

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
TODD ANTHONY ROBINSON	:	
	:	
Appellant	:	No. 1433 WDA 2024

Appeal from the Judgment of Sentence Entered June 20, 2024
In the Court of Common Pleas of Allegheny County Criminal Division at
No(s): CP-02-CR-0008906-2017

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

MEMORANDUM BY LAZARUS, P.J.: **FILED: August 21, 2026**

Todd Anthony Robinson appeals¹ from the judgment of sentence, entered in the Court of Common Pleas of Allegheny County, following his convictions of one count each of persons not to possess a firearm,² possession of a firearm without a license,³ recklessly endangering another person

¹ Robinson's judgment of sentence was imposed on June 20, 2024. Robinson's counsel filed a timely post-sentence motion, which the trial court denied on July 17, 2024. On July 18, 2024, the court granted Robinson's trial counsel permission to withdraw and appointed new counsel. Additionally, the trial court granted new counsel 90 days to file supplemental post-sentence motions. On October 15, 2024, counsel filed supplemental post-sentence motions, which the trial court denied on October 23, 2024. Robinson filed the instant timely notice of appeal.

² 18 Pa.C.S.A. § 6105(a)(1).

³ *Id.* at § 6106(a)(1).

(REAP),⁴ and fleeing or attempting to elude police officer.⁵ After careful review, we affirm.

On April 24, 2017, at approximately 4:00 a.m., Sergeant Matthew Morrison of the Wilkesburg Police Department was on patrol issuing parking tickets for vehicles illegally parked in an alley of the 1000 block of Taylor Way. After writing a ticket for a black Hyundai, he approached the vehicle to put the ticket on the windshield and observed Robinson asleep in the front seat. Sergeant Morrison's rechargeable flashlight died, and he called Officer Christopher Duncan to assist him. Sergeant Morrison and Officer Duncan (collectively, the "officers") then approached Robinson, who told them that he was waiting for a nearby business to open. Robinson provided his driver's license and proof of ownership of the vehicle. Sergeant Morrison contacted dispatch and checked for any outstanding warrants and was notified that there were no warrants for Robinson. The officers informed Robinson he was free to go, and he drove away from the scene.

Approximately two to three minutes later, dispatch called Sgt. Morrison and informed him that Robinson did, in fact, have an outstanding warrant for a parole violation. Officers Morrison and Duncan agreed to try to locate Robinson's vehicle. Approximately one hour later, Sgt. Morrison saw

⁴ ***Id.*** at § 2705.

⁵ 75 Pa.C.S.A. § 3733.

Robinson's vehicle in the McDonald's⁶ parking lot on Penn Avenue in Wilkinsburg. Sergeant Morrison contacted Officer Duncan, who arrived a few moments later. The officers decided to wait to approach Robinson until he left the restaurant.

As Robinson exited the McDonald's, Officer Duncan positioned his vehicle to the rear of Robinson's vehicle with his lights activated. Officer Duncan approached Robinson on foot and told him that the officers had to speak to him. Robinson made eye contact with Officer Duncan and ran to his vehicle. Robinson started his car, and Officer Duncan ran to the driver's side, where he told Robinson to turn off and exit the vehicle. Instead, while Officer Duncan was holding the driver side door handle, Robinson shifted into reverse and backed into Officer Duncan's patrol vehicle, knocking Officer Duncan onto the ground. Sergeant Morrison drew his firearm and told Robinson to "stop or I'll shoot." N.T. Jury Trial, 2/23/24, at 98-99. Robinson, ignoring Sgt. Morrison's command, shifted the car into drive and drove into the high curb and guardrail before shifting back into reverse, nearly missing Sgt. Morrison, and slamming into Officer Duncan's patrol car a second time. Officer Duncan drew his firearm and fired twice into Robinson's vehicle, striking Robinson in the arm once. Nevertheless, Robinson persisted and was able to maneuver his vehicle out of the McDonald's parking lot.

⁶ Police later recovered surveillance footage, from the adjacent GetGo gas station, depicting the events at the Wilkinsburg McDonald's. **See** N.T. Jury Trial, 2/23/24, at 53 (Sergeant Morrison describing video footage).

