

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
REGGINAL DUANE WELCH III	:	
	:	
Appellant	:	No. 1293 WDA 2025

Appeal from the Judgment of Sentence Entered December 2, 2022
In the Court of Common Pleas of Erie County Criminal Division at No(s):
CP-25-CR-0001640-2021

BEFORE: LAZARUS, P.J., BOWES, J., and LANE, J.

MEMORANDUM BY LAZARUS, P.J.:

FILED: August 21, 2026

Regginal Duane Welch, III, appeals from the judgment of sentence, entered in the Court of Common Pleas of Erie County, after he was convicted by a jury of first-degree murder,¹ second-degree murder,² two counts of aggravated assault,³ simple assault,⁴ recklessly endangering another person,⁵

¹ 18 Pa.C.S.A. § 2502(a).

² *Id.* at § 2502(b).

³ *Id.* at §§ 2702 (a)(1), (a)(4).

⁴ *Id.* at § 2701(a)(2).

⁵ *Id.* at § 2705.

firearms not to be carried without a license,⁶ robbery,⁷ flight to avoid apprehension,⁸ and possession of an instrument of a crime,⁹ and sentenced to an aggregate period of life plus 66 to 132 months' incarceration. Welch argues that the evidence was insufficient to support his convictions. Upon review, we affirm.

At Welch's three-day jury trial, Welch's co-defendant, Lexus Conner,¹⁰ testified that Welch¹¹ asked her to help set up the victim, Casey Nadolny, to be robbed. **See** N.T. Jury Trial Day 1, 9/14/22,¹² at 79, 83. She said Welch identified Nadolny as a target because Nadolny was "flashing money on Facebook;" she did not personally know Nadolny.¹³ **See id.** at 80–82, 83;

⁶ **Id.** at § 6106(a)(1).

⁷ **Id.** at § 3701(a)(1)(i).

⁸ **Id.** at § 5126(a).

⁹ **Id.** at § 907(a).

¹⁰ The first, and arguably most critical, witness for the Commonwealth was Conner. We emphasize her testimony in part because Welch highlights the inconsistencies between Conner's pre-trial and trial testimony as central to his insufficiency claim. **See** Appellant's Brief, at 2.

¹¹ Throughout Conner's testimony, she and the Commonwealth referred to Welch by his nickname, "Dollaz." **See** N.T. Jury Trial Day 1, 9/14/22, at 76, 79. We use Welch's last name instead to avoid confusion.

¹² The transcript is incorrectly dated as September 14, 2023, but it was clear from the other two dates of trial that the trial was held in 2022.

¹³ Welch's girlfriend, Lynzie Schwartz, who said she had known Nadolny "all [her] life," confirmed she showed Welch this Facebook post. N.T. Jury Trial, (Footnote Continued Next Page)

Exhibit C-1. At first, Conner declined, but she agreed to help after about a week. **See id.** at 83.

Welch asked Conner to add Nadolny as a friend on Facebook about a week before the robbery-murder, which took place on March 23, 2021. **See id.** at 83–84. Conner then messaged Nadolny at Welch’s request, with Welch present and taking turns typing the messages. **See id.** at 84, 86, 89–90 & Exhibit C-2. Conner testified that these messages were sent for the purpose of setting up a meeting with Nadolny so she and Welch could rob him. **See id.** at 98.

On March 23, 2021, Conner and Nadolny made plans to meet, and Nadolny gave Conner his address. **See id.** at 99–100. Conner, Welch, and another friend, Lashay Jordan, were in the car driving around while Conner and Nadolny messaged each other about meeting. **See id.** at 102–03. Welch had a gun with him, which he kept in his waistband. **See id.** at 103–04. Conner had seen him with this gun often, both in person and in photos.¹⁴ **See id.** at 104; Exhibit C-1C.

9/15/22, at 7–8, 10. She also confirmed she and Welch discussed robbing Nadolny. **See id.** at 11. Schwartz initially agreed to help with the robbery, but, one day later, declined. **See id.** at 13–14. Welch continued to ask Schwartz for Nadolny’s address for the next couple of weeks, but she refused to provide it. **See id.** at 14–15.

¹⁴ Schwartz, Welch’s girlfriend, confirmed she had also seen Welch with this gun in the past. **See** N.T. Jury Trial Day 2, 9/15/22, at 34–35.

At some point, Conner, Welch, and Jordan saw police officers behind them, so they pulled into the parking lot of a Circle-K store so Conner could take the gun from Welch and avoid Welch getting caught with it. **See id.** at 109–10. Conner went into the bathroom and tucked the gun into the waistband of her pants, then got back in her car and pulled away. **See id.** at 110–11. Conner and Welch dropped off Jordan, who did not plan to come with them,¹⁵ and continued toward Titusville to pick up Nadolny. **See id.** Conner was driving and Welch was in the back seat. **See id.** at 113.

