

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
RAFAEL VANEGAS	:	
	:	
Appellant	:	No. 633 EDA 2025

Appeal from the Judgment of Sentence Entered December 16, 2024
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0007813-2022

BEFORE: NICHOLS, J., MURRAY, J., and BENDER, P.J.E.

MEMORANDUM BY NICHOLS, J.:

FILED OCTOBER 13, 2026

Appellant Rafael Vanegas appeals from the judgment of sentence imposed after a jury convicted him of first-degree murder, conspiracy to commit first-degree murder, firearms not to be carried without a license, carrying a firearm on the public streets of Philadelphia, possession of an instrument of crime (PIC), attempted murder, and aggravated assault.¹ On appeal, Appellant claims the evidence was insufficient to establish his identity as the perpetrator, that the guilty verdicts were against the weight of the evidence, and that the trial court abused its discretion by sentencing him without a pre-sentence investigation (PSI) report. After review, we affirm.

The trial court set forth the facts of the case as follows:

¹ 18 Pa.C.S. §§ 2502(a), 903, 6106(a)(1), 6108, 907(a), 901(a), and 2702(a)(1), respectively.

On May 10, 2021, Raul Negron and Nelson Martinez, Sr., were outside of Mr. Martinez's automotive garage located on the 3400 block of North Howard Street in Philadelphia. At approximately 4:49 p.m., [Appellant] drove by the two men, fired multiple shots at them, and then drove away. [Appellant] shot Mr. Negron once in the face and shot Mr. Martinez a total of 6 times in the neck, left shoulder, right thigh, right hip, and lower back.

While on patrol in the area, police officers were flagged down by bystanders, who led them to the scene of the shooting. Upon arrival, officers saw both Mr. Negron and Mr. Martinez lying face down, bleeding profusely and suffering from gunshot wounds. Officers transported them to Temple University Hospital, where Mr. Negron was pronounced dead. The medical examiner determined that Mr. Negron's cause of death was complications due to a gunshot wound to his face, and his manner of death was homicide. Mr. Martinez remained in Temple University's Special Intensive Care Unit for 11 days and was discharged on May 21, 2021. [Appellant] was not licensed to carry a firearm on the date of the shooting.

Trial Ct. Op., 4/29/25, at 3-4 (some formatting altered and citations omitted).

Following the conclusion of Appellant's jury trial on December 16, 2024, Appellant was found guilty of the above stated offenses. That same day, the trial court proceeded with sentencing and sentenced Appellant to the mandatory sentence of life without parole for first-degree murder followed by forty to eighty years' incarceration. Appellant filed a timely post-sentence motion, which the trial court denied on February 18, 2025. Appellant filed a timely notice of appeal. Both Appellant and the trial court complied with Pa.R.A.P. 1925.

On appeal, Appellant presents the following issues for our review:

1. Whether [Appellant's] convictions for [first] degree murder, conspiracy, attempted murder, aggravated assault[, violations of the uniform firearms act (VUFA),] and all other related offenses were based upon insufficient evidence where the

Commonwealth failed to prove beyond a reasonable doubt that [Appellant] caused the decedent Raul Negrón's death or attempted to kill complainant Nelson Martinez, Sr.?

2. Whether [Appellant's] convictions for [first] degree murder, conspiracy, attempted murder, aggravated assault[,] VUFA and all other related offenses were against the weight of the evidence because the verdicts were based on speculation and/or unreliable evidence that [Appellant] actually fired the shots both that killed the decedent and injured the complainant?
3. Whether after sentencing [Appellant] to a life sentence without parole, the trial judge erred and abused his discretion, in imposing a consecutive sentence of 40 to 80 years by declining a pre-sentence investigation report requested by [Appellant], resulting in a record without any background, evidence of psychological impairments, history of trauma and/or character of [Appellant]?

Appellant's Brief at 13 (some formatting altered).

