NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA, Appellee v. DEONTA OLANDA WILLIAMS, Appellant	IN THE SUPERIOR COURT OF PENNSYLVANIA No. 170 MDA 2015

Appeal from the Judgment of Sentence entered September 3, 2014,
in the Court of Common Pleas of Franklin County,
Criminal Division, at No(s): CP-28-CR-0001411-2013

BEFORE: ALLEN, OTT and STRASSBURGER*, JJ.

MEMORANDUM BY ALLEN, J.: **FILED JULY 29, 2015**

Deonta Olanda Williams ("Appellant") appeals from the judgment of sentence imposed after a jury convicted him of robbery, conspiracy to commit robbery, and theft.[1] We affirm.

The trial court recounted the factual background as follows:

> [Appellant's] charges arose out of events that transpired on April 13, 2014, at the Sunoco gas station in Greencastle, Pennsylvania. The victims, Michele Meadows and Alice Watkins, were working together at the Sunoco gas station as clerks at or around 9:15 or 9:30. At that time, three men entered the store, two of which had bandanas over their faces. The first man, [Appellant], jumped over the counter and pointed a gun at the victims. Various witnesses testified at trial that the gun was actually a BB gun. [Appellant] then threatened to kill the clerks if they did not open the safe. While this was occurring, the second suspect, John Zawierucha, walked around the counter

[1] 18 Pa.C.S. §§ 3701, 903, and 3921.

*Retired Senior Judge assigned to the Superior Court.

and began putting money and Newport cigarettes inside a pink and gray duffel bag. The third suspect, Trevon Walker, then took the clerks to another part of the store and told them to relax and that everything would be over shortly. The three suspects eventually fled with the cash and cigarettes. The victims subsequently called the police to report the robbery.

Follow[ing] their departure from the gas station, the three suspects were picked up by two young women in a black Honda Civic. The two young women were later identified as Tiffani Robey and Brittany Johnson. The black Honda Civic was initially followed by two witnesses, Richard Rhodes and Lori Harbaugh, who testified they had earlier noticed the two young women parked in a suspicious location in relation to the Sunoco gas station. (N.T. 8/4/2014 p. 107). Mr. Rhodes testified that upon seeing the three male suspects running towards the car, one with a duffel bag in hand, he suspected a potential robbery and followed the suspects at a high rate of speed. *Id*. at 88. Although the suspects eventually lost Mr. Rhodes and Ms. Harbaugh, they were able to get a tag number of the black Honda Civic and conveyed it to police. *Id*. at 89.

Trooper Paul Decker testified that he assisted Trooper Dave Rush in investigating this incident and met with Mr. Rhodes and administered him a photo lineup. *Id*. at 111-112. Mr. Rhodes was able to identify one of the two females in the car, Tiffani Robey. *Id*. at 115. Tiffani Robey and Brittany Johnson were later arrested and spoke with police a total of three (3) times. Both women testified at trial that they fabricated an original story implicating three other men, names they both made up. (N.T. 8/5/2014 p. at 20, 47-48). None of the names provided was that of the [Appellant], John Zawierucha, or Trevon Walker. Eventually, both women testified they decided to accept responsibility and as a result turned the real culprits in. *Id*. at 20, 49. Both told police they had driven [Appellant], John Zawierucha, and Trevon Walker to the Sunoco in order to commit the robbery and then picked up the men and proceeded to flee the scene. The women testified that they subsequently drove to a Red Roof Inn in Germantown, Maryland, where the five (5) individuals distributed the cash and cigarettes. *Id*. at 17, 46. Trevon Walker also testified at trial that [Appellant] participated in the robbery and was the suspect identified as carrying the BB gun. (N.T. 8/4/2014 p. 119-39).

> [Appellant] attempted to offer an alibi defense at trial and called Samantha Deneen, his girlfriend at the time of the incident, as a witness. Ms. Deneen testified that on the night of the robbery [Appellant] was with her at her home in Hagerstown, Maryland, eating dinner and watching movies all night. She testified that [Appellant] never left the residence. Thus, the crux of [Appellant's] alibi defense was that he could not possibly have participated in the robbery because he was nowhere near the Greencastle Sunoco gas station on the night in question. Ultimately, the jury found this testimony unconvincing and convicted him on the aforementioned counts.

Trial Court Opinion, 12/19/14, at 1-3.

On September 3, 2014, the trial court sentenced Appellant to 66 to 132 months for robbery and a consecutive 42 to 84 months for conspiracy; the theft conviction merged.

Appellant filed a post-sentence motion on September 12, 2014, which the trial court denied on December 19, 2014. Appellant appealed. Both Appellant and the trial court have complied with Pa.R.A.P. 1925(b).

