteen] days. On February 14, 2010, [] Batts was found guilty of refusing to attend work/school mandatory classes. He was sentenced to loss of privileges for [thirty] days and suspension from his prison job for 999 days.

On May 28, 2010, [] Batts was found guilty of fighting after he became involved in a heated exchange with another inmate during a basketball game. He was placed in disciplinary custody for [sixty] days, during which time he was suspended from his prison job.

On August 5, 2011, [] Batts was found guilty of refusing to obey an order and . . . being in an unauthorized area. He was sentenced to cell restriction for [fifteen] days.

On October 16, 2012, [] Batts was charged with possession of contraband, a pornographic magazine, and money, lying to an employee, failing to report the presence of contraband. His charges were later reduced, and he was sentenced to cell restriction for [fifteen] days.

In January of 2014, [] Batts was disciplined for throwing liquid at another inmate in Northampton County Prison.

> After [] Batts was resentenced, [his] only additional misconduct was a disciplinary infraction on December 22, 2018, for engaging in sexual acts with other or sodomy, a violation of visitation regulations. This was apparently from engaging in a sex act with his girlfriend during a visit. For this offense, the defendant received [six] days of disciplinary custody and [forty-five] days of the loss of privileges.
>
> According to his corrections counselor, [] Batts's institutional adjustment can best be characterized as satisfactory. According to his counselor . . ., [] Batts is on the, quote honor block for lifers, end quote, is enrolled in barber school for which he has received above-average assessments, and he is a certified barber. He also works as a barber tutor. [] Batts told Dr. Dattilio that, although there are Bloods in prison, he has given up gang activity, and he wishes to avoid the behaviors and associations that created problems for him when he was a juvenile. The [c]ourt had heard testimony in 2014 indicating that [] Batts may have continued to associate with certain members of the Bloods gang for a period of time after he entered the prison system; however, he was never disciplined for any violent gang-related activity while in prison.

6. Batts's Current Family Support Network

. . . [T]he [c]ourt described Batts's current family support network, which includes his mother, stepfather, and his younger brother and sister . . ..

7. Batts's Current Feelings About his Crimes

. . .[T]he [c]ourt noted that Batts has expressed remorse for his crimes and sympathy for his victims . . ..

8. Batts's Mental Status

At the resentencing hearing on December 1, 2023, the [c]ourt gave a detailed account of Batts's mental status as reported by experts for both the Commonwealth and the defense:

> Dr. Dattilio reported that [] Batts has no history of major mental illness or medical problems and no history of drug or alcohol use other than drinking beer and smoking marijuana in high school.
>
> [] Batts's overall IQ scores are in the low average range. Although certain tests indicated that he may have a slight learning disability, his overall profile does not raise any concerns of serious neurocognitive deficits or brain damage.
>
> Dr. Michal[s]'s report states, quote, [] Batts had no history of manifestations of any mental disorder that would cause or are related to the commission of the crime for which he has been charged and convicted, end quote.
>
> [] Batts told [defense expert] Dr. Dattilio that the fights in his life have always been due to the fact that he had a, quote, bad temper. He has never taken anger management classes, although some of his anger issues were addressed in his violence prevention course in prison. [] Batts says that he has matured since he entered the prison system and has not lost his temper in recent years.
>
> Dr. Dattilio noted that [] Batts was rejected by his mother in early childhood and was never allowed to develop a sustained bond with any other caregiver except for a brief period when he appeared to have established a positive bond with his paternal grandfather.
>
> Dr. Dattilio commented on a parent/child bonding evaluation performed by a psychologist at the request of DYFS when [] Batts was [ten] years old. The evaluator concluded that [] Batts's mother had a poor bond with her son and lacked the necessary emotional maturity, lifestyle and stability to plan for her son's needs. Dr. Dattilio suggested that because of this weak attachment, [] Batts longed for a family life with a parent who truly cared about him. As a result, he was particularly vulnerable to recruitment by a gang, according to Dr. Dattilio.

Results of psychological tests administered at the time of [] Batts's arrest indicated that he is driven by a desire to present an image of, quote hardboiled strength, end quote. However, Dr. Dattilio suggested that this desire may be more of a façade than an ingrained defense.

Nevertheless, in commenting on the results of the Minnesota Multiphasic Personality Inventory that [] Batts had completed in 2013, Dr. Dattilio stated individuals with this type of profile tend to show a pattern of chronic psychological maladjustment and are resistant to personality change. This certainly has the potential to exacerbate depending on the level of stress in the immediate environment. Given his personality dynamics, he is likely to have some long-term adjustment problems that are repetitive and tend to be resistant to psychological treatment, end quote.

Nevertheless, Dr. Dattilio expressed the opinion that Batts could improve over time with psychotherapy. Dr. Dattilio stated, quote, there is indication that his depressive symptoms may improve with psychotherapy or with the reduction in situational stress, end quote.

Dr. Dattilio cited recent research on adolescent brain development showing that adolescents are lacking in psychosocial maturity and therefore tend to display recklessness, poor judgment, lack of foresight, susceptibility to peer pressure and weak impulse control. Dr. Dattilio said that [] Batts's young age at the time of his offense, his chaotic upbringing, his need for acceptance by his peers and his fear of Bradley all contributed to his poor decision making.

Dr. Dattilio stated that, in light of [] Batts's lack of any criminal record, the crimes he committed against Hilario and Edwards were completely out of character for him. Dr. Dattilio noted that the vast majority of adolescents who commit antisocial acts seeks those activities in adulthood and that only approximately

> [five] to [ten] percent of these adolescents become chronic offenders.
>
> Dr. Dattilio noted that, although [] Batts continues to maintain some of the personality features that marked his adolescence, he now shows remorse for his crimes. Dr. Dattilio suggested that [] Batts's behavior and thinking patterns can change as he further matured.
>
> Dr. Dattilio noted that certain treatment programs in prison are not open to inmates who are serving a life sentence. Thus, he recommended that the court modify [] Batts's sentence to permit the possibility of parole so that [] Batts can take advantage of such treatment programs. This is a factor which the [c]ourt can consider in deciding whether to impose a term of years sentence.
>
> 9. Recommendations to the Court

[The court also reviewed recommendations it had received, discussed further ***infra***.]

