

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
JARED BLAKE WYLLIE	:	
	:	
Appellant	:	No. 512 EDA 2026

Appeal from the Judgment of Sentence Entered March 14, 2025
In the Court of Common Pleas of Montgomery County Criminal Division
at No(s): CP-46-CR-0005623-2023

BEFORE: BOWES, J., OLSON, J., and STEVENS, P.J.E.*

MEMORANDUM BY STEVENS, P.J.E.: **FILED OCTOBER 22, 2026**

Jared Blake Wyllie appeals from the March 14, 2025 aggregate judgment of sentence of 3 to 6 years' imprisonment, followed by 2 years' probation, and ordering him to pay \$156,000.00 in restitution, imposed after he entered an open guilty plea to four counts of receiving stolen property.¹ After careful review, we affirm the judgment of sentence.

The trial court summarized the relevant facts and procedural history of this case as follows:

Between November 11, 2021, and May 16, 2023, Appellant operated an unlicensed home improvement business with an address in Montgomery County, Pennsylvania. During that time period, [Appellant]

* Former Justice specially assigned to the Superior Court.

¹ 18 Pa.C.S.A. § 3925(a).

entered into contracts with four (4) separate families to do home improvement. Two (2) of those families were located in Montgomery County and two (2) of those families were located in Chester County. Appellant accepted deposits from these four (4) families totaling approximately One Hundred and Fifty-Six Thousand (\$156,000.00) Dollars. Appellant failed to perform on those four (4) contracts and did not return the money to the victims.

On October 3, 2023, Magisterial District Judge, Edward Kropp, Sr., presided over Appellant's preliminary hearing, in which Judge Kropp held all charges for court. On July 15, 2024, Appellant entered an open guilty plea [to four counts of receiving stolen property]. On March 15, 2025, a sentencing hearing was held in which the Court imposed an aggregate sentence of incarceration of three (3) to six (6) years, as more fully described above.

On March 24, 2025, Appellant, through counsel, filed a timely Motion for Reconsideration of Sentence. On April 9, 2025, Appellant's counsel filed a timely Amended Motion for Reconsideration of Sentence. On April 11, 2025, this Court denied Appellant's Motion.

On June 11, 2025, Appellant filed an untimely **pro se** Notice of Appeal. On June 18, 2025, the Court entered an Order denying Appellant's Appeal as untimely. Also in said Order, the Court acknowledged that in his Appeal, Appellant indicated that this was also his filing under the Post-Conviction Relief Act ("PCRA"). This Court notes that Appellant failed to indicate any reason for his Appeal or PCRA. However, as Appellant's PCRA request was timely and was his first PCRA, the Court indicated that it would appoint counsel to represent him under separate Order. On July 8, 2025, this Court issued an Amended Order, which was the same Order as previously issued on June 18, 2025, but with a corrected mailing address for Appellant.

On June 18, 2025, this Court entered an Order appointing Joshua Rudolph, Esquire, to represent

Appellant on his PCRA. On August 25, 2025, counsel requested a sixty (60) day filing extension, which was granted by Order dated August 26, 2025.

On October 27, 2025, Counsel filed a Petition to Reinstate [PCRA] Rights ***Nunc Pro Tunc***, which this Court granted by Order dated October 28, 2025. Also on October 28, 2025, this Court entered an Order, which relieved PCRA counsel from his obligations in this matter, and appointed Erin Lentz-McMahon, Esquire to serve as counsel for [Appellant's] appellate rights. Attorney Lentz-McMahon was directed to file her Notice of Appeal within ten (10) days from the date of the aforementioned Order.

On October 29, 2025, Commonwealth filed a Motion for Reconsideration of the Court's October 28, 2025 Order granting PCRA Relief. On October 30, 2025, the Court issued an Order setting forth dates for Responses from both Parties to the instant Petition. On November 3, 2025, Appellant's counsel filed a Motion to Extend the Time to File Notice of Appeal, which was granted by Order dated November 6, 2025.

On December 8, 2025, the Commonwealth filed a Response to Appellant's PCRA petition. On December 22, 2025, Appellant filed a Reply to the Commonwealth's Response to the Appellant's Counseled Petition under the [PCRA]. On January 29, 2025, this Court circulated an Order denying the Commonwealth's Motion for Reconsideration of the Court's October 28, 2025 Order and reinstating Appellant's appeal rights ***nunc pro tunc***.