The officers engaged in a vehicle pursuit and, shortly thereafter, Robinson crashed into a utility pole. Moments later, the officers found Robinson's vehicle empty, and a passerby told the officers where Robinson had fled. The officers located Robinson, who was bleeding profusely from the gunshot wound, and called paramedics who transported Robinson to the hospital.

Subsequently, the police sought and secured a search warrant for Robinson's vehicle. The police executed the search warrant and discovered a bag that contained a handgun. The handgun was tested for fingerprints and Robinson's fingerprints were on the handle of the gun. Robinson was a person not to possess firearms.

At trial, Robinson testified in his own defense. Robinson testified that he knew he had a parole warrant for a violation, but that he was waiting until the end of the day to turn himself in. **See id.** at 252. Regarding the incident at McDonald's, Robinson testified that the officers were waiting for him when he exited the McDonald's. **See id.** at 255. Robinson stated that Officer Duncan, without explanation, tried to grab him. **See id.** Robinson testified that he attempted to get out of Officer Duncan's grasp, at which point Officer Duncan aimed his firearm at Robinson. **See id.** Robinson explained that he feared for his life and, as a result, placed his car in reverse and attempted to escape. **See id.** Robinson struck Officer Duncan's vehicle, which enhanced his fear because he felt boxed in. **See id.** Robinson testified that it was not his intention to hurt either officer, but that he struck Officer Duncan's patrol

car because he was terrified by the officers' lack of communication, coupled with being boxed in, Officer Duncan aiming a gun at him, and, ultimately, shooting him in the arm. **See id.** at 256-61, 268. Additionally, Robinson stated that he did not know there was a firearm in his vehicle. **See id.** at 266.

On April 24, 2017, the Commonwealth charged Robinson with the above-mentioned offenses. After significant and lengthy pre-trial proceedings⁷ including, but not limited to, the filing of several omnibus pre-trial motions, motions to withdraw, changes in counsel, and Robinson's various attempts to engage in hybrid representation, this case ultimately proceeded to a jury trial and, on February 23, 2024, the jury convicted Robinson of the above-mentioned offenses.⁸

On June 20, 2024, the trial court conducted a sentencing hearing and sentenced Robinson to an aggregate term of 13 to 26 years' imprisonment. On June 20, 2024, Robinson filed a timely post-sentence motion, which was denied on July 17, 2024. Additionally, on July 17, 2024, the trial court issued another order which **granted** Robinson an additional 90 days to file supplemental post-sentence motions. On the same day, Robinson's counsel withdrew and, on July 18, 2024, the trial court appointed new counsel for Robinson. Counsel did not file a notice of appeal, rather, on October 15, 2024,

⁷ We decline to summarize these here because, as discussed *infra*, there are dozens of pre-trial filings, over seven years of litigation, and Robinson has failed to direct this Court to which filings preserve his various claims.

⁸ We note that the jury acquitted Robinson of REAP against Sergeant Morrison.

counsel filed a “supplemental post-sentence motion.” Robinson’s supplemental post-sentence motion was denied on October 23, 2024.

Preliminarily we must discern whether Robinson’s notice of appeal, filed on November 21, 2024, was timely filed. As this question invokes our jurisdiction, we may raise it *sua sponte*. ***See Commonwealth v. Grove***, 170 A.3d 1127, 1136-37 (Pa. Super. 2017) (“This Court may consider the issue of jurisdiction *sua sponte*.”).

As summarized above, Robinson timely filed his first post-sentence motion on June 20, 2024. ***See*** Pa.R.Crim.P. 720(A)(1) (providing 10 days from judgment of sentence to timely file post-sentence motion). Thus, this filing successfully tolled his 30-day notice of appeal window. ***See id.*** Notably, the trial court, on July 17, 2024 denied Robinson’s first post-sentence motion. ***See*** Order Denying Post-Sentence Motion, 7/17/24, at 1. However, the same day, the trial court also expressly granted Robinson an additional 90 days to file a supplemental post-sentence motion. ***See*** Order Granting Time to File Supplemental Post-Sentence Motions, 7/17/24, at 1.