* * * *

C. The Court's Consideration of Evidence Relevant to Each of the Sentencing Factors

At the resentencing hearing on December 1, 2023, having completed discussion of the information presented, the Court detailed the information that was relevant to each of the sentencing factors the [c]ourt was required to consider, organizing the information into twenty-three categories[, which largely re-synopsizes the information discussed above.]

* * * *

> The [c]ourt reviewed the recommendations it had received:
>
> As noted above, the Commonwealth, the October 2013 [PSI], and Delores Howell, Edwards's grandmother, recommended the [c]ourt resentence [] Batts to life in prison without parole. Dr. Dattilio and

> Ms. Cook recommend[ed] that the [c]ourt modify [] Batts's sentence to permit the possibility of parole. Dr. Kraus and Dr. Michals made no recommendation.
>
> Defense counsel . . . recommended a sentence of [twenty-five] years to life for both crimes and also stated that he previously submitted and agreed [to a] sentence of [thirty] years to life.
>
> [18 Pa.C.S.A. § 1102.1, which did not apply in this case based on the date of the convictions,] states that a defendant who is under the age of [fifteen] shall be sentenced to a term of imprisonment without parole or a term of imprisonment, the minimum of which shall be at least [twenty-five] years to life. As [the court] noted earlier, the statute also says that if a defendant is at least [fifteen] years old at the time of the murder then the minimum term of imprisonment must be at least [thirty-five] years. [The court] also note[d] that Batts was two months shy of his [fifteenth] birthday.

D. The Court's Balancing of the Sentencing Factors

Having detailed the evidence relevant to each of the factors the court was required to consider, at the resentencing hearing on December 1, 2023, the [c]ourt proceeded to balance the factors in Batts's favor against those factors not in his favor, explaining its reasons for weighing some factors more heavily than others:

> [] Batts, there are a number of factors that are not in your favor and there are a number of - that weigh against leniency in this case. First is the nature and circumstances of the crime. You executed a coldblooded murder and attempted murder of two defenseless boys you did not know for the purpose of advancing your personal interest in the Bloods gang. It was a premeditated act. It was brutal, unprovoked, and senseless.
>
> You placed a mask over your face, pulled a glove onto your hand and picked up a handgun. You got out of the car, walked out in the street. You walked up onto the porch. You shot [] Hilario in the back as he tried

to escape, turned to [] Edwards, who had fallen down helpless, looked into his face, shot, and you felt nothing. Your only concern was that you might get caught by the police.

You told Dr. Dattilio when you shot Hilario and Edwards, you felt nothing; however, after you returned to the car you began to worry that you might be arrested and you might go to jail. That's when you began to cry, when you realized that you may go to prison.

Second, the extent of your participation in the crimes:

Although Bradley incited you to commit the crimes, you agreed to do the job and you acted alone.

Third is your lack of any justification:

Your counsel argues that you committed these crimes because you were just following orders from your superiors in the Bloods gang. That is what you asserted at trial, a superior orders defense, that you committed these crimes because you were simply following superior orders from a higher-ranking member of the criminal organization known as the Bloods gang.

Although you have said you acted out of fear for your life, there was no evidence that you were explicitly threatened, and a jury of your peers did not buy the superior orders defense and found that you did not act under duress. Although you have said you acted based on peer pressure, you sought out and embraced that pressure by seeking membership in the gang. Further, when asked in 2018 why you shot Edwards, you said that you did not know why you did it.

Therefore, based upon [] all of these factors, the [c]ourt finds that you acted without justification.

Fourth is the particular vulnerability of your victims:

[] Hilario and [] Edwards were teenagers. They were innocent, unarmed, unprepared, and unsuspecting.

Fifth is the lack of cooperation with the authorities:

After the shooting you fled the state to avoid being arrested by Easton police. When the police found you, you tried to hide your face and gave a false name. When the police asked you what happened, you lied. You only confessed after you saw that the police had substantial evidence against you.

Six, the impact that your crimes have had on the victims and the community:

You attacked multiple victims. [] Hilario was seriously injured by the bullet you fired into his back and because of the placement, the bullet remains in his body to this day. [] Edwards was killed. He was his mother's only child, and she has now lost him forever. Edwards's grandmother who had raised him since he was six years old, walked out of the front door, saw her grandson lying on the porch with two bullet wounds in his head. She was not even allowed to touch him in his final moments. What you did to her grandson still affects her to this day.

Seven is the need to avoid minimizing the seriousness of the crimes:

You committed very serious crimes of innocent and helpless victims. You were very brazen. You committed these crimes on a street in the City of Easton in a very densely populated area.

Eight, the uncertainty of your amenability to treatment:

The experts opine that people with your personality profile tend to display chronic psychological maladjustment and are resistant to treatment. As I said before, your past behavior in prison has not been encouraging. Although you've worked at prison jobs and completed courses on leadership, violence

prevention, and adjusted to prison life, you have been repeatedly disciplined for violating prison rules, defying prison authorities, and fighting. I note that recently your behavior in the prison has improved, and the Commonwealth asserts that this is because you know that you will [be] resentenced and you are attempting to present that as a factor.

Nine is the need to protect the public.

Bradley had two tears tattooed on his face which signified that he had killed two people. Dr. Michals asked you why you continued to associate with Bradley after you learned he was a killer. You told Dr. Michals that, quote, there would be gains by fitting in, end quote.

You committed these crimes partly to gain acceptance to the gang. This is dangerous. Based on the brutality of your crimes, your documented history of violence, aggression, and disrespect for the law and the uncertainty of your amenability to treatment, at this time, you must be considered an extreme danger to the community.

Although you may ultimately prove to be amenable to treatment, the experts indicated that any rehabilitation will take years of psychotherapy. Thus, this factor weighs in favor of an extended period of incarceration.

There are factors, however, that are in your favor. First is your childhood experiences. Your father was incarcerated for most of your life, and your mother lacked the maturity to provide a stable home for you. Although you were provided with food, clothing, and the necessities of life, you were repeatedly moved from one home to another between the ages of [five] and [twelve]. As a result, you never formed a stable attachment to a trusted adult.