Trial court opinion, 3/16/26 at 3-5 (citations and extraneous capitalization omitted).

On February 10, 2026, Appellant filed an appeal "from the Order entered in this matter on the 29th day of January 2026." On March 30, 2026, this Court entered a show cause order as why Appellant's appeal should not be

quashed as he is not an aggrieved party to the trial court's January 30, 2026 order denying the Commonwealth's motion for reconsideration, and granted Appellant 30 days to file a notice of appeal *nunc pro tunc*. On March 31, 2026, Appellant filed a response that he is aggrieved from the sentence imposed on March 14, 2025, and requested permission to file an amended notice of appeal from the April 14, 2025 order denying Appellant's motion for reconsideration of sentence.² On April 10, 2026, this Court directed Appellant to file an amended notice of appeal stating that the appeal properly lies from the March 14, 2025 judgment of sentence. On April 13, 2026, Appellant complied with this Court's order and filed an amended notice of appeal with the trial court.³

Appellant raises the following issues for our review:

- I. Whether the trial court abused its discretion by imposing an aggregate sentence of three (3) to six (6) years' of incarceration, by running all four (4) counts of Receiving Stolen Property, consecutively to one another, as the sentence imposed is contrary to the fundamental norms of the sentencing process in that it was unduly harsh since the length of the sentence was excessive and based exclusively on the facts of

² We note that Appellant's appeal properly lies from the judgment of sentence imposed on March 14, 2025, and not the trial court's April 14, 2025 order denying Appellant's motion for reconsideration of sentence. "In a criminal action, appeal properly lies from the judgment of sentence made final by the denial of post-sentence motions." *Commonwealth v. Shamberger*, 788 A.2d 408, 410 n.2 (Pa.Super. 2001) (*en banc*) (citation omitted), *appeal denied*, 800 A.2d 932 (Pa. 2002).

³ Appellant and the trial court have complied with Pa.R.A.P. 1925.

the instant case while failing to give adequate consideration of [A]ppellant's taking responsibility for his actions and pleading guilty, as well as his substance abuse and gambling addiction?

- II. Whether the sentence imposed is unlawful and illegal in that Appellant pled guilty to all four (4) counts of receiving stolen property, graded as a felony of the third degree, as set forth in the Amended Bills of Information filed on the date of the plea with the total amount of all four (4) victims restitution being determined to be \$156,000.00, but when Appellant appeared for sentencing he was advised that count 12 was graded as a felony of the second degree, and received a consecutive sentence of one (1) to two (2) years of incarceration along with a two (2) year probation on count 12, receiving stolen property?

Appellant's brief at 7.

I.

Appellant first argues the trial court's imposition of four consecutive sentences resulted in a harsh and excessive sentence and that the court failed to properly consider numerous mitigating factors in fashioning his sentence, including his acceptance of responsibility, history of substance abuse, and addiction to gambling. ***Id.*** at 30-33.

Our standard of review in assessing whether a trial court has erred in fashioning a sentence is well settled. "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." ***Commonwealth v. Zirkle***, 107 A.3d 127, 132 (Pa.Super. 2014) (citation omitted), ***appeal denied***, 117

A.3d 297 (Pa. 2015). 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. Bullock**, 170 A.3d 1109, 1123 (Pa.Super. 2017) (citation omitted), **appeal denied**, 184 A.3d 944 (Pa. 2018).

Where an appellant challenges the discretionary aspects of his sentence, as is the case here, the right to appellate review is not absolute. **Commonwealth v. Conte**, 198 A.3d 1169, 1173 (Pa.Super. 2018), **appeal denied**, 206 A.3d 1029 (Pa. 2019). On the contrary, an appellant challenging the discretionary aspects of his sentence must invoke this Court’s jurisdiction by satisfying the following four-part test:

(1) whether the appeal is timely; (2) whether appellant preserved his issue; (3) whether appellant’s brief includes a 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 appropriate under the sentencing code.

Commonwealth v. Carrillo-Diaz, 64 A.3d 722, 725 (Pa.Super. 2013) (citations omitted).