Before they picked up Nadolny, Welch got into the trunk, lay down, and covered himself with a blanket to conceal himself. **See id.** at 116–17. Welch told Conner he knew Nadolny would not get into the car if Nadolny saw Welch, because Nadolny and Welch did not get along due to an issue over Welch’s girlfriend. **See id.** at 115–16; **see also** n.13, *supra*. Before Welch moved to the trunk, Conner returned the gun to Welch. **See id.** at 123.

Conner messaged Nadolny to tell him she was getting close to his home, and when she arrived, he approached her car, wearing a backpack. **See id.** at 102, 117–18, 120. They had agreed to go first to a marijuana dispensary, and they talked and got to know each other as they drove. **See id.** at 101, 118. Welch remained hidden during this time. **See id.** at 120. During the

¹⁵ According to Conner, Jordan knew about the plan to rob Nadolny, but Conner did not plan to bring her to the mall, the site of the intended robbery. **See id.** at 97. When they left the Circle-K store, Welch asked Jordan whether she wanted to come to the mall with them, and she said no. **See id.** at 111–12.

last quarter of the ride, Nadolny “flashed his money” to Conner by reaching into his backpack, pulling out two rubber bands full of money, and holding them to his ear, a similar gesture to the one made in the Facebook posts. **See id.** at 120–21.

When Conner and Nadolny got to the dispensary, Nadolny went inside and Conner texted Welch, who was still in the trunk, and told him Nadolny had a lot of money in his backpack. **See id.** at 121. Nadolny returned to Conner’s car approximately five minutes later and got into the front passenger seat. **See id.** at 122. Welch remained in the trunk while Conner and Nadolny left the dispensary and drove to the mall. **See id.** at 122–23.

Conner believed Welch planned to rob Nadolny in the mall parking lot, but he did not do anything when they parked, and she and Nadolny got out and walked to the mall. **See id.** at 123–25. While they were in the mall, Conner messaged Welch on Facebook. **See id.** at 26. Welch asked where they were and she said at the stores. **See id.** Welch said he was coming in to use the bathroom. **See id.**

Conner and Nadolny left the mall and began to walk to Conner’s car. **See id.** Conner was again expecting Welch to rob Nadolny in the parking lot, but he did not. **See id.** at 127. When they got in the car, Conner saw that Welch was crouched on the floor by the rear passenger seat. **See id.** at 127–28. Conner got into the driver’s seat and Nadolny got into the front passenger seat. **See id.** at 129.

Conner pulled out of the parking lot and drove toward the highway. **See id.** at 129–30. While she was stopped at a light in front of a Country Fair store, Welch’s phone “ding[ed]” from the back seat. **See id.** at 131–32. Conner looked back and saw Welch with his back to her. **See id.** at 132. Nadolny looked back as well and said, “[W]hat the fuck?” **See id.** at 132, 137–38. Welch moved to the center passenger area with the gun in his hand, pointed at Nadolny.¹⁶ **See id.** at 133. Welch then shot Nadolny five times. **See id.** at 134–35; N.T. Jury Trial Day 3, 9/16/22, at 43–44.

Conner opened her car door and got out of the car while it was still moving. **See id.** at 135. Nadolny got out after her. **See id.** The car crashed into a telephone pole in front of the Country Fair store. **See id.** Welch remained in the car and told Conner to get back in. **See id.** at 136–37. Conner ran back to the car, entered the driver’s side door, and pulled away. **See id.** at 136–37, 144. She saw Nadolny screaming for help and running. **See id.** at 136–37. Two eyewitnesses later testified they saw Nadolny roll or tumble out of the car, stumble toward the side of the road, and, eventually, collapse. **See** N.T. Jury Trial Day 2, 9/15/22, at 85–86, 103.

As Conner drove away, Welch was sitting in the middle of the back seat, taking his sweater off, picking up shells from the back seat, and throwing them out the window. **See id.** at 145. While she continued to drive down the street,

¹⁶ Conner testified this was the same gun she always saw him with in the past, and which she had taken from him earlier that day and then returned. **See** N.T. Jury Trial Day 1, 9/14/22, at 104, 109–11, 123.

she felt something underneath her, reached down, and pulled out a gun she had never seen before. **See id.** at 146. Welch said it was not his and must be Nadolny's, and Conner threw it on the passenger seat. **See id.** Conner also noticed Nadolny left his phone plugged into her car and threw it out the window. **See id.** at 147.

