

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
CHRISTOPHER DAVID RIDDLE-	:	
HATCHER	:	
	:	No. 1368 WDA 2025
Appellant	:	

Appeal from the Judgment of Sentence Entered July 12, 2022
In the Court of Common Pleas of Blair County
Criminal Division at No: CP-07-CR-0002430-2020

BEFORE: STABILE, J., LANE, J., and BENDER, P.J.E.

MEMORANDUM BY STABILE, J.:

FILED: OCTOBER 1, 2026

Appellant, Christopher David Riddle-Hatcher, appeals from his judgment of sentence of 10-20 years' imprisonment for attempted murder and related offenses. We affirm.

The evidence adduced during trial demonstrates that on September 20, 2020, Appellant had a violent domestic quarrel with his paramour, Erika Monihen, in their residence at 1506 Third Street, Altoona, Pennsylvania.¹ Appellant tore up several pieces of furniture during the quarrel and sustained cuts that caused him to bleed. Monihen fled from the house in a car and Appellant fired at the car with a shotgun. Neighbors who were in the vicinity at that time heard a loud bang. Officer Timothy Campolong, one of the police officers who responded to the scene, saw Appellant in possession of the

¹ For the sake of convenience, we will refer to this residence as "Appellant's residence."

shotgun. The police recovered the shotgun and found Appellant's blood on it. Police officers also observed blood on Appellant's hands. The police later found gunshot residue on Appellant's hands.

Officers found a fired shotgun shell outside in the yard along with an unfired shell. When officers cleared the shotgun, they found four additional shotgun shells within it. Officers later observed a strike pattern of bullets on the side of the car that Monihen had been driving. Ballistic evidence showed that the shotgun fired the bullets that struck the car.

Following his arrest, Appellant signed a ***Miranda*** form and gave a recorded interview in police custody. He acknowledged during his interview that the firearm was in his hands when it discharged. He stated that he was aware the gun was loaded but claimed that he pointed the gun at the ground. He also stated that the gun was discharged as Monihen was moving and that he was about ten feet away.

After a four-day trial, a jury found Appellant guilty of attempted murder, aggravated assault and related offenses. Following trial, but before sentencing, Appellant filed a motion asserting that Monihen sent Appellant's counsel an email that exonerated Appellant of all charges. On July 12, 2022, the court held a hearing on the post-verdict motion in which Minehen testified that she, not Appellant, shot at the car. The court denied Appellant's post-verdict motion.

The court sentenced Appellant to 10-20 years' imprisonment for attempted murder and found that other charges merged with the attempted

murder conviction for purposes of sentencing. Appellant filed timely post-sentence motions, which the court denied on September 2, 2022. Appellant filed a timely direct appeal at 1064 WDA 2022. On April 27, 2023, this Court dismissed this appeal due to appellate counsel's failure to file a brief.

On July 13, 2023, Appellant filed a Post Conviction Relief Act ("PCRA")² petition alleging ineffective assistance of counsel for failure to file an appellate brief.³

² 42 Pa.C.S.A. §§ 9451-9546.

³ This petition was timely filed even though Appellant filed two appeals shortly before filing the petition.

The first appeal, filed on June 7, 2023, was an appeal to this Court from a June 1, 2023, order in the lower court denying Appellant's motion for appointment of counsel. On August 1, 2023, we quashed this appeal as interlocutory.

The second appeal, filed on June 7, 2023, was a notice of appeal to the Supreme Court from our April 27, 2023, order of dismissal at 1064 WDA 2022. This notice was untimely because the deadline for appealing to the Supreme Court—Tuesday, May 30, 2023, the day after Memorial Day—had already expired. On June 30, 2023, we ordered Appellant to show cause why this appeal should not be transferred to the Supreme Court. On August 25, 2023, this Court transferred the notice of appeal to the Supreme Court, which filed the notice of appeal under a temporary docket number. On an unspecified date, the Supreme Court marked this appeal closed.

Both appeals were nullities because they were facially untimely. Thus, Appellant's right to file a PCRA petition ripened on May 31, 2023, one day after the deadline for appealing the dismissal at 1064 WDA 2022 to the Supreme Court. **See** 42 Pa.C.S.A. § 9545(b)(1) (PCRA petition "shall be filed within one year of the date the judgment becomes final") & § 9545(b)(3) (judgment becomes final for purposes of PCRA "at the conclusion of direct review, including discretionary review in...the Supreme Court of Pennsylvania, or at the expiration of time for seeking the review"). Appellant's PCRA petition, filed on July 13, 2023, was timely.