Instantly, the record reveals that Appellant filed a timely amended notice of appeal and preserved his sentencing claim in his March 24, 2025 post-sentence motion. Appellant also included a statement in his brief that comports with the requirements of Pa.R.A.P. 2119(f). **See** Appellant’s brief

at 24-29. Accordingly, we must determine whether Appellant has raised a substantial question.

“The determination of what constitutes a substantial question must be evaluated on a case-by-case basis.” ***Commonwealth v. Griffin***, 65 A.3d 932, 935 (Pa.Super. 2013) (citation omitted), ***appeal denied***, 76 A.3d 538 (Pa. 2013). “A substantial question exists only when 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. Glass***, 50 A.3d 720, 727 (Pa.Super. 2012) (citation omitted), ***appeal denied***, 63 A.3d 774 (Pa. 2013).

This Court has long recognized that “excessiveness claims premised on imposition of consecutive sentences do not raise a substantial question for our review.” ***Commonwealth v. Radecki***, 180 A.3d 441, 468 (Pa.Super. 2018); ***see also Commonwealth v. Caldwell***, 117 A.3d 763, 769 (Pa.Super. 2015) (***en banc***) (stating, “[a] court’s exercise of discretion in imposing a sentence concurrently or consecutively does not ordinarily raise a substantial question[.]”), ***appeal denied***, 126 A.3d 1282 (Pa. 2015). Likewise, “a claim of inadequate consideration of mitigating factors does not raise a substantial question for our review.” ***Commonwealth v. Crawford***, 257 A.3d 75, 79 (Pa.Super. 2021) (citations omitted).

Based on the foregoing, we find that Appellant's first argument fails to raise a substantial question, and, therefore, he has not preserved his challenge to the discretionary aspects of sentencing.⁴

II.

We now turn to Appellant's bald contention that the trial court imposed an illegal sentence for count 12, receiving stolen property "because it was based upon this offense being classified as a felony of the second degree," as opposed to a felony of the third degree. Appellant's brief at 33-34. This claim is belied by the record.

"The determination as to whether a trial court imposed an illegal sentence is a question of law; an appellate court's standard of review in cases dealing with questions of law is plenary." ***Commonwealth v. Crosley***, 180 A.3d 761, 771 (Pa.Super. 2018) (citation omitted), ***appeal denied***, 195 A.3d 166 (Pa. 2018). "A challenge to the legality of the sentence may be raised as a matter of right, is non-waivable, and may be entertained so long as the reviewing court has jurisdiction." ***Commonwealth v. Leaner***, 202 A.3d 749, 784 (Pa.Super. 2019) (citation omitted), ***appeal denied***, 216 A.3d 226 (Pa. 2019).

⁴ Even if Appellant had raised a substantial question for this Court's consideration, we would find no abuse of discretion. As the trial court properly noted in its opinion, it thoroughly considered and weighed numerous factors in fashioning Appellant's sentence. **See** trial court opinion, 3/16/26 at 10-12, citing notes of testimony, 3/15/25 at 29-31.

Instantly, the trial court sentenced Appellant to consecutive sentences on each of the four counts of receiving stolen property he pled guilty to, resulting in an aggregate sentence of 3 to 6 years' imprisonment, followed by 2 years' probation. The record reflects that each individual sentence was within the standard guideline range, and the aggregate sentence imposed did not exceed the maximum allowable of 7 years' imprisonment. Appellant has offered no citation to the record to support his contention that Count 12 was not graded as a felony of the third degree, exactly as he agreed to when entered his open guilty plea and later confirmed during the sentencing hearing. **See** notes of testimony, 7/15/24 at 7-8; notes of testimony, 3/15/25 at 5-7. Accordingly, his illegality claim is meritless.

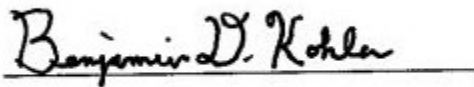
For all the foregoing reasons, we affirm the March 14, 2025 judgment of sentence.

Judgment of sentence affirmed.

Judge Bowes joins.

Judge Olson concurs in the result.

Judgment Entered.

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

Benjamin D. Kohler, Esq.
Prothonotary

Date: 10/22/2026