Appellant's first claim is that the evidence presented at trial was insufficient to support all the guilty verdicts in his case. ***Id.*** at 26-39. Specifically, Appellant argues that the evidence was insufficient to establish that he was "ever in possession of any firearm" or that he was the "shooter who caused the decedent's death or the victim's injuries." ***Id.*** at 29. He claims that the evidence was "entirely circumstantial" and that the Commonwealth did not present forensic evidence, a witness, or video evidence that placed him at the scene of the crime or showed that he shot the victims. ***Id.*** at 29-30. In other words, Appellant argues that the evidence was insufficient to prove he was the perpetrator. ***See id.*** at 29-30.

Further, Appellant, citing ***Commonwealth v. Karkaria***, 625 A.2d 1167 (Pa. 1993), argues that his guilty verdict was "based upon surmise or

conjecture” because the Commonwealth’s case relied heavily on the testimony of Jose Enrique Rivera,² whose testimony Appellant characterizes as “dishonest, polluted, contradictory, and self-serving.” Appellant’s Brief at 38-39. Appellant claims that, because of the alleged unreliability and contradictory nature of Enrique’s testimony, the jury should not have been permitted to find him credible. ***See id.*** at 38.

Our standard of review for challenges to the sufficiency of the evidence is as follows:

Because a determination of evidentiary sufficiency presents a question of law, our standard of review is *de novo* and our scope of review is plenary. In reviewing the sufficiency of the evidence, we must determine whether the evidence admitted at trial and all reasonable inferences drawn therefrom, viewed in the light most favorable to the Commonwealth as verdict winner, were sufficient to prove every element of the offense beyond a reasonable doubt. The facts and circumstances established by the Commonwealth need not preclude every possibility of innocence. It is within the province of the fact-finder to determine the weight to be accorded to each witness’s testimony and to believe all, part, or none of the evidence. The Commonwealth may sustain its burden of proving every element of the crime by means of wholly circumstantial evidence. Moreover, as an appellate court, we may not re-weigh the evidence and substitute our judgment for that of the factfinder.

Commonwealth v. Palmer, 192 A.3d 85, 89 (Pa. Super. 2018) (citation omitted and some formatting altered).

² Jose Enrique Rivera shares a surname and first name with other individuals mentioned throughout the trial testimony, including his older brother Jose Luis Rivera. ***See, e.g.***, N.T., 12/11/24 at 158-60. Accordingly, we refer to him as “Enrique” or “Enrique Rivera” for clarity.

“In addition to proving the statutory elements of the crimes charged beyond a reasonable doubt, the Commonwealth must also establish the identity of the defendant as the perpetrator of the crimes.”³ ***Commonwealth v. Griffin-Morgan***, 347 A.3d 1133, 1136 (Pa. Super. 2025) (citations omitted). Further, it is well-settled that identity may be proved by circumstantial evidence. ***See Commonwealth v. Torsunov***, 345 A.3d 339, 347 (Pa. Super. 2025) (stating that “even if the Commonwealth presented only circumstantial evidence and offered no positive identification of the perpetrator, we may not weigh the evidence and substitute our judgment for the fact-finder as long as the evidence was sufficient to prove the accused’s guilt”) (some formatting altered); ***Commonwealth v. Dunkins***, 229 A.3d 622, 632 (Pa. Super. 2020) (explaining that “a perpetrator’s identity may be established with circumstantial evidence”). Additionally, the absence of forensic evidence is not dispositive, and the relevant question is whether the circumstantial evidence sufficed to establish the defendant’s identity. ***See Commonwealth v. Brooks***, 875 A.2d 1141, 1147 (Pa. Super. 2005) (recognizing that “in DNA as in other areas, an absence of evidence is not evidence of absence” (some formatting altered)); ***Commonwealth v. Anger***, 107 WDA 2024, 2025 WL 1411666, at *5 (Pa. Super. filed May 15, 2025)

³ Because we conclude that Appellant’s argument goes to the sufficiency of the evidence to prove his identity as the perpetrator, we do not analyze the elements of each of the crimes for which he was convicted.