On December 8, 2023, the parties entered a consent order in which the court reinstated Appellant's direct appeal rights in exchange for Appellant's withdrawal of his PCRA petition. Appellant filed a direct appeal, but on May 3, 2024, this Court dismissed the appeal due to Appellant's failure to file a docketing statement.

Following this dismissal, the lower court appointed new counsel to represent Appellant. Counsel filed a PCRA petition that alleged ineffective assistance of counsel for failure to file the docketing statement. On September 24, 2025, the trial court granted reinstatement of Appellant's direct appeal rights. Appellant filed a timely notice of appeal, and both Appellant and the trial court complied with Pa.R.A.P. 1925.

Appellant raises the following issues in this appeal:

I. Whether the Trial Court erred by denying [Appellant's Motion to preclude [Appellant's statements due to *Corpus Delicti* when a crime had not been first independently established.

II. Whether the Trial Court erred by not granting a new trial when the Commonwealth's "victim" (who did not testify during the trial) appeared at sentencing and exonerated [Appellant by testifying that she shot her own car and that [Appellant was innocent of the crimes he was convicted of.

III. Whether the Trial Court erred by considering inadmissible unauthenticated jail tapes during sentencing to discount the Commonwealth's victim's post-trial testimony.

IV. Whether the Trial Court erred in applying the domestic violence enhancement.

V. Whether the Trial Court erred in applying the deadly weapon enhancement.

Appellant's Brief at 4.⁴

In his first argument, Appellant contends that the court should have granted his motion *in limine* to exclude a recorded statement that he gave on September 21, 2020, to Detective Derrick Tardive following his arrest. Appellant claims that his statement was inadmissible under the *corpus delicti* rule. We disagree.

Appellant made several incriminating statements in the recorded statement. He acknowledged that the firearm was in his hands when it discharged. He indicated that he knew the gun was loaded but claimed he pointed the gun at the ground. He stated that the gun was discharged as Monihen was moving, while he was about ten feet away. N.T., 4/6/22, at 67-73.

The *corpus delicti* rule

is an evidentiary one. On a challenge to a trial court's evidentiary ruling, our standard of review is one of deference.

The admissibility of evidence is solely within the discretion of the trial court and will be reversed only if the trial court has abused its discretion. An abuse of discretion is not merely an error of judgment, but is rather the overriding or misapplication of the law, or the exercise of judgment that is manifestly unreasonable, or the result of bias, prejudice, ill-will or partiality, as shown by the evidence of record.

⁴ We note with disapproval that the Commonwealth failed to file a brief in this appeal even though we granted the Commonwealth a thirty-day extension within which to file its brief. **See** Commonwealth's Application For Extension Of Time To File Brief (5/22/26) & Order, 5/22/26 (granting Commonwealth extension until June 22, 2026).

Commonwealth v. Hernandez, 39 A.3d 406, 411 (Pa. Super. 2012).

As we explained in **Hernandez**:

The *corpus delicti* rule is designed to guard against the hasty and unguarded character which is often attached to confessions and admissions and the consequent danger of a conviction where no crime has in fact been committed.... The *corpus delicti* rule places the burden on the prosecution to establish that a crime has actually occurred before a confession or admission of the accused connecting him to the crime can be admitted. The *corpus delicti* is literally the body of the crime; it consists of proof that a loss or injury has occurred as a result of the criminal conduct of someone...

The *corpus delicti* may be established by circumstantial evidence. Establishing the *corpus delicti* in Pennsylvania is a two-step process. The first step concerns the trial judge's admission of the accused's statements and the second step concerns the fact finder's consideration of those statements. In order for the statement to be admitted, the Commonwealth must prove the *corpus delicti* by a preponderance of the evidence. In order for the statement to be considered by the fact finder, the Commonwealth must establish the *corpus delicti* beyond a reasonable doubt.

Id. at 410-11.