On appeal, Appellant presents two issues as one:

> 1. [Appellant] hereby appeals to the Superior Court of Pennsylvania, from the denial of post sentence motions, which were entered in this matter on December 19, 2014, challenging weight and sufficiency of the evidence.

Appellant's Brief at 8.

In arguing that the evidence was insufficient to support his convictions, Appellant asserts that "the only evidence tying Appellant to the incident are three co-defendants who had every reason to say what the Commonwealth wanted because they were receiving incredibly lenient sentences." Appellant's Brief at 10. Appellant contends that "there were no

other witnesses that could identify Appellant at the scene of the incident … and no articles from the robbery were found on the Appellant when he was taken into custody." ***Id***. Appellant states:

> Here the fact that the co-defendants had inconsistent statement [sic] even testified that they were doing what they needed to do to get the benefits of their bargain makes their credibility dubious at best. As their testimony was the only evidence linking the Appellant to the scene and the Commonwealth not being able to refute the alibi except for the testimony of the co-defendants. [sic]

Appellant's Brief at 15.

Appellant's sufficiency argument is belied by the record. After reviewing the notes of testimony, we have determined that The Honorable Carol L. Van Horn, sitting as the trial court, has capably, comprehensively and accurately addressed every facet of Appellant's sufficiency argument, such that further commentary by this Court would be redundant. ***See*** Trial Court Opinion, 12/19/14, at 3 – 8. We therefore adopt the trial court's analysis as our own in disposing of this issue.

We are equally unpersuaded by Appellant's argument regarding the weight of the evidence. Appellant asserts:

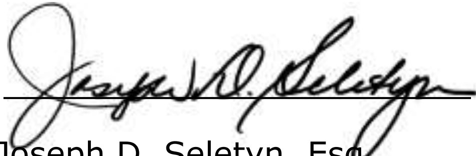
> The very nature of the testimony which the Appellant avers was unbelievable on its face and therefore as a matter of law, the conviction was so unreasonable that i[t] did in fact shock the conscience. [sic]

Appellant's Brief at 18. We disagree.

Again, the trial court properly applied the law, recognizing, *inter alia*, that a verdict is against the weight of the evidence only where it is "so contrary to the evidence as to shock one's sense of justice and make the award of a new trial imperative." Trial Court Opinion, 12/19/14, at 8, *citing* ***Commonwealth v. Hudson***, 955 A.2d 1031, 1035 (Pa. Super. 2008). The trial court observed that "the jury's credibility determinations were quite understandable in this case." ***Id***. Our review of the notes of testimony once again supports the trial court, which recognized the province of the jury as fact-finder. ***Id***. at 8-9. We may not re-weigh the testimony adduced at trial. ***See Commonwealth v. Hawkins,*** 701 A.2d 492, 501 (Pa. 1997) (the credibility of witnesses is "solely for the [fact finder] to determine"); ***see also Commonwealth v. Dougherty,*** 860 A.2d 31, 36 (Pa. Super. 2004) (citations omitted) ("This Court cannot substitute its judgment for that of the [fact finder] on issues of credibility."). Moreover, "[i]t is the function of the [fact finder] to evaluate evidence adduced at trial to reach a determination as to the facts, and where the verdict is based on substantial, if conflicting evidence, it is conclusive on appeal." ***Commonwealth v. Reynolds,*** 835 A.2d 720, 726 (Pa. Super. 2003) (citation omitted). Given the foregoing, we find no merit to Appellant's weight claim.

Judgment of sentence affirmed.

Judgment Entered.



Joseph D. Seletyn, Esq.
Prothonotary

Date: 7/29/2015

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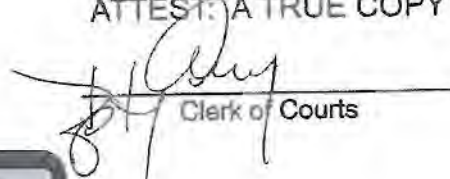
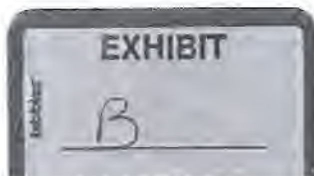
IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT
OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

Commonwealth of Pennsylvania,	:	CRIMINAL ACTION
	:	
vs.	:	No: 1411 of 2013
	:	
Deonta Williams,	:	
Defendant	:	Honorable Carol L. Van Horn

OPINION AND ORDER OF COURT

Before Van Horn, J.