In addition, you were subjected to significant hardships. You were exposed to physical violence by your mother and your peers, and you were sexually

assaulted by your cousin. Older children manipulated you to engage in fights with other children. Because of these conditions, you developed a heightened need for the support of a caring family and, as a result, you were later attracted to the apparent cohesion of life in the criminal street gang.

Although these factors do not diminish your culpability, they do suggest that you might benefit from psychotherapy and other forms of rehabilitation.

Second, you were [fourteen] years old at the time you committed the crimes in this case. The experts have cited scientific research indicating that adolescents are still in the process of psychosocial development and when compared to adults tend to display recklessness, poor judgment, lack of foresight, susceptibility to peer pressure and weak impulse control.

Given the particular circumstances of this case, the [c]ourt does not believe that your young age significantly diminishes your culpability. Because your crimes were not the product of recklessness, poor judgment, lack of foresight, susceptibility to peer pressure and weak impulse control. I believe they were deliberate and premediated; however, you have since recognized the wrongfulness of your conduct and you've gained some insight at the psychological issues that led you to commit your crimes. Thus, the [c]ourt does believe that your young age weighs in your favor in assessing your amenability to treatment and rehabilitation and your capacity for change.

Third, you had no prior criminal record at the time of your arrest. You regularly attended elementary school and middle school and, for the most part, you performed well academically. You excelled at a wide variety of sports although you admitted to committing crimes such as underage drinking, use of marijuana, selling crack cocaine for the Bloods gang and fighting at school, nothing in your past approached the level of brutality that you exhibited when you committed the crimes in this case.

> Since you've been in prison, you've acknowledged the wrongfulness of your conduct, you've recently taken responsibility and shown some compassion for your victims. Although you were never employed prior to your arrest, you've held two jobs in the prison, and you pursued prevocational training. You've taken courses on leadership and violence prevention, you maintain a close relationship with your family and attempt to be a positive role model for your younger brother, advising him to do well in school, listen to his parents, and avoid the mistakes that cost you your freedom.
>
> Thus, these factors weigh in your favor in assessing your capacity for change.
>
> Fourth, several of the experts opined that based on your young age and the insights you have gained into the psychological issues that led you to commit your crimes, if you are given the benefit of years of psychotherapy and other forms of rehabilitation, your psychological condition could improve.
>
> Although the [c]ourt heard testimony indicating that you may have continued to associate with certain members of the Bloods gang for a period of time after you entered the prison system, there was no evidence that you engaged in any violent gang-related activities while in the prison.

E. The Court's Sentencing Decision

The Court concluded by reviewing the decisions in ***Miller***, ***Felder***, ***Batts I***, ***Batts II***, and ***Jones*** and announced its decision that, based on the particular facts of this case, the appropriate sentence for Batts's crime of first-degree murder is a minimum period of imprisonment for forty years to a maximum term of life imprisonment:

> The [c]ourt recognizes that in ***Miller*** . . ., that we cannot proceed as though [] Batts was not a child at the time of his offense. We must consider the extent to which his youth and immaturity, his troubled

childhood, his need for acceptance, and his desire to prove himself contributed to his crime. We have considered those factors including the disruption and emotional pain [] Batts suffered as a child.

* * * *

Weighing all the factors including the brutal nature of the crime; your prior proposed sentencing agreement; Title 18 Section 1102.1(a)(2); the recommendations of the prosecutor; the fact that you acted alone; . . . your personal gain; your lack of justification for the crimes; the particular vulnerability of the victims; your lack of cooperation with the authorities; the impact your crime has had on the victims, the victims' family, the community; the fact that your crime was with respect to two separate victims; the nature of the injuries to [] Hilario and the permanent injuries including the fact that the bullet you shot remains forever lodged in his body; the fact that if I were to run the sentences concurrent to each other you would be getting what the law calls a volume discounts [sic] on your crimes to which you are not entitled, the need to avoid minimizing the seriousness of the crime; the uncertainty of the your [sic] amenability to treatment; the need to protect the public; your troubled childhood; your young age and stage of development at the time you committed your crimes and, in particular, the fact that you were only [fourteen] years old at the time of your crimes, an age that warrants particular consideration as determined by the United States Supreme Court; the fact that your crimes appear to have been out of character for you; and the opinions of several of the experts that you are amenable to treatment and might be rehabilitated with years of psychotherapy.

The [c]ourt concludes that the factors not in your favor significantly outweigh the factors in your favor. . . ..

* * * *

> When crafting your sentence, . . . I need to reflect on what you have done to the victims and to the families of the victims. No sentence that I can impose on you will serve justice for these two boys or their families. [] Edward[s]'s family will not spend Christmas with him this year or any year. You have robbed him, and his family of a future - of a future together.
>
> . . . [Y]ou're in jail. You went to jail, and you'll serve your time. You can still walk. You can still take classes. You can still have a relationship with your family. You even found love and have a girlfriend. You're still alive. And that must be very difficult for [] Edwards's family because they never had that opportunity to see those things with their son.
>
> * * * *
>
> There's uncertainty among the experts who evaluated [] Batts regarding his amenability to treatment, and Dr. Dattilio noted that certain treatment programs in prison are not open to inmates who are serving a life sentence. Thus, he recommended that the [c]ourt modify [] Batts's sentence to permit the possibility of parole so that [] Batts can take advantage of such treatment programs. This is a factor which the [c]ourt can look at in deciding whether to impose a sentence of less than life without parole.
>
> After very careful review, I've decided to impose a term of years sentence to life with the possibility of parole for [] Batts. Because I have decided to impose a term of years sentence for the murder, I believe that a concurrent sentence for the attempted murder would be inappropriate in this matter for all the reasons stated above and for the additional reasons that, one, both the murder and attempted murder were crimes of violence; two, the two crimes involved different victims; three, the nature of the injuries to [] Hilario; and four, the fact that running the sentences concurrent to each other would give [] Batts a volume discount on his crimes.