The most serious charge against Appellant was the charge of attempted murder under 18 Pa.C.S.A. § 901.⁵ Appellant claims that the Commonwealth

⁵ The elements of attempted murder are well-settled. "A person commits an attempt when, with intent to commit a specific crime, he does any act which constitutes a substantial step toward the commission of that crime." 18 Pa.C.S.A. § 901(a). "Criminal attempt to murder is defined by reading the attempt statute, 18 Pa.C.S.[A. § 901(a), in conjunction with the [first-degree murder statute, 18 Pa.C.S.[A. § 2502(a).]" **Commonwealth v. Anderson**, 650 A.2d 20, 23 (Pa. 1994). Thus, a "conviction for attempted murder requires the Commonwealth to prove beyond a reasonable doubt that the defendant had the specific intent to kill and took a substantial step towards (Footnote Continued Next Page)

failed the first step of the *corpus delicti* process, because it submitted Appellant's statement into evidence without first proving that this crime actually took place.

The Commonwealth provided the following evidence before proffering Appellant's statement. On the evening of September 20, 2020, multiple neighbors nearby Appellant's residence heard one or two bangs. One neighbor, Steven Duncan, heard a "bang-bang" as a car drove hurriedly away from Appellant's residence. N.T., 4/4/22, at 96-98. Duncan added that it seemed as if someone was "just trying to get out of there as quickly as possible." *Id.* at 96. Shortly thereafter, police officers arrived at the scene. *Id.* at 98. Officer Campolong, an officer who responded to the scene, observed Appellant emerge from the rear of the residence with a shotgun in his hands. *Id.* at 34. Officer Campolong told Appellant to drop the gun, but Appellant "reached inside the residence and placed the gun there." *Id.* at 35. Moments later, when the officer took Appellant into custody, he noticed blood on Appellant's hands. *Id.* Appellant asked Officer Campolong and another officer whether Monihen had "ratted him out." *Id.* at 36, 62. Officer Noah Bollman also heard Appellant inquire as to whether "she" (Monihen) "called

that goal." ***Commonwealth v. Blakeney***, 946 A.2d 645, 652 (Pa. 2008). In sum, attempted murder is composed of two primary elements. "The *mens rea* element of the offense is specific intent to kill, which is identical to the *mens rea* element of murder in the first degree. The *actus reus* element of the offense is the commission of one or more acts which collectively constitute a substantial step toward the commission of a killing." ***Commonwealth v. Predmore***, 199 A.3d 925, 929 (Pa. Super. 2018).

the cops on me” and “ratted me out.” ***Id.*** at 62, 78. Officer Bollman noted the blood on Appellant’s hands. Appellant explained that he was punching some things during an argument with Monihen and that Monihen left the residence. ***Id.*** at 79. Inside the residence, the police found a clump of Monihen’s hair and a necklace that Appellant had pulled from her during their quarrel. ***Id.*** at 135-36. Blood recovered from the shotgun’s foregrip matched Appellant’s DNA. N.T., 4/5/22, at 70-75. Officer Matthew Miller found four live rounds in the shotgun, one expended shotgun shell on the ground, and one live shotgun shell on the ground. ***Id.*** at 18-20. Officer Miller then met with Monihen at another location (18th Street) while she was inside the car that she had driven away from Appellant’s residence. ***Id.*** at 22. Officer Miller observed a clear “impact site” on the driver’s side of the car where bullets had struck. ***Id.*** at 23. When the officer pointed out the impact site to Monihen, she became “extremely distraught.” ***Id.*** at 24. Lieutenant Nathan Snyder testified that the driver’s side of the car driven by Monihen had a “strike pattern” of bullets. ***Id.*** at 52-56. Detective Tardive interviewed Monihen on the night of the incident and described her as being “pretty flustered, upset.” N.T., 4/6/22, at 50. She “did not have shoes on at the time...” ***id.***, a clear indication that she left the premises in a great hurry.

This evidence, viewed collectively, establishes that the crime of attempted murder actually took place, thus satisfying the first step of the *corpus delicti* test. Therefore, the court properly admitted Appellant’s recorded statement to Detective Tardive into evidence.

In his next two arguments, which we review together, Appellant contends that (1) the court erred by not granting a new trial based on Monihen's testimony during the post-verdict hearing that she fired the shotgun instead of Appellant; and (2) the court erred by considering inadmissible unauthenticated jail tapes to discount Monihen's testimony. No relief is due.