Pennsylvania Rule of Criminal Procedure 720(B)(1)(b) provides that a “defendant may file a supplemental post-sentence motion in the judge’s discretion as long as the decision on the supplemental motion can be **made in compliance with the time limits of paragraph (B)(3).**” Pa.R.Crim.P. 720(B)(1)(b) (emphasis added). Rule 720(B)(3) provides:

Time Limits for Decision on Motion. The judge shall not vacate sentence pending decision on the post-sentence motion, but shall decide the motion as provided in this paragraph.

(a) Except as provided in paragraph (B)(3)(b), the judge shall decide the post-sentence motion **including any supplemental motion**, within 120 days of the filing of the motion. If the judge fails to decide the motion within 120 days, or to grant an extension as provided in paragraph (B)(3)(b), the motion shall be deemed denied by operation of law.

(b) Upon motion of the defendant within the 120-day disposition period, for good cause shown, the judge may grant one 30-day extension for decision on the motion. If the judge fails to decide the motion within the 30-day extension period, the motion shall be deemed denied by operation of law.

(c) When a post-sentence motion is denied by operation of law, the clerk of courts shall forthwith enter an order on behalf of the court[.]

Pa.R.Crim.P. 720(B)(3)(a)-(c) (emphasis added). Once a post-sentence motion is denied by the trial court or by operation of law the defendant has 30 days in which to file a timely notice of appeal. **See id.** at (A)(2)(a) and (b).

Here, Robinson filed his original post-sentence motion on June 20, 2024, and, consequently, the trial court had until October 18, 2024, to dispose of the post-sentence motion or the post-sentence motion would be deemed denied by operation of law. **See** Pa.R.Crim.P. 720(B)(3)(c).⁹ The trial court did not dispose of Robinson's post-sentence motions by October 18, 2024 and, instead, entered an order denying his supplemental post-sentence motion on

⁹ Notably, Robinson did not request the 30-day extension for the trial court to decide the merits of his post-sentence motions pursuant to Rule 720(B)(3)(b) and, thus, it is inapplicable to our analysis.

October 23, 2024, five days after the expiration of the 120-day window. **See id.** at (B)(3)(a). Consequently, Robinson's post-sentence motions were deemed denied by operation of law pursuant to Rule 720(B)(3)(a) on **October 18, 2024** and, thus, his notice of appeal was due by **November 17, 2024**. **See id.** at (A)(2)(b) (appeal must be filed within 30 days of post-sentence motion denied by operation of law). Thus, Robinson's notice of appeal, filed on November 21, 2024, is facially untimely.

Nevertheless, a review of the record reveals that the clerk of courts **did not** enter the requisite order denying Robinson's supplemental post-sentence motion by operation of law and, thus, a breakdown in court operations occurred. **See Commonwealth v. Perry**, 820 A.2d 734, 735 (Pa. Super. 2003) (where clerk of courts does not enter order indicating appellant's post-sentence motion is denied by operation of law and notify appellant of same, "a breakdown in the court system has occurred and we will not find an appeal untimely under these circumstances"). Accordingly, we deem Robinson's November 21, 2024 notice of appeal to be timely filed.

Subsequent to the timely filing of his notice of appeal, Robinson filed a court-ordered Pa.R.A.P. 1925(b) concise statement of errors raised on appeal. **See** 1925(b) Concise Statement, 12/17/24, at 1-3. Initially, Robinson raised only four claims. **See id.** at 3. However, on May 13, 2025, Robinson petitioned this Court to remand the instant appeal to the trial court so that he might file a supplemental concise statement. **See** Application to Remand, 5/13/25, at 1-2. On May 16, 2025, this Court granted Robinson's petition and

remanded the matter to the trial court to discern whether Robinson should be granted leave to file a supplemental Rule 1925(b) statement. On June 5, 2025, the trial court entered an order granting Robinson leave to file a supplemental Rule 1925(b) statement. Subsequently, Robinson filed his supplemental Rule 1925(b) statement, in which he raised an additional nine claims, and the trial court filed a supplemental Rule 1925(a) opinion.