> . . . I've carefully weighed the factors in your favor and those not in your favor. On February 7, 2006, you committed a calculated, callous, and coldblooded murder. You made yourself the judge, jury and executioner of [] Edwards, and if not for the grace of God you would have also killed [] Hilario.
>
> * * * *
>
> So for all of these reasons and the reasons stated previously, [Batts] will be sentenced as follows:
>
> He's sentenced to pay the costs of prosecution. The term of imprisonment for the charge of attempted murder shall run consecutive to the sentence of imprisonment for the charge of murder in the first degree. The sentence of imprisonment for the charge of aggravated assault shall merge with the sentence of imprisonment for attempted murder. The defendant will be given credit for all time served as calculated by the department of corrections without any type of duplicate credit.
>
> For the charge of aggravated assault, [Batts] will be sentenced to serve a term of imprisonment in a state correctional institution for a minimum period of [two] years to a maximum period of [ten] years. [Because this conviction merged with attempted murder for sentencing purposes, the sentencing order does not include this sentence, but rather notes the conviction merged with attempted murder, as the court also acknowledged at sentencing.]
>
> For the charge of attempted murder for the attempted murder of [] Hilario, [Batts] will be sentenced to serve a term of imprisonment in a state correctional institution for a minimum period of [ten] years to a maximum period of [twenty] years.
>
> For the charge of murder in the first degree for the murder of [] Edwards, defendant will be sentenced to serve a term of imprisonment for a minimum term of [forty] years to maximum term of life.

> Therefore, the total term of imprisonment for all charges is for a minimum period of [fifty] years to maximum period of life with the possibility of parole.

V. Batts's Post-Sentence Motions and Appeal

* * * *

> On April 24, 2024, Batts filed a Notice of Appeal to the Superior Court of Pennsylvania from the judgment of sentence entered on December 1, 2023. . . . Thereafter, on June 2, 2024, Batts filed a "Motion for New Trial on the Ground of After-Discovered Evidence and Motion for Remand to Trial Court" with the Superior Court of Pennsylvania. On June 10, 2024, the Superior Court of Pennsylvania remanded the case to the [trial court] to conduct an after-discovered evidence hearing regarding the claims raised in Batts's *pro se* letters.

* * * *

> [Following conferences and a hearing, o]n January 15, 2025, [the trial court] denied Batts's motion for a new trial on the ground of after-discovered evidence without prejudice. [The court] noted that Batts could reassert his claim in a PCRA [petition]. On January 22, 2025, Batts filed a Notice of Appeal to the Superior Court of Pennsylvania from the judgment of sentence imposed on December [1], 2023. On February 12, 2025, Batts filed a Concise Statement of Matters Complained of on Appeal.

Trial Court Opinion, 4/2/25, at 2-75 (most citations to the record, some additional citations, and footnotes omitted; some paragraphs re-ordered for clarity).

Batts raises the following issues for our review:

1. Is the imposition of an aggregate 50 years to life (or *de facto* life) sentence unconstitutional under the Pennsylvania and/or federal constitutions where the evidence plainly established that Appellant was redeemable?

2. Did the resentencing court err and/or abuse its discretion when it denied Defendant's motion to enforce a plea agreement?

3. Did the court err in imposing a separate sentence of 2 to 10 years for aggravated assault when the court found the aggravated assault conviction merged with the attempted murder conviction?

Batts's Brief at 3.

1. Constitutionality of Sentence

Batts first argues his sentence is unconstitutional under the federal and Pennsylvania constitutions. A claim that the sentencing court imposed an unconstitutional and *de facto* life sentence on a juvenile constitutes a challenge to the legality of the sentence. ***See Commonwealth v. Harper***, 273 A.3d 1089, 1093 (Pa. Super. 2022). As this Court has explained:

> A challenge to the legality of sentence is an attack upon the power of a court to impose a given sentence. Legality of sentence issues occur generally either (1) when a trial court's traditional authority to use discretion in the act of sentencing is somehow affected; and/or (2) when the sentence imposed is patently inconsistent with the sentencing parameters set forth by the General Assembly. The question of whether a claim implicates the legality of a sentence presents a pure question of law. Issues relating to the legality of a sentence are reviewed de novo, and our scope of review is plenary.

Commonwealth v. Hernandez, 328 A.3d 1159, 1165 (Pa. Super. 2024) (internal citation omitted), *abrogated on other grounds by* ***Lee***, 2026 WL 855614.

Batts first argues that Article I, Section 13 of the Pennsylvania Constitution and the Eighth Amendment to the U.S. Constitution are not coextensive. Batts applies the four-prong test derived from ***Commonwealth v. Edmunds***, 586 A.2d 887, 895 (Pa. 1991) in support of his argument that

the Pennsylvania and federal constitutions should not be read coextensively. ***See*** Batts's Brief at 16-48 (discussing the text and history of the Pennsylvania Constitution, related case law from other jurisdictions, and policy considerations).

As an initial matter, and as discussed further ***infra***, while this Court has traditionally read the Eighth Amendment and Article I, Section 13 coextensively, ***see Hernandez***, 328 A.3d at 1167, our Supreme Court has recently held in ***Lee*** that Article I, Section 13 provides broader protections than the Eighth Amendment. ***See*** 2026 WL 855614 at *28. As such, we must address the constitutional provisions separately. We begin with the Eighth Amendment.

While our Supreme Court's recent decision in ***Lee*** abrogated ***Hernandez*** with respect to the Article I, Section 13 analysis, we determine, based on our reading of ***Lee***, that it does not undermine ***Hernandez***'s synopsis of the law as it relates to Eighth Amendment jurisprudence, and, accordingly, we conclude ***Hernandez*** aptly set forth the relevant law for Eighth Amendment purposes as follows:

> . . . In ***Jones***[***v. Mississippi***, 593 U.S. 98 (2021)], the United States Supreme Court held that the sentencing court is not required to make a separate factual finding of permanent incorrigibility before imposing a sentence of life without parole on a juvenile offender. 593 U.S. at 113[]. Following the United States Supreme Court's decision in ***Jones***, the Pennsylvania Supreme Court decided ***Commonwealth v. Felder***, [] 269 A.3d 1232 [(Pa. 2022)]. . . . The ***Felder*** Court stated that when sentencing juvenile homicide offenders, "sentencing courts are required to consider only the relevant sentencing statutes, which