Conner and Welch drove to Conner's father's house. **See id.** at 148. When they got there, Welch took the backpack, and Conner took Nadolny's shopping bags and her shopping bags and brought everything to Conner's room. **See id.** at 150–52. Conner turned on the news, and Welch dumped out the backpack, which contained approximately \$2,200.00, bundled into rubber bands, as well as the marijuana from the dispensary. **See id.** Nadolny's gun was also in the backpack. **See id.** at 153, 166.

Welch changed his clothing, throwing his pants into Conner's laundry hamper and his shirt into Nadolny's bag. **See id.** at 155, 159. Conner later overheard Welch on the phone, saying "I left that there, hold that for me, take care of that for me;" he later told her he was talking about his gun, though he did not specify to whom he was speaking. **See id.** at 166–69.

Conner and Welch smoked marijuana and went to sleep. **See id.** at 170. Conner woke up at 3:00 AM or 4:00 AM and Welch was gone.¹⁷ **See id.**

¹⁷ Schwartz, Welch's girlfriend, later testified that Welch called her saying he needed a ride, and she got him a ride with a friend sometime between 12:00 AM and 1:00 AM. **See** N.T. Jury Trial Day 2, 9/15/22, at 18–19. The friend brought him to her house around 1:00 AM. **See id.** at 23. Schwartz said he
(Footnote Continued Next Page)

The police recovered three bullet heads from the car and a fragment of another bullet from the victim, none of which were found to have been fired by the double-action revolver found in the backpack. **See** N.T. Jury Trial Day 3, 9/16/22, at 5–15, 26–27. The forensic pathologist testified that Nadolny was shot five times; the fatal shot passed through his chest and lodged in his abdomen. **See id.** at 43–44, 61–64.

The police went to Conner’s home and saw a car on her street that matched the description of the car the suspects drove. **See id.** at 125–26. They spoke to Conner’s father, who gave them a black backpack from inside the house. **See id.** at 126, 128–29. The following day, the police executed a search warrant on the home and found, *inter alia*, shopping bags, clothing, and two cell phones. **See id.** at 135–38. Conner came home and gave them dirty clothing from a hamper and additional clothing from the washing machine. **See id.** at 138–40. A DNA analysis concluded that DNA found on sweatpants from Conner’s hamper matched Welch’s DNA. **See id.** at 148–49.

An arrest warrant was issued for Welch on March 24, 2021, for felony homicide and related charges. **See** N.T. Jury Trial Day 3, 9/16/22, at 10–11. The police located and arrested him on March 29, 2021. **See id.** at 11–12. At the close of trial, Welch was convicted of the above-cited charges.

was “in a good mood,” “hyped up,” and “talking to himself, like, “you should have seen it.” **See id.** The following morning, he showed her a news story saying he was wanted for criminal homicide for killing Nadolny and said he had to “go on the run.” **See id.** at 25–26. He left shortly thereafter, while she was out. **See id.** at 28.

Welch was sentenced on December 2, 2022. No post-sentence motions were filed. Welch filed a timely notice of appeal on December 29, 2022, but this Court dismissed the appeal on February 21, 2024, when Welch's counsel failed to file a brief. ***See Commonwealth v. Welch***, 20 WDA 2023 (Order, 2/21/24). On March 4, 2024, Welch filed a motion to reinstate his post-sentence and appellate rights, and a counseled notice of appeal. This Court quashed this second appeal on May 22, 2025, finding the trial court had no jurisdiction to consider the motion because the record had not yet been remanded by this Court, pending the expiration of Welch's time to seek further relief. ***See Commonwealth v. Welch***, 341 A.3d 127 (filed May 22, 2025) (Table).

On August 22, 2025, counsel for Welch filed a petition pursuant to the Post Conviction Relief Act (PCRA), 42 Pa.C.S.A. §§ 9541–9542. The PCRA petition was granted on August 25, 2025, and Welch's post-sentence motion and direct appeal rights were reinstated. Welch filed a *nunc pro tunc* post-sentence motion on September 3, 2025, raising a challenge to sufficiency of the evidence, which was denied on September 10, 2025. Welch filed the instant, timely appeal on October 8, 2025. The trial court issued an opinion pursuant to Pa.R.A.P. 1925(a) on November 5, 2025, incorporating by reference its prior opinions from the earlier appeals.

Welch raises the following issue for our review: Whether “[t]he Commonwealth failed to present sufficient evidence to support the charges for

which [] Welch was found guilty, especially when [] Welch's co-defendant's testimony at trial differed from her prior statements." Appellant's Brief, at 2.