(unpublished mem.) (stating “the absence of direct evidence, such as DNA, does not preclude a conviction based wholly on circumstantial evidence”).⁴

After our review of the record, we conclude that the evidence presented at trial and all reasonable inferences drawn therefrom, viewed in the light most favorable to the Commonwealth as verdict winner, was sufficient for the jury to find that Appellant was the perpetrator. **See Palmer**, 192 A.3d at 89. Specifically, Commonwealth witness Enrique Rivera testified that, on the date of the murder, he received a video call from his half-brother, Francisco Santini. **See** N.T., 12/11/24, at 160, 191-92. During the call, Santini relayed to Enrique that Luis Romero, one of the two men that they believed were responsible for the killing of their half-brother, had returned to Philadelphia. **See id.** at 191-93. Enrique then told Santini that they needed to speak to Romero to determine if he had “a legitimate reason [for] why he left.” **Id.** at 194.

Enrique testified that approximately twenty minutes after that call ended, Santini called Enrique and told him to “bring the young [one],” referring to Appellant, whom Enrique had become acquainted with through Santini’s illicit drug business. **Id.** at 178, 180-81, 196-98. Enrique picked up Appellant and the two men drove to meet Santini on Keim Street, where they parked behind Santini’s Honda Accord. **Id.** at 187-88, 197-202. Santini exited the Accord’s passenger side door, walked up to Enrique’s car, and said

⁴ **See** Pa.R.A.P. 126(b) (stating this Court may rely on unpublished decisions of this Court filed after May 1, 2019, for their persuasive value).

“we’re switching cars.” **Id.** at 202. Santini, his girlfriend, and her minor son, got into Enrique’s vehicle and Appellant exited Enrique’s vehicle and entered the driver’s seat of Santini’s Accord. **Id.** at 202-06. Enrique did not leave his vehicle. **See id.** at 203.

Enrique testified that he, Santini, Santini’s girlfriend and her son drove around in Enrique’s vehicle for a while before ending up on Mutter Street, where they saw Santini’s Accord parked. **See id.** at 206-08. Enrique approached the Accord and saw Appellant trying to pick up shell casings from the passenger side of the car. **Id.** at 209-10. Santini and his girlfriend helped Appellant collect the casings. **Id.** at 210-11. Santini then told Enrique to get rid of the evidence, handed him the shell casings, and Enrique subsequently threw the casings into a sewer drain in the Germantown neighborhood of Philadelphia. **Id.** at 211-13. Santini later took a .40 caliber firearm from Appellant, as he “felt like [Appellant] couldn’t be trusted with [the] firearm,” and gave it to Enrique for disposal. **Id.** at 220-23. Instead of disposing of the firearm, however, Enrique testified that he turned the firearm over to his attorney, who contacted the police to turn over the firearm and engage in a proffer session. **Id.** at 223, 226-28.

Based upon information obtained from Enrique, police conducted a search of the sewer drain in Germantown where they recovered .40 caliber bullet casings, five of which matched the firearm that Enrique turned over to police. **Id.** at 229; N.T., 12/12/24, at 171-73, 204-06. The bullets recovered from Negron’s body were also .40 caliber. N.T., 12/12/24, at 163. Further,

Enrique testified that he had observed Appellant carrying a .40 caliber firearm prior to the shooting. **See** N.T., 12/11/24, at 183-84.

Detective Thorsten Lucke testified regarding a surveillance video compilation, which corroborated parts of Enrique's testimony. **See** N.T., 12/11/24, at 117. The video showed individuals switching vehicles and then showed the route the Honda Accord took from the location of the switch to the murder scene. **See id.** at 128-38. The compilation video also established that the gunfire that resulted in the victim's death came from the Honda Accord. **See id.** at 137-41.