> will guarantee that the sentencer considers the juvenile's youth and attendant characteristics as required by ***Miller***." ***Id***. at 1246. "Moving forward, the authority of a sentencing court to impose a life-without-parole sentence on a juvenile homicide offender is circumscribed only to the extent set forth in 42 Pa.C.S.[A.] § 9721(b) and 18 Pa.C.S.[A.] § 1102.1, and by ***Miller***'s command to 'consider the mitigating qualities of youth.'" ***Id***. at 1245 (quoting ***Miller***, 567 U.S. at 476 []). [Further:]
>
> > It logically and necessarily follows that if a discretionary sentencing scheme is constitutionally sufficient to permit the imposition of a life-without-parole sentence on a juvenile homicide offender, so too can a court impose a sentence that is something less than life without parole. This includes a term-of-years sentence that may amount to a *de facto* life sentence. Stated differently, as long as the sentence was the product of a discretionary sentencing system that included consideration of the juvenile's youth, the Eighth Amendment is satisfied.
>
> ***Id***. at 1245–46

Hernandez, 328 A.3d at 1167-68.

We next set forth the relevant principles for an Article I, Section 13 challenge to the constitutionality of a sentence. Our Supreme Court has, to date, not issued a decision applying Article I, Section 13's enhanced protections to a juvenile serving a life sentence, "*de facto*" life sentence, or any other term of years. Therefore, we set forth Article I, Section 13's general requirements. The ***Lee*** court began with the acknowledgment that Section 13's emphasis is on proportionality between crime and punishment:

> Generally speaking, we find that Section 13 embodies the principle that our citizens are protected from sanctions that are disproportionate to the circumstances of the offense for which they were convicted. This concept is firmly rooted in the Enlightenment philosophy which served as one of the driving forces behind Section 13, and, specifically, the notion of some framers that a sanction beyond that which was necessary for

> achieving the limited purposes of punishment was considered to be cruel. This right not to be subjected to disproportionate sanctions arises from the longstanding notion of justice that punishment for a crime should be graduated and proportioned to both the offender and the offense and prohibits punishments that are excessive in relation to the crime committed.

Lee, 2026 WL 855614, at *28 (internal citation, quotations, and brackets omitted).

Our High Court emphasized that culpability "is central to [the] analysis of whether punishment is proportional within a category of individuals . . ." ***Id***. While ***Lee*** concerned the constitutionality of a mandatory life sentence for second-degree murder, the Court's analysis noted that, with respect to punishments for different categories of individuals, federal precedent vis-à-vis juvenile offenders was particularly relevant:

> . . . [A]t the core of the federal cases considering the constitutionality of the punishment of juveniles is the tenet that certain offenders are categorically less culpable than others. In those decisions, the ban on sentencing was based on mismatches between the culpability of a class of offenders and the severity of a penalty.

Id. (internal citation and quotations omitted).

The ***Lee*** Court additionally held that "[s]everity of punishment is an additional factor in determining whether a sanction is disproportionate to an offense." ***Id***. at *29. Relevant in this case, the Court noted that first-degree murder is the "most severe breach of the law of this Commonwealth and is

therefore subject to our most severe penalty," given the malice and specific intent required to commit the offense. ***Id***.[4]

The Court's analysis of proportionality also incorporated "the traditional penological justifications for criminal punishment: rehabilitation, deterrence, retribution, and incapacitation." ***Id***. at *31. While the Court declined to opine on whether a mandatory life sentence for adults convicted of first-degree murder is proportional, the Court articulated generally how these justifications intersect with proportionality: Rehabilitation—*i.e.*, to "cause self-reflection and improvement to lead a crime-free life after incarceration"—generally requires an individualized assessment of the circumstances of the offense. ***Id***. at *31. Deterrence—defined as "structuring punishments so as to discourage a would-be offender from reoffending or to intimidate the public at large from engaging in criminal activity"—requires an assessment of intent and culpability so as to correlate the degree of punishment with the defendant's actions, so there are "escalating consequences for escalating severity" of conduct, which deters the individual and the public at large. ***Id***. Even retribution as an expression of society's condemnation and the restoration of "moral balance" must be proportional and "directly related to the personal culpability of the

---

[4] Life without parole is the second-most severe penalty, following death. ***See Lee***, 2026 WL 855614, at *30. The Court acknowledged that "it may be entirely appropriate to mandate a sentence of life imprisonment without parole for individuals convicted of first-degree murder . . .." ***Id***.

criminal offender." ***Id***. (internal citation and quotation omitted). Incapacitation, that is, the "removal of an individual from society," similarly requires an assessment of culpability, because permanent incapacitation, that is, life imprisonment without parole, is "premised upon the notion that [the defendant] cannot be rehabilitated or deterred from committing a future crime—that is, he will forever be a danger to society, he is incorrigible." ***Id***. at *32 (internal citation omitted).

Thus, we understand the High Court's directive in ***Lee***, for purposes of a Section 13 challenge to the constitutionality of a sentence, is that proportionality hinges on an individualized assessment of culpability, that is, a fit between the severity of the offense and the punishment. Importantly, the Court noted that the Pennsylvania General Assembly, post-***Miller***, "established a new sentencing scheme for juveniles convicted of murder which included ***individual assessments*** and mandatory minimum sentences based upon the age of the offender." ***Id***. at *34 n.19. (emphasis added). Mindful of the foregoing principles, we proceed to consider Batts's argument.

Batts, reasoning from his aggregate minimum sentence of fifty years, argues that his crimes "reflected [his] transient immaturity[,] and that [he] is capable of change and rehabilitation"; therefore, his fifty-year minimum term is cruel. Batts's Brief at 52. He cites to his experts who opined that he is capable of rehabilitation and the evidence that he had held jobs in prison and undergone prevocational training and taken courses on "leadership and

violence prevention." ***Id***. at 53. Batts also notes that while the twenty-five-year mandatory minimum sentence—applicable to juveniles under fifteen years old who commit first-degree murder[5]—does not apply to him because his conviction occurred prior to 2012, he nevertheless asserts that the trial court imposed a disproportionate sentence by sentencing him to a minimum of forty years for murder. ***See id***. at 54-55.