Robinson now raises the following claims for our review:

1. Did the Commonwealth present sufficient evidence to disprove [Robinson]'s justification defense?
2. Did the Commonwealth present sufficient evidence to support [Robinson]'s conviction of [] reckless endangerment as to Officer Duncan?
3. Did the trial court violate [Robinson]'s rights under U.S. Const. Amend. VI, and Pa. Const. Art. I, § 9 when it refused to allow [him] to represent himself?
4. Did the trial court violate [Robinson]'s rights under U.S. Const. Amend. VI, and Pa. Const. Art. 1 § 9 when it excluded [him] from participation in selection of his jury because he chose to appear in prison garb?
5. Should the Commonwealth's evidence of the incident at McDonald's have been suppressed because the incident occurred as the result of a warrant discovered only as the result of an unconstitutional investigatory detention?
6. Should the Commonwealth's evidence from the search of [Robinson]'s vehicle after the conclusion of the incident have been suppressed?
7. Did the court abuse its discretion in allowing the August 3, 2018 amended information?

8. Did the court err in not granting relief under Pa.R.Crim.P. 600 in violation of [Robinson]'s rights under U.S. Const. Amend. VI, and Pa. Const. Art. I, § 9?

9. Did the court err in not granting severance of the 18 Pa.C.S.[A.] § 6105[(a)(1)] person not to possess charge in violation of [Robinson]'s rights under U.S. Const. Amend. VI, and Pa. Const. Art. I, § 9?

Brief for Appellant, at 7-8 (unnecessary capitalization omitted).

[10.] "Was there a violation of ***Napue v. Illinois***, 360 U.S. 264 (1959) and ***Brady v. Maryland***, 373 U.S. 83 (1963) in this case?"

Supplemental Brief for Appellant, at 5.¹⁰

First, we observe that Robinson's third, fourth, fifth, sixth, seventh, eighth, ninth, and tenth claims are waived for failure to adequately develop them in his appellate brief. In particular, the brief does not discuss or cite to relevant authority on any of these claims. **See** Pa.R.A.P. 2119(a) (providing appellant's arguments shall include "such discussion and citation of authorities as are deemed pertinent"). Additionally, Robinson does not direct this Court to where, in the voluminous record, these claims have been preserved. We note that the certified record before us is littered with pre-trial motions from multiple different attorneys and from Robinson *pro se*, in violation of our ban on hybrid representation. Yet, Robinson does not direct us to which motions

¹⁰ We note that on May 11, 2026, Robinson's counsel filed an application to file a supplemental brief with this Court and, on June 4, 2026, this Court granted counsel's request. **See** Order, 6/4/26, at 1. In particular, this Court ordered that, within 20 days, Robinson's counsel file a supplemental appellate brief containing potentially meritorious issues that were preserved and ripe for appeal. **See id.** Robinson's counsel has filed a supplemental brief with this Court.

preserve these issues or which orders the trial court entered in error. **See** Pa.R.A.P. 2119(e) (“[w]here under the applicable law an issue is not reviewable on appeal unless raised or preserved below, the argument must set forth . . . either a specific cross-reference to the page or pages of the statement of the case which set forth the information relating thereto as required by Pa.R.A.P. 2117(c), or substantially the same information”); **Commonwealth v. Johnson**, 985 A.2d 915, 924 (Pa. 2009) (“where an appellate brief fails to . . . develop the issue in any [] meaningful fashion capable of review, that claim is waived”); **Commonwealth v. Hardy**, 918 A.2d 766, 771 (Pa. Super. 2007) (explaining appellant must “present arguments that are sufficiently developed for our review. . . . This Court will not act as counsel and will not develop arguments on behalf of an appellant.”). Accordingly, Robinson’s third, fourth, fifth, sixth, seventh, eighth, ninth, tenth¹¹ claims are waived.