Additionally, when police attempted to apprehend Appellant, he attempted to flee and, once he was apprehended, he began shaking and crying and repeatedly stated he was going to jail for a long time, which constitutes circumstantial evidence establishing Appellant's consciousness of guilt. **See** N.T., 12/12/24, at 227-30, 236; **see also Commonwealth v. Lukowich**, 875 A.2d 1169, 1174 (Pa. Super. 2005) (stating that "where evidence exists that a defendant committed a crime, knew he was wanted, and fled or concealed himself, such evidence is admissible to establish consciousness of guilt" (citation omitted)); **Commonwealth v. Surratt**, 331 WDA 2019, 2020 WL 1866981, at *3 (Pa. Super. filed Apr. 14, 2020) (unpublished mem.) (recognizing that "manifestations of mental distress" including "extreme nervousness, shaking and trembling" are properly admitted as consciousness of guilt evidence).

As to Appellant's argument that, pursuant to **Karkaria**, we should disregard the jury's credibility findings because Enrique's testimony was "unreliable and contradictory," we find Appellant's argument unavailing. As recognized by the **Karkaria** court, "the question of credibility is left to the jury and the verdict will not be disturbed if the jury determines the evidence is worthy of belief. **Karkaria**, 625 A.2d at 1170 (some formatting altered). However, there is an exception "to the general rule that the jury is the sole arbiter of the facts where the testimony is so inherently unreliable that a verdict based upon it could amount to no more than surmise or conjecture." **Id.** Nonetheless, this exception only applies in "extreme situations where witness testimony [wa]s so inherently unreliable and contradictory that it makes the jury's choice to believe that evidence an exercise of pure conjecture." **Commonwealth v. Brown**, 52 A.3d 1139, 1156 n.18 (Pa. 2012). In such situations, an appellate court may reverse a conviction based on insufficient evidence where the supporting testimony "is so unreliable and contradictory that it is incapable of supporting a verdict of guilty . . . as a matter of law." **Id.**

Here, Appellant alleges that the "extreme situation" in his case is the fact that the trial court issued a "corrupt and polluted source" instruction.⁵

⁵ A corrupt and polluted source instruction applies where the witness is an accomplice. Therefore, the instruction arguably conceded that Appellant, along with Enrique, had some involvement in the crime. **See Commonwealth v. Lawrence**, 165 A.3d 34, 45 (Pa. Super. 2017) (Footnote Continued Next Page)

See Appellant's Brief at 30-38. However, if issuing such a jury instruction constituted an "extreme situation" that would permit this Court to discard corrupted source testimony, the jury instruction would serve no purpose. Further, the record supports that Enrique's proffer occurred before he was a subject of the investigation and that his personal knowledge of the incriminating details of the crime were derived independently from the evidence the Commonwealth had already obtained during its investigation. **See** N.T., 12/12/24, at 202-08 (reflecting that Enrique told police about the vehicle switch before being shown the video evidence of the switch that police had already obtained); **see also** N.T., 12/13/24, at 48-49 (the Commonwealth noting during closing argument that Enrique was not visible in the video evidence, was not involved in the investigation at the time of his proffer, and concluding that "he [came] in on his own and . . . describes everything to a T, exactly how it went down"). Additionally, the jury was properly instructed, if they believed Enrique was an accomplice, to "examine

(concluding that counsel had reasonable strategic basis for declining to request a "corrupt and polluted source" instruction because it is "a reasonable strategy . . . to forego a discretionary corrupt source charge where the charge is inconsistent with a defendant's assertion that he has not committed the crime in question")

In this regard, Enrique was granted immunity and it is clear he was involved to some degree, as he testified that he helped dispose of evidence after-the-fact. However, he explicitly denied that he knew Appellant would shoot anyone. **See** N.T., 12/12/24, at 70 (testifying that he "didn't even know the shooting was going to take place"). Relatedly, Enrique denied that Santini's phone call to Enrique and instruction to bring Appellant was for the purpose of using Appellant to perform the hit. **Id.** at 71.

