

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
JAMIR HILL	:	
	:	
Appellant	:	No. 1933 EDA 2024

Appeal from the Judgment of Sentence Entered April 16, 2024
In the Court of Common Pleas of Delaware County
Criminal Division at No: CP-23-CR-0004073-2022

BEFORE: STABILE, J., MURRAY, J., and SULLIVAN, J.

MEMORANDUM BY STABILE, J.:

FILED OCTOBER 1, 2025

Appellant, Jamir Hill, appeals from the judgment of sentence imposed on April 16, 2024, by the Court of Common Pleas of Delaware County. He challenges the discretionary aspects of his sentence; that he received a substantially higher sentence than his co-defendant. Upon review, we affirm.

The facts are not in dispute. Briefly, Appellant and a co-defendant committed four armed robberies in March of 2022. Following a jury trial, Appellant was convicted of charges related to three of the armed robberies, and found not guilty of charges related to the fourth. Sentencing was deferred for a pre-sentence investigation. On April 16, 2024, Appellant was sentenced to an aggregate term of 30 to 60 years' imprisonment. He filed a motion for reconsideration and modification of sentence, which was denied by the trial court. This appeal followed. Appellant raises the following issue for our review:

Did the trial court err by failing to reconsider the excessive sentence imposed by the court? The [trial] court erred as a matter of law and abused its discretion in imposing the instant sentence as the court failed to comply with the requirements of 42 Pa.C.S.[A. §] 9721. The sentence was manifestly excessive and unreasonable. The [trial] court failed to adequately state sufficient reasons for imposing the sentence. The sentence imposed on the co-defendant who plead to 4 separate robberies was substantially different from the sentence imposed on [Appellant].

Appellant's Brief, at 3.

Challenges to the discretionary aspects of sentencing are not entitled to appellate review as a matter of right. ***Commonwealth v. Clemat***, 218 A.3d 944, 959 (Pa. Super. 2019). Rather, such challenges are considered petitions for allowance of appeal. ***Id.*** Thus, an appellant must invoke our jurisdiction by satisfying a four-part test: (1) whether appellant has filed a timely notice of appeal; (2) whether the issue was properly preserved at sentencing or in a motion to reconsider and modify sentence; (3) whether appellant's brief has a fatal defect pursuant to Pa.R.A.P. 2119(f); and (4) whether there is a substantial question that the sentence appealed from is not appropriate under the Sentencing Code. ***Id.***

Here, Appellant filed a timely notice of appeal and preserved the issue in a motion to modify sentence. However, his brief has a fatal defect as he failed to include the required Rule 2119(f) statement. Rule 2119 provides:

An appellant who challenges the discretionary aspects of a sentence in a criminal matter shall set forth in a separate section of the brief a concise statement of the reasons relied upon for allowance of appeal with respect to the discretionary aspects of a sentence. The statement shall immediately precede the argument

on the merits with respect to the discretionary aspects of the sentence.

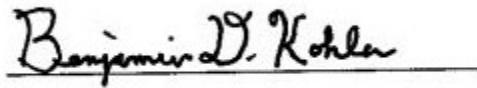
Pa.R.A.P. 2119(f). “If a defendant fails to include an issue in his Rule 2119(f) statement, and the Commonwealth objects, then the issue is waived and this Court may not review the claim.” ***Commonwealth v. Lively***, 231 A.3d 1003, 1011 (Pa. Super. 2020). Because the Commonwealth has objected to Appellant’s failure to include a Rule 2119(f) statement, **see** Commonwealth’s Brief at 6, the issue is waived.¹

Judgment of sentence affirmed.

¹ Even if the issue was not waived, Appellant would not be entitled to relief. While a claim that “disparate sentences between two or more co-defendants raises a substantial question,” **see *Commonwealth v. Krysiak***, 553 A.2d 165, 167 (Pa. Super. 1987), a trial court is not required to impose identical sentences on co-defendants. ***Commonwealth v. Mastromarino***, 2 A.3d 581, 589 (Pa. Super. 2010). Rather, the trial court must indicate its reasons for differences in sentences between co-defendants. ***Id.***

Here, Appellant was sentenced within the standard sentencing range on all counts. Additionally, the trial court explained its reason for the disparity in the sentences: (1) Appellant was sentenced to probation on a firearms charge two months prior and was on supervision when the instant offenses occurred; and (2) three incidents of armed robbery within a short period of time demonstrate that Appellant has a disregard for the value of human life. **See** Trial Court Opinion, 10/31/24, at 6. The record clearly demonstrates that the trial court stated its reasoning for imposing different and individualized sentences for Appellant and his co-defendant. Thus, we discern no abuse of discretion.

Judgment Entered.

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

Benjamin D. Kohler, Esq.
Prothonotary

Date: 10/1/2025