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IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

Commonwealth of Pennsylvania,	:	CRIMINAL ACTION
	:	
vs.	:	No: 1411 of 2013
	:	
Deonta Williams,	:	
Defendant	:	Honorable Carol L. Van Horn

STATEMENT OF THE CASE

On August 6, 2014, a jury found the above captioned Defendant, Deonta Williams guilty of Robbery,[1] Conspiracy to Commit Robbery[2] and Theft.[3] Defendant was sentenced on September 3, 2014, to 66 to 132 months on the Robbery count and 42 to 84 months on the Conspiracy count to be served consecutively. The Theft count was merged for sentencing purposes. Defendant was given credit for time served from June 10, 2013 to September 3, 2014. Defendant filed a timely Post-Sentence Motion on September 12, 2014. An Answer was not filed by the Commonwealth and the Defendant waived a hearing on the matter. The issue is now ripe for decision in this Opinion and Order of Court.

BACKGROUND

The above-captioned charges arose out of events that transpired on April 13, 2014, at the Sunoco gas station in Greencastle, Pennsylvania. The victims, Michele Meadows and Alice Watkins, were working together at the Sunoco gas station as clerks at or around 9:15 or 9:30. At that time, three men entered the store, two of which had bandanas over their faces. The first man, the Defendant, jumped over the counter and pointed a gun at the victims. Various witnesses

[1] 18 Pa. C.S. 3701(a)(ii).
[2] 18 Pa. C.S. 903. (18 Pa. C.S. 3701(a)(ii)).
[3] 18 Pa.C.S. § 3921.

testified at trial that the gun was actually a BB gun. Defendant then threatened to kill the clerks if they did not open the safe. While this was occurring, the second suspect, John Zawierucha, walked around the counter and began putting money and Newport cigarettes inside a pink and gray duffel bag. The third suspect, Trevon Walker, then took the clerks to another part of the store and told them to relax and that everything would be over shortly. The three suspects eventually fled with the cash and cigarettes. The victims subsequently called police to report the robbery.

Follow their departure from the gas station, the three suspects were picked up by two young women in a black Honda Civic. The two young women were later identified as Tiffani Robey and Brittany Johnson. The black Honda Civic was initially followed by two witnesses, Richard Rhodes and Lori Harbaugh, who testified they had earlier noticed the two young women parked in a suspicious location in relation to the Sunoco gas station. (N.T. 8/4/2014 p. 107). Mr. Rhoades testified that upon seeing the three male suspects running towards the car, one with a duffel bag in hand, he suspected a potential robbery and followed the suspects at a high rate of speed. *Id.* at 88. Although the suspects eventually lost Mr. Rhoades and Ms. Harbaugh, they were able to get a tag number of the black Honda Civic and conveyed it to police. *Id.* at 89.

Trooper Paul Decker testified that he assisted Trooper Dave Rush in investigating this incident and met with Mr. Rhoades and administered him a photo lineup. *Id.* at 111-112. Mr. Rhoades was able to identify one of the two females in the car, Tiffani Robey. *Id.* at 115. Tiffani Robey and Brittany Johnson were later arrested and spoke with police a total of three (3) times. Both women testified at trial that they fabricated an original story implicating three other men, names they both made up. (N.T. 8/5/2014 p. at 20, 47-48). None of the names provided was that of the Defendant, John Zawierucha, or Trevon Walker. Eventually, both women testified they

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decided to accept responsibility and as a result turned the real culprits in. *Id.* at 20, 49. Both told police they had driven the Defendant, John Zawierucha, and Trevon Walker to the Sunoco in order to commit the robbery and then picked up the men and proceeded to flee the scene. The women testified that they subsequently drove to a Red Roof Inn in Germantown, Maryland, where the five (5) individuals distributed the cash and cigarettes. *Id.* at 17, 46. Trevon Walker also testified at trial that the Defendant participated in the robbery and was the suspect identified as carrying the BB gun. (N.T. 8/4/2014 p. 119-39).

The Defendant attempted to offer an alibi defense at trial and called Samantha Deneen, his girlfriend at the time of the incident, as a witness. Ms. Deneen testified that on the night of the robbery the Defendant was with her at her home in Hagerstown, Maryland, eating dinner and watching movies all night. She testified that the Defendant never left the residence. Thus, the crux of Defendant's alibi defense was that he could not possibly have participated in the robbery because he was nowhere near the Greencastle Sunoco gas station on the night in question. Ultimately, the jury found this testimony unconvincing and convicted him on the aforementioned counts.

DISCUSSION

I. Sufficiency of Evidence

Defendant moves this Court to enter a Judgment of Acquittal, arguing that there was no credible evidence presented at trial that could have allowed the jury to find beyond a reasonable doubt that the Defendant was guilty of the charges he was convicted. Thus, Defendant's first argument is a challenge to the sufficiency of the evidence presented by the Commonwealth at trial. The standard for evaluating sufficiency of the evidence claims is well established:

> The standard we apply when reviewing the sufficiency of the evidence is whether viewing all the evidence admitted at trial in

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> 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.