[his testimony] closely and accept it only with care and caution,” “view [his testimony] with disfavor because it comes from a corrupt and polluted source,” and “consider whether the testimony . . . is supported, in whole or in part, by other evidence.” N.T., 12/13/24, at 78; **see also Commonwealth v. Mollett**, 5 A.3d 291, 313 (Pa. Super. 2010) (stating that “juries are presumed to follow a court’s instructions” (citation omitted and some formatting altered)). On this record, we find **Karkaria** inapplicable and decline to disregard the jury’s credibility findings. **See Brown**, 52 A.3d at 1156 n.18

Accordingly, we conclude that the evidence presented at trial was sufficient to establish that Appellant was the shooter. **See Palmer**, 192 A.3d at 89; **Griffin-Morgan**, 347 A.3d 1136; **Torsunov**, 345 A.3d at 347. Therefore, no relief is due on this claim.

Appellant’s next issue is that the trial court erred by denying his post-sentence motion alleging that the verdict was against the weight of the evidence. **See** Appellant’s Brief at 39-40. Specifically, Appellant argues that Enrique Rivera’s testimony was the only testimony that tied Appellant to the shooting, that Enrique Rivera was a “corrupt and polluted” source, and that his testimony was self-serving. **See id.** Accordingly, Appellant argues that the verdict was against the weight of the evidence. **See id.**

In reviewing a challenge to the weight of the evidence, we are governed by the following standard of review:

A motion for a new trial based on a claim that the verdict is against the weight of the evidence is addressed to the discretion of the trial court. A new trial should not be granted because of a mere conflict in the testimony or because the judge on the same facts would have arrived at a different conclusion. Rather, the role of the trial judge is to determine that notwithstanding all the facts, certain facts are so clearly of greater weight that to ignore them or to give them equal weight with all the facts is to deny justice.

An appellate court's standard of review when presented with a weight of the evidence claim is distinct from the standard of review applied by the trial court. Appellate review of a weight claim is a review of the exercise of discretion, not of the underlying question of whether the verdict is against the weight of the evidence.

Commonwealth v. Windslowe, 158 A.3d 698, 712 (Pa. Super. 2017)

(citations omitted).

As this Court has repeatedly stated,

the weight of the evidence is exclusively for the finder of fact, who is free to believe all, none, or some of the evidence and to determine the credibility of the witnesses. Resolving contradictory testimony and questions of credibility are matters for the finder of fact. It is well-settled that we cannot substitute our judgment for that of the trier of fact.

* * *

Because the trial judge has had the opportunity to hear and see the evidence presented, an appellate court will give the gravest consideration to the findings and reasons advanced by the trial judge when reviewing a trial court's determination the verdict is against the weight of the evidence. One of the least assailable reasons for granting or denying a new trial is the lower court's conviction that the verdict was or was not against the weight of the evidence and that a new trial should be granted in the interest of justice.

Furthermore, in order for a defendant to prevail on a challenge to the weight of the evidence, the evidence must be so tenuous, vague and uncertain that the verdict shocks the conscience of the court.

Commonwealth v. Spence, 290 A.3d 301, 311 (Pa. Super. 2023) (citations omitted and formatting altered)

Here, the trial court concluded that “the evidence . . . clearly established that [Appellant] committed all the crimes of which he was convicted. Accordingly, the verdicts in this case were completely supported by the Commonwealth’s compelling evidence and in no way shocked the conscience of the court.” Trial Ct. Op., 4/29/25, at 13.

Following our review of the record, we discern no abuse of discretion by the trial court in rejecting Appellant’s weight claim. ***See Windslowe***, 158 A.3d at 712. Although Appellant claims that Enrique Rivera’s testimony was unreliable, the jury, as the finder of fact, was free to believe all, none, or some of the evidence and to determine the credibility of the witnesses. ***See Spence***, 290 A.3d at 311. We will not substitute our judgment for that of the trier of fact. ***See id.*** Accordingly, no relief is due.