Before we address the merits of Welch's appeal, we consider whether he has preserved his sufficiency claim for our review. "[W]hen challenging the sufficiency of the evidence on appeal, [an appellant's Rule] 1925[(b)] statement must specify the element or elements upon which the evidence was insufficient in order to preserve the issue for appeal." **Commonwealth v. Gibbs**, 981 A.2d 274, 281 (Pa. Super. 2009), quoting **Commonwealth v. Williams**, 959 A.2d 1252, 1257 (Pa. Super. 2008) (internal quotation marks omitted); **see also Commonwealth v. Tyack**, 128 A.3d 254, 260 (Pa. Super. 2015). "Such specificity is of particular importance in cases where, as here, the [a]ppellant was convicted of multiple crimes[,] each of which contains numerous elements that the Commonwealth must prove beyond a reasonable doubt." **Gibbs**, 981 A.2d at 281, citing **Williams**, 959 A.2d at 1258 n.9.¹⁸

Welch's Pa.R.A.P. 1925(b) concise statement of errors complained of on appeal raises the following alleged error:

The Commonwealth failed to present sufficient evidence to support the charges for which [] Welch was found guilty. Specifically, not enough evidence was presented to establish that [] Welch intentionally killed [] Nadolny, that he conspired or planned with anyone else to murder [] Nadolny or rob [] Nadolny,

¹⁸ The trial court did not find this issue waived and addressed Welch's claims on the merits. However, "this is of no moment to our analysis because we apply Pa.R.A.P. 1925(b) in a predictable, uniform fashion, not in a selective manner dependent on an appellee's argument or a trial court's choice to address an unpreserved claim." **Gibbs**, 981 A.2d at 281, quoting **Williams**, 959 A.2d at 1257 (internal quotation marks omitted).

that he manifested an extreme indifference to the value of human life, that he intentionally caused bodily injury to [] Nadolny, that he placed [] Nadolny in danger of death or serious bodily injury, that he fled to avoid apprehension, or that he intended to deploy a weapon in a criminal manner, especially since [] Welch's co-defendant's testimony at trial differed from her testimony at the preliminary hearing.

Appellant's Statement of Matters Complained of on Appeal, 10/19/25, at 2 ¶ 6 (unpaginated). Welch's Rule 1925(b) statement amounts to nothing more than a restatement of the statutory language for some of the crimes of which he was convicted, with no explanation of which elements he is challenging or the basis for those challenges.¹⁹

¹⁹ Welch's challenge to his first-degree murder conviction is the only claim he may have plausibly preserved in his Rule 1925(b) statement. First-degree murder only has three elements, and Welch, in saying there was not enough evidence presented "to establish that [he] intentionally killed [] Nadolny," arguably articulated a challenge to Welch's perpetration of the killing, the presence—or absence—of a specific intent to kill, or both. **See** Appellant's Statement of Matters Complained of on Appeal, 10/19/25, at 2 ¶ 6 (unpaginated); **see also, e.g., Commonwealth v. Housman**, 226 A.3d 1249, 1271 (Pa. 2020) (to establish first-degree murder, Commonwealth must prove that "a human being was unlawfully killed; the person accused is responsible for the killing; and the accused acted with specific intent to kill."). To the extent this challenge was preserved for Rule 1925(b) purposes, it is nonetheless waived because it is an unpreserved challenge to the weight of the evidence rather than its sufficiency. **See infra**. In his brief, Welch argues that the Commonwealth did not introduce evidence that there was "any sort of plan or intent on [] Welch's behalf to murder anyone," nor was there "discussion of murder, according to all of the testimony in the case and even the prior statements of Conner." **See** Appellant's Brief, at 15. The Commonwealth did introduce evidence that Welch pointed his gun at Nadolny and shot him five times while they were inside a car together; therefore, complaining about the lack of evidence about discussions between Conner and Welch, or anyone else, specifically referencing murder is simply a quarrel with the quantum of evidence the Commonwealth introduced to prove intent, a determination that must be made by the factfinder. **See Bostick, infra; see** (Footnote Continued Next Page)

Even if Welch had properly preserved his claims in his statement of errors pursuant to Rule 1925(b), they are nonetheless waived because, while he styles them as sufficiency claims, they are substantively challenges to the weight of the evidence, which were not preserved. Our standard of review for a sufficiency claim is well-established:

[W]hether[,] viewing **all the evidence admitted at trial in the light most favorable to the verdict winner**, there is sufficient evidence to enable the fact-finder to find every element of the crime beyond a reasonable doubt. In applying the above test, **we may not [re-]weigh the evidence and substitute our judgment for the fact-finder**. In addition, we note that the facts and circumstances established by the Commonwealth need not preclude every possibility of innocence. Any doubts regarding a defendant's guilt may be resolved by the fact-finder unless the evidence is so weak and inconclusive that[,] as a matter of law[,] no probability of fact may be drawn from the combined circumstances. The Commonwealth may sustain its burden of proving every element of the crime beyond a reasonable doubt by means of wholly circumstantial evidence. Moreover, in applying the above test, the entire record must be evaluated and all evidence actually received must be considered. Finally, **the trier of fact[,] while passing upon the credibility of witnesses and the weight of the evidence produced[,] is free to**

also *Commonwealth v. Lyons*, 79 A.3d 1053, 1062 (Pa. 2013) (evidence accused used dangerous weapon on vital part of body, causing death, sufficient to demonstrate specific intent to kill); ***Commonwealth v. O'Searo***, 352 A.2d 30, 37–38 (Pa. 1976) (intent to kill can be formulated in fraction of second). Welch also notes that two different firearms may have been used in the killing, one of which may have belonged to Nadolny, and one of the shell casings was found in the front seat rather than the back seat. **See** Appellant's Brief, at 15. To the extent he argues this calls into question whether he was the killer, again, this is an effort to have us re-weigh evidence already considered, and apparently rejected, by the factfinder. Finally, Welch speculates that testimony that Nadolny and Welch had previously argued might have supported a claim of self-defense. **See *id.*** at 16. This, once again, is a request that we re-weigh evidence the factfinder has already considered, which we may not do as part of a sufficiency review.

believe all, part[,] or none of the evidence. Furthermore, when reviewing a sufficiency claim, our Court is required to give the prosecution the benefit of all reasonable inferences to be drawn from the evidence.

Commonwealth v. Bostick, 958 A.2d 543, 560 (Pa. Super. 2008), quoting ***Commonwealth v. Smith***, 956 A.2d 1029, 1035–36 (Pa. Super. 2008) (en banc) (emphasis added).

In his Rule 1925(b) statement, Welch prominently alleges that the testimony of his co-defendant, Conner, “differed from her testimony at the preliminary hearing.” Appellant’s Statement of Matters Complained of on Appeal, 10/19/25, at 2 ¶ 6 (unpaginated). To the extent Welch claims that this undermined Conner’s credibility, the credibility of witnesses goes to the weight rather than the sufficiency of the evidence. **See, e.g., *Commonwealth v. Small***, 741 A.2d 666, 672 (Pa. 1999) (finding defendant’s argument that inconsistencies in testimony should lead to conclusion that evidence was insufficient meritless, because “[a]lthough [defendant] phrases this as a sufficiency argument, the challenge goes to the weight of the evidence”); ***Commonwealth v. Wilson***, 825 A.2d 710, 713–14 (Pa. Super. 2003) (finding sufficiency challenge does not include assessment of credibility of witnesses, and this is more properly characterized as a challenge to weight of the evidence). In his brief, Welch complains that evidence regarding each crime was inconsistent, deficient, or contradictory. **See** Appellant’s Brief, at 14–20. Thus, we find Welch “has blurred the concepts of weight and sufficiency of the evidence,” and we treat his challenge as a claim that the

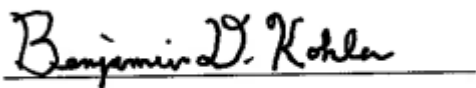
verdict was against the weight of the evidence. **See Wilson**, 825 A.2d at 713-14.

It is well-settled that “[a] challenge to the weight of the evidence must first be raised in the trial court for it to be the subject of appellate review.” **See Wilson**, 825 A.2d at 714. Specifically, it must be raised in a motion for a new trial, either before sentencing or in a post-sentence motion. Pa.R.Crim.P. 607(A). Appellate review is then “limited to a review of the judge’s exercise of discretion.” **Id.** at cmt., citing **Commonwealth v. Widmer**, 689 A.2d 211 (Pa. 1997); **Commonwealth v. Brown**, 648 A.2d 1177 (Pa. 1994). Though Welch filed a *nunc pro tunc* post-sentence motion, he did not challenge the weight of the evidence in that motion. **See** Motion for Post-Sentence Relief, 9/3/25. Thus, he cannot raise this claim for the first time on appeal. **Wilson, supra.**

We conclude that Welch’s sufficiency claim was waived. Accordingly, he is not entitled to relief.

Judgment of sentence affirmed.

Judgment Entered.

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

Benjamin D. Kohler, Esq.
Prothonotary

DATE: 08/21/2026