In his first claim, Robinson argues that the Commonwealth failed to present sufficient evidence to disprove his justification defense for his convictions of REAP and fleeing and eluding. **See** Brief for Appellant, at 20-

¹¹ We note with displeasure that even in his supplemental brief, Robinson fails to direct this Court to anywhere in the record where his claim is preserved. As we directed in our May 26, 2026 Order granting supplemental briefing, Robinson was only permitted to raise claims that were **preserved** for our review. **See** Order, 5/26/26, at 1. It is not the responsibility of this Court to fashion an appellant’s arguments for him, and we will not comb through dozens of pre-trial motions and notes of testimony from hearings to discern whether or not an appellant actually raised the claims he now challenges on appeal. **See Hardy, supra; Johnson, supra**; Pa.R.A.P. 2119(e).

26. In particular, Robinson asserts that his claim of self-defense is premised upon his reasonable belief that he feared for his life and, thus, when he operated his vehicle despite the officers' demands, he did so in an attempt to defend himself. **See id.** Robinson emphasizes that Officer Duncan aimed his service firearm at Robinson prior to Robinson's operation of the vehicle. **See id.** Robinson contends that the Commonwealth's evidence failed to prove he acted unreasonably and, therefore, he requests dismissal of his REAP and fleeing and eluding convictions. **See id.** We disagree.

We adhere to the following standard of review:

The standard we apply in reviewing the sufficiency of the evidence is whether[,] 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 believe all, part[,] or none of the evidence.

Commonwealth v. Smith, 97 A.3d 782, 790 (Pa. Super. 2014) (citation omitted).

A person commits the crime of REAP when he “recklessly engages in conduct which places or may place another person in danger of death or serious bodily injury.” 18 Pa.C.S.A. § 2705.

The crime of fleeing or eluding a police officer, and its relevant defense, is defined as: “Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise feels or attempts to elude a pursuing police officer, when given a visual and audible signal to bring the vehicle to a stop[.]” *Id.* at § 2705(a).¹²

A claim of self-defense is governed by statute, 18 Pa.C.S.A. § 505, which states, in relevant part, as follows:

(a) Use of force justifiable for protection of the person.--

The use of force upon or toward another person is justifiable when the actor believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force by such other person on the present occasion.

(b) Limitations on justifying necessity for use of force.--

* * *

(2) The use of deadly force is not justifiable under this section unless the actor believes that such force is necessary to protect himself against death, serious bodily injury, kidnapping[,], or sexual intercourse compelled by force or threat; nor is it justifiable if:

¹² We note that Robinson does not raise the defense in section 2705(c)(2), pertaining to failure to stop based upon a good faith concern for personal safety. *See id.* at (c)(2). Even if he had, we would conclude that claim fails for the reasons described below.

(i) the actor, with the intent of causing death or serious bodily injury, provoked the use of force against himself in the same encounter.

Id. at (a), (b)(2)(i).

When a defendant raises self-defense pursuant to section 505, the burden is on the Commonwealth to prove, beyond a reasonable doubt, that the defendant's act was not justifiable self-defense. ***See Commonwealth v. McClendon***, 874 A.2d 1223, 1229-30 (Pa. Super. 2005). This Court has previously explained:

The Commonwealth sustains this burden if it establishes . . . (1) the accused did not reasonably believe that he was in danger of death or serious bodily injury; (2) the accused provoked or continued the use of force; or (3) the accused had a duty to retreat and the retreat was possible with complete safety. . . . It remains the province of the jury to determine whether the accused's belief was reasonable, whether he was free of provocation, and whether he had no duty to retreat.

Id. at 1230 (citations and quotations omitted).

Our Supreme Court has expounded on the "reasonable belief" a defendant must possess:

The requirement of reasonable belief encompasses two aspects, one subjective and one objective. First, the defendant must have acted out of an honest, bona fide, belief that he was in imminent danger, which involves consideration of the defendant's subjective state of mind. Second, the defendant's belief that he needed to defend himself with deadly force, if it existed, must be reasonable in light of the facts as they appeared to the defendant, a consideration that involves an objective analysis.

Commonwealth v. Mouzon, 53 A.3d 738, 752 (Pa. 2012).