After trial, and prior to sentencing, Appellant filed a motion seeking a new trial based on newly acquired evidence,⁶ namely Monihen's claim that she fired the shotgun instead of Appellant. On July 12, 2022, the court held a pre-sentence hearing in which Appellant called Monihen to testify. Monihen testified that she was Appellant's girlfriend at the time of the subject incident and up through the July 12, 2022, hearing. N.T., 7/12/22, at 5-6. Attorney Thomas Dickey served as her attorney at the time of Appellant's trial. *Id.* at 6. During trial, Monihen asserted her Fifth Amendment privilege and did not testify, *id.* at 6-7, but during the pre-sentence hearing, Monihen waived her Fifth Amendment privilege and confirmed that Dickey was no longer representing her. *Id.* at 6-8. Appellant submitted an email entitled "Wrongful Conviction" that Monihen wrote on the date of the hearing. Monihen testified that she wrote the email. She also testified that the information she provided

⁶ To justify the grant of a new trial on the basis of after-discovered evidence, the defendant must meet four requirements: the evidence (1) could not have been obtained prior to the conclusion of the trial by reasonable diligence; (2) is not merely corroborative or cumulative; (3) will not be used solely to impeach the credibility of a witness; and (4) is of such a nature and character that a different outcome is likely. ***Commonwealth v. Royal***, 312 A.3d 317, 322 (Pa. Super. 2024).

to the Altoona Police on the date of the incident was accurate until the point when Appellant put the gun down. She now testified that she was the one who actually picked up the gun, ran with it, and shot at the tire, causing damage to the vehicle. She claimed that when she realized that the car was running, she hopped in and drove away. ***Id.*** at 12-16. She stated that on the date of incident, she “was high as shit” on methamphetamine. ***Id.*** at 18.

On cross-examination, Monihen admitted that on the night of the incident, she told the police that after Appellant set the firearm down and turned to light a cigarette, she decided to run out of the house, and Appellant tried to grab her. She also acknowledged that Appellant tore her necklace off and pulled a clump of her hair. She admitted that she told Detective Tardive on the night of the incident that (1) when she got outside, she noticed the car running, got into the vehicle and pulled out of the driveway to drive away; and (2) as she was driving away, she heard a loud bang but was not exactly sure what the noise was. ***Id.*** at 22-24.

The Commonwealth introduced Monihen’s email from January 4, 2021, in which she acknowledged that she never mentioned that she was high on methamphetamine. ***Id.*** at 26. Monihen admitted that the Commonwealth based its theory of the case upon her statements to Detective Tardive on the night of the incident.

The prosecutor then stated that he intended to play several telephone calls allegedly between Appellant and Monihen that were intercepted during

Appellant's incarceration at the Blair County Prison.⁷ Defense counsel objected, stating that the calls "weren't admitted at trial. I don't know what evidentiary value they have or what they proof for a sentencing." **Id.** at 51. The court permitted the prosecutor to play the calls, reasoning that their content might be probative to Monihen's motive for sending the January 4, 2021, email to the Commonwealth and her motive for writing the July 12, 2022 "Wrongful Conviction" email. **Id.** at 55. The court added that it would not consider the calls when sentencing Appellant. **Id.** at 54-55.

The conversations were as follows:

- On September 26, 2020, at 12:33 p.m., Appellant stated, "I think you should talk to the neighbors and make sure they are on the same page as you." N.T., 4/6/22, at 5.
- On September 29, 2020, at 4:20 p.m., Appellant stated, "I think one of the main that hinges too, nobody saw me fire the firearm." **Id.** at 5-6.
- On September 29, 2020, at 4:20 p.m., Appellant stated, "It doesn't matter if you are scared. If they can prove I fired a shot towards that car or whatever, I will be fried." **Id.** at 6.
- On September 29, 2020, at 5:27 p.m., Appellant stated, "Point blank, I would still not go if I were you tomorrow." **Id.** at 6-7. Appellant was

⁷ During trial, the court had denied the prosecutor's request to introduce these calls into evidence on the ground that they were irrelevant to what acts Appellant did or did not commit on the evening of domestic quarrel. N.T., 4/6/22, at 15. The court added, however, that if Monihen testified, the calls might possibly be admissible for impeachment purposes. **Id.**

referring to the preliminary hearing scheduled for the following day. Monihen was subpoenaed by the Commonwealth but failed to appear.

- On September 29, 2020, at 5:27 p.m., Appellant stated, “It will come to a point where they bring you themselves, they will send a sheriff. And if you are home at the wrong time, you know what I mean, and they [send the sheriff, that’s all there is to it, then you are there and then you know what I mean.” ***Id.*** at 7.