Appellant’s final issue is that the trial court erred and abused its discretion by sentencing Appellant without ordering a PSI report. ***See*** Appellant’s Brief at 40-47.

Appellant’s claim implicates the discretionary aspects of his sentence. ***See Commonwealth v. Goggins***, 748 A.2d 721, 727–31 (Pa. Super. 2000) (*en banc*) (addressing a claim that the trial court erred by failing to order a PSI as a challenge to the discretionary aspects of sentencing).

“[C]hallenges to the discretionary aspects of sentencing do not entitle an appellant to review as of right.” ***Commonwealth v. Derry***, 150 A.3d 987,

991 (Pa. Super. 2016) (citations omitted). Before reaching the merits of such claims, we must determine:

(1) whether the appeal is timely; (2) whether Appellant preserved his issues; (3) whether Appellant's brief includes a [Pa.R.A.P. 2119(f)] concise statement of the reasons relied upon for allowance of appeal with respect to the discretionary aspects of sentence; and (4) whether the concise statement raises a substantial question that the sentence is inappropriate under the sentencing code.

Commonwealth v. Corley, 31 A.3d 293, 296 (Pa. Super. 2011) (citations omitted).

"To preserve an attack on the discretionary aspects of sentence, an appellant must raise his issues at sentencing or in a post-sentence motion. Issues not presented to the sentencing court are waived and cannot be raised for the first time on appeal." ***Commonwealth v. Malovich***, 903 A.2d 1247, 1251 (Pa. Super. 2006) (citations omitted); ***see also*** Pa.R.A.P. 302(a) (stating that "[i]ssues not raised in the trial court are waived and cannot be raised for the first time on appeal"). "The determination of what constitutes a substantial question must be evaluated on a case-by-case basis." ***Commonwealth v. Battles***, 169 A.3d 1086, 1090 (Pa. Super. 2017) (citation omitted). "A substantial question exists only when the appellant advances a colorable argument that the sentencing judge's actions were either: (1) inconsistent with a specific provision of the Sentencing Code; or (2) contrary to the fundamental norms which underlie the sentencing process."

Commonwealth v. Grays, 167 A.3d 793, 816 (Pa. Super. 2017) (citation omitted).

Here, the record reflects that Appellant preserved his discretionary sentencing issue by raising it in his post-sentence motion, filing a timely notice of appeal and a court-ordered Rule 1925(b) statement, and including a Rule 2119(f) statement in his brief. ***See Corley***, 31 A.3d at 296. Further, Appellant's claim raises a substantial question for our review. ***See Goggins***, 748 A.2d at 727–28 (concluding that a claim that the trial court failed to order a PSI before sentencing presents a substantial question).

Our well-settled standard of review is as follows:

Sentencing is a matter vested in the sound discretion of the sentencing judge, and a sentence will not be disturbed on appeal absent a manifest abuse of discretion. In this context, an abuse of discretion is not shown merely by an error in judgment. Rather, the appellant must establish, by reference to the record, that the sentencing court ignored or misapplied the law, exercised its judgment for reasons of partiality, prejudice, bias or ill will, or arrived at a manifestly unreasonable decision.

Commonwealth v. Raven, 97 A.3d 1244, 1253 (Pa. Super. 2014)

This Court has previously held that the law of this Commonwealth “does not require a PSI report in all instances.” ***See, e.g., Commonwealth v. Finnecy***, 135 A.3d 1028, 1032 (Pa. Super. 2016). Instead, “the essential inquiry is . . . whether the sentencing court was apprised of comprehensive information to make the punishment fit not only the crime but also the person who committed it.” ***Id.*** In other words, the purpose of the PSI report is to assist the sentencing court with crafting an individualized sentence. ***See id.***

Where a defendant is convicted of first-degree murder and the Commonwealth does not seek the death penalty, the sentencing court lacks discretion in crafting a sentence. **See** 18 Pa.C.S. § 1102(a)(1) (stating that “a person who has been convicted of a murder of the first degree . . . **shall** be sentenced . . . to a term of life imprisonment” (emphasis added)); **see also Commonwealth v. Yard**, 323 A.3d 762, 765 n.4 (Pa. 2024) (same).