Further, "[w]hen the defendant's own testimony is the only evidence of self-defense, the Commonwealth must still disprove the asserted justification

and cannot simply rely on the jury's disbelief of the defendant's testimony." ***Commonwealth v. Smith***, 97 A.3d 782, 787-88 (Pa. Super. 2014). The Commonwealth may satisfy its burden through wholly circumstantial evidence. ***See id.***

Here, Robinson testified that he exited the McDonald's and entered his vehicle. ***See*** N.T. Jury Trial, 2/23/24, at 254-55. Immediately after entering his vehicle, Robinson testified that he saw the police lights activate before Officer Duncan approached his vehicle. ***See id.*** at 255. Additionally, Robinson testified that he knew he was in violation of his parole. ***See id.*** at 250-53 (Robinson summarizing his own parole violation before jury). Robinson also testified that Officer Duncan attempted to grab him through the open window of his car before drawing his weapon. ***See id.*** at 255 ("Officer Duncan comes in and tries to grab ahold of me . . . I responded by pushing his hand, get off of me, and he reached for his firearm."). Robinson explained that, at this point, he feared for his life and he put the car into reverse to try and escape. ***See id.*** at 256. Robinson stated that he did not realize the police cruiser was directly behind him when he attempted to flee. ***See id.*** Robinson testified that when he struck the police cruiser for the first time he felt "boxed in" and that enhanced his fear. ***See id.*** Robinson testified that Officer Duncan had reached for his firearm and said "[S]top or I'll shoot," before Robinson maneuvered his vehicle out of the parking space. ***See id.*** at 256-58. After Robinson struck the police cruiser a second time and attempted to continue

to leave the McDonald's parking lot, he heard gunfire and felt a bullet penetrate his left arm and travel towards his chest. **See id.** at 258.

At trial, the Commonwealth presented Sgt. Morrison's testimony, Officer Duncan's testimony, and the GetGo's surveillance video, which, like Robinson's testimony, were both considered by the jury. Sergeant Morrison testified that Officer Duncan approached Robinson as Robinson was walking towards his vehicle. **See id.** at 54-55. Sergeant Morrison explained that neither officer had their firearms drawn at this point. **See id.** Sergeant Morrison testified that as Officer Duncan told Robinson "[S]ir, we need to talk to you," Robinson "immediately" jumped into his vehicle, put it in reverse, and accelerated towards the officers, ultimately striking Officer Duncan's cruiser and knocking Officer Duncan to the ground. **See id.** at 55. Sergeant Morrison testified that after striking the cruiser, Robinson shifted his vehicle into drive and sped into the curb in an attempt to "drive up on the curb of the restaurant to try to get around." **Id.** at 56. However, Robinson's attempt to do so failed due to the height of the curb. **See id.** Sergeant Morrison explained that Robinson then shifted his vehicle back into reverse and accelerated again towards the officers, but acknowledged that Officer Duncan was much closer to the vehicle than himself. **See id.** at 56-58. Sergeant Morrison testified that it was during this second ramming attempt that the officers fired at Robinson. **See id.** at 57. Sergeant Morrison explained that, based upon his and Officer Duncan's positions relative to Robinson's vehicle, it would be

“unsurprising” that Robinson had been struck by a bullet in his left arm. **See id.** at 91-92.

Officer Duncan testified that, once Robinson left the McDonald’s, he activated his cruiser’s lights and approached Robinson on foot. **See id.** at 96-97. Officer Duncan said, “Mr. Robinson, we need to speak with you,” at which point Robinson made eye contact with him and ran into his vehicle. **See id.** at 97. Officer Duncan followed Robinson to the vehicle, without drawing his weapon, and placed his hand on the driver’s side door. **See id.** at 97-98. Robinson already had the vehicle on, so Officer Duncan instructed him to turn it off and exit the vehicle. **See id.** at 98. Officer Duncan testified that Robinson ignored these commands and, instead, “while I was still holding on[to] the door handle,” Robinson shifted and backed into Officer Duncan’s cruiser, knocking Officer Duncan to the ground. **Id.** Officer Duncan testified that, while he was still on the ground, Robinson ran into the “high curb . . . or the guardrail” before reversing and backing into his cruiser again. **Id.** at 98-99. Officer Duncan stated that, during the second ramming attempt, he stood up, drew his firearm, and shot twice towards Robinson’s vehicle. **Id.** at 99-100.