- A statement allegedly by Monihen that Appellant must be feeling pretty good because she was not going to show up for trial and Appellant indicating that if she does not appear for trial that “is likely a good thing” for him. N.T., 7/12/22, at 55-56.

The court denied Appellant’s post-verdict motion for new trial because it “did not find Monihen’s testimony to be credible.” Opinion, 12/1/22, at 9.

We begin by analyzing the court’s decision to admit the telephone conversations into evidence during the pre-sentence hearing. We review evidentiary rulings for abuse of discretion. ***Commonwealth v. Lawrence***, 313 A.3d 265, 275 (Pa. Super. 2024).

Appellant complains in his appellate brief that telephone conversations were inadmissible due to lack of authentication. Appellant failed to raise this objection during the pre-sentence hearing, thus making his present argument subject to waiver. The Commonwealth, however, waived any objection to Appellant’s waiver by failing to file a brief in this Court. ***See Commonwealth v. Sanchez***, 623 Pa. 253, 82 A.3d 943, 972 n.10 (2013) (where

Commonwealth, as appellee, failed to argue that defendant waived arguments by failing to raise them in trial court in timely manner, Commonwealth “waived the waiver”); **Commonwealth v. Dabney**, 274 A.3d 1283, 1292 n.11 (Pa. Super. 2022) (addressing argument raised for first time on appeal because Commonwealth, as appellee, did not argue that defendant waived issue). Accordingly, we will address the substance of this argument.

We hold that the trial court abused its discretion by allowing the tape recordings into evidence during the pre-sentence hearing due to lack of authentication. Pennsylvania Rule of Evidence 901 provides in relevant part:

(a) *In General*. Unless stipulated, to satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is.

(b) *Examples*. The following are examples only-not a complete list-of evidence that satisfies the requirement:

(1) *Testimony of a Witness with Knowledge*. Testimony that an item is what it is claimed to be.

* * *

(5) *Opinion About a Voice*. An opinion identifying a person’s voice-whether heard firsthand or through mechanical or electronic transmission or recording-based on hearing the voice at any time under circumstances that connect it with the alleged speaker.

(6) *Evidence About a Telephone Conversation*. For a telephone conversation, evidence that a call was made to the number assigned at the time to:

(A) a particular person, if circumstances, including self-identification, show that the person answering was the one called; or

(B) a particular business, if the call was made to a business and the call related to business reasonably transacted over the telephone.

Id.

The Commonwealth asserted during the pre-sentence hearing that the taped conversations were between Appellant and Monihen while Appellant was in prison. It failed, however, to produce any evidence in support of this assertion. The Commonwealth did not demonstrate any evidence, in the form of witnesses or documents, that the phone calls came from prison or that the calls went to Monihen's phone number. Nor did the Commonwealth present any evidence that Appellant and Monihen were the speakers on the calls. Nor did Appellant stipulate to the admission of the tape recordings. Absent any authenticating evidence, the court should not have admitted the recordings.

Appellant argues that the erroneous admission of the recordings caused the court to commit further error by denying his motion for new trial. We conclude otherwise. The admission of the recordings did not prejudice Appellant, because the evidence adduced during trial provided overwhelming evidence of Appellant's guilt. Multiple neighbors heard shots as Monihen's car left the residence. One neighbor, Duncan, testified that the car was driving away as he heard gunshots, and that the car was trying to leave as quickly as possible. Minutes later, Appellant literally was caught red-handed. Officer Campolong saw Appellant leaving the residence holding a shotgun. Appellant had blood on his hands, and the police later found blood on the shotgun. Inside the residence, the police found a clump of Monihen's hair and a necklace

that Appellant had pulled from her during their quarrel. They also found four live rounds in the shotgun, one expended shotgun shell on the ground in the vicinity of the residence, and one live shotgun shell on the ground. Monihen was extremely upset on the evening of the incident. Two police witnesses testified that she was distraught, and one noticed that she was not wearing shoes during an interview at the police station, a sign that she had fled the premises in a rush. Finally, Appellant made several incriminating statements during an interview with Detective Tardive. He acknowledged that the firearm was in his hands when it discharged. He indicated that he knew the gun was loaded but claimed he pointed the gun at the ground. He stated that the gun was discharged as Monihen was moving, while he was about ten feet away.