In **Commonwealth v. Correa**, 1480 EDA 2023, 2024 WL 4261789 (Pa. Super. filed Sept. 23, 2024) (unpublished mem.),⁶ this Court addressed a similar situation to the instant case. In **Correa**, the defendant was convicted of first-degree murder and related offenses. **See id.** at *1. The sentencing court denied counsel’s request for a continuance to obtain a PSI report, stating that the PSI report was unnecessary in light of the mandatory life without parole sentence for first-degree murder. **See id.** at *1, 4. The sentencing court imposed the mandatory life sentence plus an additional twenty-eight and a half to fifty-seven years’ incarceration for the other convictions. **See id.** at *1. On appeal, the defendant challenged the sentencing court’s failure to order the PSI report. **See id.** at *1, 3. The defendant also argued that if his conviction for first-degree murder was overturned, he would need to be resentenced, and a PSI report would then be necessary because his other convictions did not have a mandatory sentence. **See id.** at *3.

⁶ **See** Pa.R.A.P. 126(b) (stating this Court may rely on unpublished decisions of this Court filed after May 1, 2019, for their persuasive value).

Ultimately, this Court affirmed the defendant's judgment of sentence in **Correa** and concluded that the sentencing court did not abuse its discretion in failing to order the PSI report because it placed its reason for denying the defendant's request for a PSI report, which was the defendant's mandatory life term for first-degree murder, on the record. **See id.** at *4, 9. Additionally, the **Correa** Court noted that if the defendant's first-degree murder conviction was overturned in the future, the defendant would be entitled to re-sentencing and a PSI report could be prepared at that time. **See id.** at *4. In reaching its conclusion, this Court recognized that "where a defendant is sentenced to a mandatory sentence of life without parole for first-degree murder, as a practical matter, a PSI [report] would not have affected the sentence." **Id.**

Here, Appellant was convicted of first-degree murder and the trial court imposed the mandatory sentence of life without parole for Appellant's first-degree murder conviction plus forty to eighty years' incarceration for Appellant's other convictions. **See** Trial Ct. Op., 4/29/25, at 1. As in **Correa**, the trial court concluded that a PSI report was unnecessary prior to imposing sentence due to the mandatory life sentence on the first-degree murder charge. **See** N.T. Sentencing Hr'g, 12/16/24, at 4 (stating that "a [PSI] report is waived due to the mandatory sentence"). Because the trial court was required to sentence Appellant to a sentence of life without parole, a PSI report

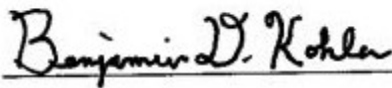
could not affect Appellant's mandatory life sentence for first-degree murder.⁷ **See Correa**, 2024 WL 4261789, at *4. Accordingly, we discern no abuse of discretion in the trial court's decision to proceed to sentencing without ordering PSI report. **Raven**, 97 A.3d 1244, 1253; **see also Finnecy**, 135 A.3d at 1032; **Correa**, 2024 WL 4261789, at *4, 9.

Judgment affirmed. Jurisdiction relinquished.

Judge Murray joins the memorandum.

President Judge Emeritus Bender files a concurring and dissenting memorandum.

Judgment Entered.

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

Benjamin D. Kohler, Esq.
Prothonotary

Date: 10/13/2026

⁷ To the extent Appellant argues that he would be subject to a minimum consecutive sentence of forty years if an appellate court were to overturn his first-degree murder sentence at a later date, we note that it would then be necessary for the trial court to conduct a resentencing hearing and impose a new sentence, at which point a PSI report would be required. **See Correa**, 2024 WL 4261789 at *4.