It is clear that the jury, based upon the testimony and the GetGo video surveillance, concluded that Officer Duncan did not draw his weapon and/or threaten Robinson with it prior to Robinson’s attempt to strike the officers with his vehicle. Indeed, the trial court concluded, “the jury reasonably found that [Robinson] was fleeing to avoid being taken into custody, as he knew that he

had violated his parole, and not because of any threatening conduct by the police and not because he had any reasonable fear for his safety.” Trial Court Opinion, 3/7/25, at 10. Consequently, Robinson’s attempt to strike Officer Duncan with his car was not in self-defense and was, instead, provocation. **See** 18 Pa.C.S.A. § 505(b)(2)(i); **McClendon, supra**. Accordingly, his claim is meritless.

In his second claim, Robinson argues that the Commonwealth failed to present sufficient evidence to sustain his convictions of REAP as to Officer Duncan and fleeing and eluding. **See** Brief for Appellant, at 26-28. Robinson contends that the GetGo’s surveillance video had been tampered with and, consequently, is unreliable. **See id.** Additionally, Robinson posits that the bullet Officer Duncan fired entered Robinson’s arm from the side and, therefore, Officer Duncan could not have been in danger because Officer Duncan could not have been behind Robinson’s vehicle. **See id.** at 27-28. We disagree.

The trial court addressed these claims as follows:

[Robinson] willfully refused to stop his vehicle and fled from the scene after Officer Duncan approached [Robinson], told him that he needed to speak to him and ordered him to turn off and exit the vehicle. [Robinson testified] he saw the police lights. [Robinson] knew that he was in violation of parole and had an outstanding warrant and had every reason to expect that [Officer] Duncan was approaching him for a lawful reason to deal with the warrant. While [Robinson] disputes Duncan’s version of the sequence [of] events during the encounter in the parking lot, it was for the jury to judge the credibility of the witnesses and weigh the evidence before it.

* * *

[Further,] Officer Duncan's testimony was that as he stood by [Robinson]'s vehicle [Robinson] suddenly backed the vehicle up[,], striking [Officer Duncan's] patrol vehicle and coming within inches of running him over.

Trial Court Opinion, 3/7/25, at 10-11.

Furthermore, as we previously summarized when analyzing Robinson's self-defense claim, it is clear from the record, taken in the light most favorable to the Commonwealth as verdict winner, that Robinson knocked Officer Duncan to the ground with his vehicle. As a result of the foregoing, the Commonwealth presented sufficient evidence to sustain Robinson's convictions and his claims to the contrary are meritless. ***See Smith, supra.***

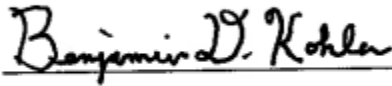
Moreover, to the extent that Robinson asserts the surveillance footage was tampered with and that he testified Officer Duncan aimed his service firearm at Robinson prior to Robinson's operation of the vehicle, these claims go to the weight of the evidence.¹³ ***See Commonwealth v. Smith***, 97 A.3d 782, 790 (Pa. Super. 2014) (appellate court must view all evidence in light most favorable to verdict winner and may not reweigh evidence or substitute its judgment for that of jury); ***see also Commonwealth v. Watkins***, 843 A.2d 1203, 1211 (Pa. 2003) (trier of fact, while passing upon credibility of witnesses and evidence, is free to believe all, part, or none of evidence). Here,

¹³ Furthermore, we observe that Robinson did not preserve or raise a challenge to the weight of the evidence and, thus, to the extent Robinson challenges the weight of the evidence, such a claim is waived. ***See Commonwealth v. Widmer***, 744 A.2d 745, 751-52 (Pa. 2000) (explaining differences between sufficiency and weight challenges).

the jury heard all of the Commonwealths' evidence and Robinson's testimony, yet clearly found Robinson's version of events to be not credible. As a result of the foregoing, we conclude that the Commonwealth presented sufficient evidence to sustain Robinson's REAP conviction as to Officer Duncan. Accordingly, Robinson's claim is meritless.

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