Batts additionally maintains that to look at his individual sentences, rather than the aggregate, for purposes of determining whether his sentence is cruel "is inappropriate and unjust when used to justify lengthy aggregate sentences for a youth found capable of change and rehabilitation, because it undermines the fundamental principles of youth culpability, goes beyond what is necessary to reform and deter, and effectively circumvents Section 13's prohibition on cruel punishments." ***Id***. at 57. "[T]o do otherwise elevates retribution at the cost of rehabilitation," resulting in a cruel and tyrannous punishment. ***Id***.

The trial court explained its reasoning for denying relief. The court concluded that a fifty-year minimum term of incarceration means Batts, after completing his minimum aggregate sentence, will be eligible for parole around the age of sixty-four, which is a "meaningful opportunity to obtain release" consistent with ***Harper***, 273 A.3d at 1093, in which this Court held that parole

---

[5] ***See*** 18 Pa.C.S.A. § 1102.1(a)(2).

in one's mid-fifties is a meaningful opportunity for release and thus not a *de facto* life sentence. Trial Court Opinion, 4/2/25, at 120-21.

The court further opined that its sentence was a permissible exercise of the court's discretion:

> . . . Guided by ***Felder***, [the court] discussed at length the reasons for our sentencing decision. [The court] considered Batts's youth and other characteristics in deciding to impose a sentence of a term of years to life imprisonment with the possibility of parole. Additionally, as an aid to sentencing, the court ordered, received, and reviewed the [PSIs] prepared by the Northampton County Department of Adult Probation and Parole. The court reviewed the record and the transcripts of the decertification hearing and the trial; the sentencing guideline forms; the sentencing memoranda submitted by the Commonwealth and the defense; the written reports of Dr. Dattilio, Dr. Michals, Dr. Samuel, and Dr. Kraus concerning their psychological evaluations of Batts; the Sentencing Memorandum of Ms. Cook; the letter of Delores Howell; the written statement read and submitted by Batts's mother, the letter received from Phillipsburg High School Principal, Gregory Troxell; and the letter received by Gloria Senavits, all of which were made a part of the record for purposes of resentencing. Like the court stated in ***Felder***, review of these documents "was more than enough to meet the constitutional standard." ***See Felder***, 296 A.3d at 1246. Similarly, like in ***Harper***, Batts was given a particular sentencing process and his sentence resulted from a discretionary sentencing system.
>
> We are bound by the holding of the Pennsylvania Supreme Court in ***Felder***. We believe that we afforded Batts the appropriate sentencing process and discretionary sentencing system, giving due consideration to his "youth and attendant circumstances." ***See Felder***, 269 A.3d at 1245. Although Batts may disagree with this [c]ourt's sentence, the Pennsylvania Supreme Court has emphasized that Batts is entitled to no "particular sentencing outcome." . . ..

Trial Court Opinion, 4/2/25, at 122-23 (unnecessary capitalization and some citations omitted).

Initially, we note that this Court has held that it is the individual sentences, not the aggregate, that we must analyze when determining whether the trial court imposed a *de facto* life sentence, given a defendant is not entitled to a volume discount for committing multiple crimes. ***See Commonwealth v. Clary***, 226 A.3d 571, 581 (Pa. Super. 2020).

Mindful that this Court reviews the individual sentences, we conclude that Batts's sentence did not violate the Eighth Amendment. The forty-year minimum sentence imposed on Batts for murdering Edwards is not a *de facto* life sentence, because Batts would be eligible for release around the age of fifty-five, which this Court has held in ***Harper*** is a meaningful opportunity for release. ***See Harper***, 273 A.3d at 1094. That Batts received a consecutive ten-to-twenty-year sentence for his attempted murder conviction arising from his shooting of a separate victim, does not convert the sentence into a *de facto* life sentence. As such, Batts's sentence was not an unconstitutional *de facto* life sentence. ***Accord Hernandez***, 328 A.3d at 1168 (holding that a forty-five-year sentence was not a *de facto* life sentence where the appellant would be released at sixty-two years old).

We additionally conclude that Batts's sentence was constitutionally permissible, under the Eighth Amendment, because it was not mandatory, and the court imposed it after a thorough and thoughtful consideration of the record, evidence before it, sentencing factors, and applicable law. ***See*** Trial Court Opinion, 4/2/25, at 46-61 (discussing Batts's personal history and

mitigating circumstances including his traumatic family history and balancing them against Batts's premeditation preceding the murder and attempted murder and his subsequent sophisticated attempts to flee and elude apprehension); ***see also Hernandez***, 328 A.3d at 1168 (concluding that a juvenile's sentence did not violate the Eighth Amendment where it was not a mandatory sentence and the trial court considered the applicable statutes, the facts of the case, the juvenile's young age, the gravity of the offense, the need to protect the public, and the juvenile's rehabilitative needs, and it noted that it was not required to impose a sentence of life without parole and that it had the discretion to impose a lesser sentence in light of the juvenile's youthful age at the time of his crimes).

Next, we consider whether Batts's sentence violates Section 13. We conclude it does not. Our analysis again begins with the individual sentences rather than the aggregate, because Batts committed two separate offenses against two victims, *i.e.*, the shooting and killing of Edwards, and the shooting of Hilario, and to hold otherwise would be to give Batts a volume discount for his crimes. ***See Clary***, 226 A.3d at 581. Indeed, this Court held in ***Clary*** that a forty-two-years-to-life sentence of imprisonment for a sixteen-year-old juvenile is not a *de facto* life sentence, nor is it transformed into one by the addition of a six-to-twelve-year consecutive sentence for a separate attempted murder conviction. ***See id***. at 582. Thus, the ***first-degree murder sentence*** in ***Clary*** exceeds the sentence for first-degree murder *sub*

judice, and the sentence was imposed here on a slightly younger juvenile than in ***Clary***.[6] Clary would be parole eligible for his murder conviction at age fifty-eight, ***see*** 226 A.3d at 581, and Batts would be parole eligible for his murder conviction at approximately fifty-five years old. Thus, the juvenile's age and sentence in ***Clary*** are commensurate with Batts's age and sentence; therefore, ***Clary*** controls, and pursuant to ***Clary***, Batts has not received a *de facto* life sentence.