Moreover, even in the absence of the recorded telephone conversations between Appellant and Monihen, there was clear support in the record for the trial court's determination that Monihen's testimony during the pre-sentence hearing was not credible. For example, Monihen testified that she was the one who actually picked up the gun, ran with it, and shot at the tire, causing damage to the vehicle. The evidence during trial showed, however, that Appellant's DNA was on the shotgun, not Monihen's. Furthermore, Monihen testified during the pre-sentence hearing that she was high on methamphetamine. In response, the Commonwealth introduced her email from January 4, 2021, in which she acknowledged that she never told police following the incident that she was high on methamphetamine. As fact-finder during the pre-sentence hearing, the court "[bore] the responsibility to resolve

questions of credibility, and absent extraordinary circumstances, an appellate court will not substitute its judgment for that of the fact-finder.” ***Commonwealth v. Johnson***, 838 A.2d 663, 671 (Pa. 2003). Having reviewed the record, we see no reason to disturb the trial court’s determination that Monihen lacked credibility.

In view of the evidence adduced during trial and its determination that Monihen lacked credibility, the court had ample reason to deny Appellant’s request for a new trial independent of the erroneously admitted telephone conversations. Furthermore, Monihen’s testimony does not satisfy the fourth requisite of after-discovered evidence because it was not of such a nature and character that a different outcome is likely. ***Royal***, 312 A.3d at 322.

Next, Appellant argues that the trial court erred in applying the domestic violence enhancement⁸ to his offense gravity score at sentencing. He contends:

⁸ The Domestic Violence Enhancement, 204 Pa. Code § 303.10(h)(2), provides:

(h) Domestic Violence Enhancement, as required by 42 Pa.C.S.[A.] § 9720.8

(1) When the court determines that the offender committed an offense under 18 Pa.C.S.[A.] Chapters 25, 27, 29, 30, 31 or 49 against a family member or a household member as defined in 23 Pa.C.S. § 6102, the court shall consider the sentence recommendation in subsection (h)(2).

(Footnote Continued Next Page)

- (1) The domestic violence enhancement applies to crimes committed under Chapter 27 of the Crimes Code, such as aggravated assault and reckless endangerment;
- (2) Appellant was convicted of aggravated assault and reckless endangerment;
- (3) These convictions are infirm because the jury relied on Appellant's admissions that the Commonwealth introduced in violation of the *corpus delicti* rule; and therefore
- (4) Appellant's sentence for these offenses is illegal.

This argument is of little practical use to Appellant because the trial court merged his sentences for aggravated assault and reckless endangerment with his sentence for attempted murder. In any event, this argument fails because we have determined above that there was no violation of the *corpus delicti* doctrine.

(2) When the Domestic Violence Enhancement is applied, the Offense Gravity Score assignments listed in § 303.15 are increased by one point.

Finally, Appellant argues that the trial court erred in applying the deadly weapon enhancement⁹ to his offense gravity score at sentencing. He contends that this enhancement rests on Appellant's admissions that he discharged the firearm that the Commonwealth introduced in violation of the *corpus delicti* rule. Once again, this argument fails because we have determined above that there was no violation of the *corpus delicti* doctrine.

For these reasons, we affirm Appellant's judgment of sentence.

Judgment of sentence affirmed.

⁹ The deadly weapons enhancement provides:

(a) Deadly Weapon Enhancement, as required by 42 Pa.C.S.[A.] § 2154(b)(3)

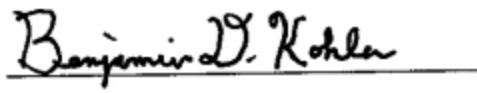
(1) Except for those sentenced pursuant to 18 Pa.C.S.[A.] § 1102.1 (relating to sentence of persons under the age of 18 for murder, murder of an unborn child and murder of a law enforcement officer), when the court determines that the offender possessed a deadly weapon during the commission of the current conviction offense, the court shall consider the DWE/Possessed Matrix (§ 303.17(a)). An offender has possessed a deadly weapon if any of the following were on the offender's person or within his immediate physical control:

(i) Any firearm, (as defined in 42 Pa.C.S.[A.] § 9712) whether loaded or unloaded, or

(ii) Any dangerous weapon (as defined in 18 Pa.C.S. § 913), or

(iii) Any device, implement, or instrumentality designed as a weapon or capable of producing death or serious bodily injury where the court determines that the offender intended to use the weapon to threaten or injure another individual.

Judgment Entered.

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

Benjamin D. Kohler, Esq.
Prothonotary

DATE: 10/1/2026