Next, while acknowledging that juveniles are "categorically less culpable than others," ***Lee***, 2026 WL 855614, we must nevertheless analyze the constitutionality of Batts's sentence with respect to the four justifications underlying criminal punishment: rehabilitation, deterrence, retribution, and incapacitation, to determine whether the sentence imposed was proportional, that is, based on an individualized assessment of culpability, that the severity of the offense and the punishment are commensurate, pursuant to ***Lee***.

Rehabilitation—*i.e.*, to "cause self-reflection and improvement to lead a crime-free life after incarceration"—generally requires an individualized assessment of the circumstances of the offense, ***Lee***, 2026 WL 855614, at *31. Regarding rehabilitation, the trial court reasoned as follows: while Batts had worked in prison and completed courses on leadership and violence prevention, he had "repeatedly been disciplined for violating prison rules and

---

[6] Further, the ***aggregate*** sentence in the two cases is similar: forty-eight years in ***Clary***, and fifty years here.

defying prison personnel"; Dr. Kraus noted, in the trial court's words, Batts's "ingrained desire to present an image of hard-boiled strength, the same desire that led him to shoot Hilario and Edwards . . ." and that Batts was not "fully insightful about how his feelings of inadequacy can lead to errors in judgment," though he was amenable to treatment. Trial Court Opinion, 4/2/25, at 57. The court also noted evidence that Batts was a low to moderate risk for re-offense but that, upon release, Batts "will require human service and monitoring to enable him to not fall back into a criminal lifestyle . . .." ***Id***. at 58. The court concluded that while "the evaluators agree that [] Batts has demonstrated some capacity for change in recent years, the court cannot be confident that significant change will occur without years of therapy." ***Id***. The trial court thus concluded that while Batts was apparently amendable to change, the characteristics that contributed to his decision to shoot two victims as part of a gang initiation were due to an "ingrained" desire to demonstrate masculinity and would require years of therapy. ***Id***. at 57.

Deterrence—defined as "structuring punishments so as to discourage a would-be offender from reoffending or to intimidate the public at large from engaging in criminal activity"—requires an assessment of intent and culpability so as to correlate the degree of punishment with the defendant's actions, so there are "escalating consequences for escalating severity" of conduct, which deters the individual and the public at large. ***Lee***, 2026 WL 855614, at *31. Relevantly, the Court in ***Lee*** opined that first-degree murder is the "most

severe breach of the law of this Commonwealth and is therefore subject to our most severe penalty," given the malice and specific intent required to commit the offense. ***Id***. at *29. The trial court considered the circumstances of Batts's crime and noted Batts's intent and culpability matched the severity of the sentence:

> You executed a cold-blooded murder and attempted murder of two defenseless boys you did not know for the purpose of advancing your personal interest in the Bloods gang. It was a premeditated act. It was brutal, unprovoked, and senseless.
>
> You pulled a mask over your face, pulled a glove onto your hand and picked up a handgun. You got out of the car, walked out in the street. You walked up onto the porch. You shot [] Hilario in the back as he tried to escape, turned to [] Edwards, who had fallen down helpless, looked into his face and shot, and you felt nothing. Your only concern was that you might get caught by the police [as you stated to Dr. Dattilio.]

Trial Court Opinion, 4/2/25, at 61-62. Noting Batts's inconsistent explanations for why he committed the crime, the court did not credit Batts's explanation that he felt coerced to murder Edwards and shoot Hilario. ***See id***. at 62. Deterrence thus strongly supports the trial court's sentence, since the trial court took into account Batts's premeditated intent to commit the most "severe breach of the law" in the Commonwealth, and imposed a sentence proportional to the offense and which also serves to intimidate the public at large from engaging in premeditated murder.

As noted above, retribution as an expression of society's condemnation and the restoration of "moral balance" must be proportional and "directly related to the personal culpability of the criminal offender." ***Lee***, 2026 WL

855614, at *31 (internal citation and quotation omitted). In this case, retribution also supports the sentence, as Batts murdered Edwards and shot Hilario, "teenagers [who] were innocent, unarmed, unprepared, and unsuspecting," in a "very densely populated area," and then fled the state to avoid apprehension, only confessing after confronted with "substantial evidence against [him]." Trial Court Opinion, 4/2/25, at 63.

Incapacitation, that is, the "removal of an individual from society," similarly requires an assessment of culpability, because permanent incapacitation, that is, life imprisonment, without parole, is "premised upon the notion that [the defendant] cannot be rehabilitated or deterred from committing a future crime—that is, he will forever be a danger to society, he is incorrigible." ***Lee***, 2026 WL 855614, at *32 (internal citation omitted). Here, the trial court concluded Batts was an "extreme danger to the community":

> Bradley had two tears tattooed on his face which signified that he had killed two people. Dr. Michals asked you why you continued to associate with Bradley after you learned he was a killer. You told Dr. Michals that, quote, there would be gains by fitting in, end quote.
>
> You committed these crimes partly to gain acceptance to the gang. This is dangerous. Based on the brutality of your crimes, your documented history of violence, aggression, and disrespect for the law[,] and the uncertainty of your amenability to treatment, at this time, you must be considered an extreme danger to the community.
>
> Although you may ultimately prove to be amenable to treatment, the experts indicated that any rehabilitation will take years of psychotherapy. Thus, this factor[, *i.e.*, the need to

> protect the public,] weighs in favor of an extended period of incarceration.

Trial Court Opinion, 4/2/25, at 64. Based on the trial court's determination that Batts continued to represent an extreme danger to society and that his rehabilitation would require years of psychotherapy, incapacitation is additional justification for the trial court's sentence.

Our review of the sentence's proportionality between the severity of the offense and the punishment, stemming from the trial court's individualized assessment of culpability, reveals that Batts's sentence is proportional to the offense. Batts committed the severest breach of the law possible, unprovoked and with premeditation, and attempted to commit the same against another victim, after which Batts fled. These circumstances support the deterrent and retributive dimensions to criminal punishment. Further, while Batts has shown himself amenable to treatment, the deep-seated causes of his behavior require extended periods of therapy, without which Batts's release puts the community at risk. Thus, Batts's sentence is also consistent with the rehabilitative and incapacitating aspects of punishment. Based on the individualized assessment of Batts's culpability, which includes his individualized mitigating circumstances as well as his lower culpability arising from his age, we conclude his forty-year-to-life sentence for first-degree murder arising from his shooting Edwards in the head, and the consecutive

ten-to-twenty-year sentence for attempted murder of a Hilario by shooting him in the back, is constitutional under Article I, Section 13.[7]

2. Motion to Enforce Plea Deal

Batts next argues the trial court erred in denying his motion to enforce a plea agreement. The trial court has broad discretion in approving or rejecting plea agreements. ***See***, ***e.g.***, ***Commonwealth v. Parsons***, 969 A.2d 1259, 1268 (Pa. Super. 2009). This Court has explained:

> . . . [N]o plea agreement exists unless and until it is presented to the court. Our [S]upreme [C]ourt has also held that [w]here a plea agreement has been *entered of record* and has been *accepted* by the trial court, the [Commonwealth] is required to abide by the terms of the plea agreement. . . . ***However, prior to the entry of a guilty plea, the defendant has no right to specific performance of an 'executory' agreement.***

Commonwealth v. Smith, 281 A.3d 1046 (Pa. Super. 2022) (unpublished memorandum at *2) (internal citation omitted; emphasis added).[8]

Batts asserts he and the Commonwealth agreed to a term of thirty-to-life for the murder conviction and ten-to-twenty years of imprisonment for the attempted murder, and that the court abused its discretion by rejecting this agreement, because the rejection was not in the interests of justice, given

---

[7] We note that while we conclude Batts's sentence was constitutional, we do not reach the issue of whether the trial court abused its discretion in sentencing, as that issue is not implicated in Batts's challenge to the constitutionality of his sentence.

[8] ***See*** Pa.R.A.P. 126(b).

Batts was a minor at the time he committed his offenses. ***See generally*** Batts's Brief at 71-73.

The trial court considered Batts's claim and concluded there was no plea agreement, but rather an offer by the Commonwealth that Batts had not accepted. ***See*** Trial Court Opinion, 4/2/25, at 125. The court notes that, at first, the offer had been for thirty to life for the murder conviction and ten to twenty for the attempted murder conviction; however there was no agreement as to whether the sentences should run concurrently or consecutively. Additionally, the parties had failed to have a meeting of the minds about whether Batts, consistent with the plea agreement, could argue on direct appeal that a forty-to-life term of imprisonment constituted an unconstitutional *de facto* life sentence. ***See id***. at 128. The parties also specifically—and jointly—requested the trial court hold the case in abeyance pending the resolution of ***Felder*** to see what impact it would have on Batts's potential sentence. ***See id***. at 128-29 (citing N.T., 5/18/18, at 11-12). At no point did the trial court accept the plea offer.

Our review discloses no abuse of discretion by the trial court. The record shows that the parties did not have a plea agreement, since the Commonwealth's offer was contingent on Batts waiving certain appellate arguments about the sentence, and, additionally, the parties expressly requested the court wait until ***Felder*** was decided to ascertain what effect

that case would have on their negotiated plea. We find our decision in ***Smith*** to be instructive.

In ***Smith***, there was a plea agreement to a global resolution of three cases, but then Smith committed a fourth offense resulting in another case, and the Commonwealth withdrew the offer, explained the basis for the withdrawal, and continued to negotiate (unsuccessfully). Smith ultimately opted for a jury trial, was convicted, and later asserted at the post-conviction stage, that counsel was ineffective for failing to move for enforcement of the plea deal, which this Court rejected. ***See*** 281 A.3d 1046 at *3. We held that the agreement was never presented to and accepted by the trial court, and, as the Commonwealth properly withdrew the offer in good faith, Smith was not entitled to specific performance of the plea agreement. ***See id***.

Similarly here, the parties did not have an agreement about whether the plea agreement would foreclose a constitutional challenge on appeal to the validity of the sentence, and, further, the parties agreed to continue the matter pending ***Felder*** knowing that ***Felder*** could affect the propriety of the sentence. ***See*** N.T., 5/4/18, at 8 (Commonwealth indicating it would consider revoking its plea offer if Batts argued a forty-to-life sentence was a *de facto* life sentence); N.T., 5/18/18, at 11 (Batts making a "joint request" for the court to stay sentencing pending the outcome of ***Felder*** so the parties could have a sense of what the permissible sentencing minimum would be). Because the court had never accepted the plea agreement, and the

circumstances reveal the parties had good faith disagreements about the terms of the agreement, Batts has failed to show the trial court abused its discretion by denying his motion to enforce the plea agreement.

3. Merger

Batts argues the trial court erred in imposing a sentence of two to ten years of imprisonment for the aggravated assault conviction, because that conviction should have merged for purposes of sentencing with the attempted murder conviction. ***See*** Batts's Br. at 73-74. Batts notes the trial court properly acknowledged the merger issue, but erroneously imposed a separate sentence for aggravated assault.

The trial court considered Batts's issue and determined it merits no relief. Specifically, the court conceded an ambiguity in its oral pronouncements, namely, that it said at the sentencing hearing that the attempted murder and aggravated assault convictions merged for sentencing, yet it also purported to impose a separate sentence for aggravated assault. However, the court subsequently noted that the ambiguity is resolved in the written sentencing order, which lists no separate sentence for aggravated assault, but instead simply notes the conviction merges with attempted murder. ***See*** Trial Court Opinion, 4/2/25, at 147-48.

Our review of the sentencing order confirms that the trial court's ambiguous statements at sentencing were resolved by the sentencing sheet, which indicates that the convictions merge and that no separate sentence was

imposed for aggravated assault. ***See*** Sentencing Order, 12/1/23 (imposing no sentence for aggravated assault and stating, "Merge with criminal attempt – criminal homicide"). Thus, Batts is due no relief. ***See Commonwealth v. Kremer***, 206 A.3d 543, 548 (Pa. Super. 2019) (providing that "the signed, written sentencing order controls, where the sentencing transcript is ambiguous; the ambiguity in the transcript must be resolved by reference to the signed, written sentencing order").

Judgment of sentence affirmed. Application for post-submission communication granted.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/13/2026