Commonwealth v. McClendon, 874 A.2d 1223, 1228 (Pa. Super. 2005) (citations omitted); *see also Commonwealth v. Moreno*, 14 A.3d 133, 136 (Pa. Super. 2011). When applying this standard, the court "may not weigh the evidence and substitute our judgment" for that of the jury. *Commonwealth v. Mack*, 850 A.2d 690, 693 (Pa. Super. 2004) (citations omitted). Moreover, "[a]ny 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." *Commonwealth v. Eckrote*, 12 A.3d 383, 386 (Pa. Super. 2010) (citing *Commonwealth v. DiStefano*, 782 A.2d 574, 582 (Pa. Super. 2001)). Importantly, "facts and circumstances established by the Commonwealth need not preclude every possibility of innocence." *Mack*, 850 A.2d at 693 (citations omitted). However, "guilt must be based on facts and conditions proved," and the evidence is insufficient if guilt is based on "suspicion or surmise." *Eckrote*, 12 A.3d at 386 (citing *Commonwealth v. Swerdlow*, 636 A.2d 1173 (Pa. Super. 1994)). A conviction may be based entirely on circumstantial evidence as long as the "evidence links the accused to the crime beyond a reasonable doubt." *Commonwealth v. Chmiel*, 639 A.2d 9, 11 (Pa. 1994) (citations omitted). Finally, when deciding whether the evidence is sufficient to sustain the verdict, "the entire record must be evaluated and all evidence actually received must be considered." *Mack*, 850 A.2d at 693 (citations omitted). Yet, "the fact finder is free to believe all, part, or none of the evidence presented at trial." *Commonwealth v. Moreno*, 14 A.3d 133, 136 (Pa. Super. 2011).

Defendant first argues that the evidence was insufficient to support a guilty verdict on all counts beyond a reasonable doubt because the Commonwealth failed to prove that the Defendant

was even near the location of the subject robbery, the Sunoco station near Interstate 81 Exit 10 in Antrim Township, Pennsylvania. Specifically, Defendant avers that the only evidence presented by the Commonwealth "tying" him to the incident is the testimony of three admitted co-participants in the robbery. Defendant also first points to the fact that neither of victims, Michele Meadows or Alice Watkins, was able to positively identify the Defendant as a participant in the robbery. Next, Defendant highlights that no articles from the robbery were found on him when he was taken into custody. Finally, Defendant states he provided an alibi which the Commonwealth refuted only by testimony of co-participants in the robbery.

In order to successfully establish a meritorious sufficiency of the evidence challenge, Defendant must show that the testimony provided by the Commonwealth was "so weak and inconclusive that as a matter of law no probability of fact may be drawn from the combined circumstances." *Eckrote*, 12 A.3d at 386. The Court simply cannot come to such a conclusion. Although Defendant is correct that neither victim positively identified him,[4] both identified the suspect believed to be the Defendant as having a gun, wearing a red hoody and having a bandana covering his face. (N.T. 8/4/14 p. 45-46, 66). Both also described the suspect believed to be the Defendant as very aggressive. *Id.*

As the Defendant correctly notes, the Commonwealth also presented testimony of three undisputed co-participants in the robbery: Tiffani Robey, Brittany Johnson and Trevon Walker. All three testified that the Defendant was present and participated in the robbery. The description of the Defendant at the time of the robbery by the three co-participants is also consistent with the testimony of the two victims of the second suspect. Specifically, Tiffani Robey testified that the Defendant was wearing a red hoody and blue jeans. (N.T. 8/5/14 p. 13) She also testified that he

[4] It is important to note that the victims did testify that both the first and second suspects were wearing bandanas over their faces and had hoods up. (N.T. 8/4/14 p. 63, 67). Thus, most witnesses would likely have had trouble positively identifying either of these suspects.

had a bandana over his face and was carrying a gun.[5] *Id.* at 13, 17. Brittany Johnson also explained that the Defendant had a bandana over his face and was wearing a red hoody and blue jeans when he entered the store. *Id.* at 42. Finally, Trevon Walker testified that he entered the Sunoco Gas with the Defendant and John Zawierucha after Tiffani Robey and Brittany Johnson had dropped them off. (N.T. 8/4/14 p. 133). Trevon Walker indicated that the Defendant was wearing a red or burgundy hoody at the time. *Id.* at 137. Additionally, Mr. Walker explained the Defendant was the suspect with the BB gun who had approached the victims at the register. *Id.* at 134. Thus, the Court finds that a majority of the testimony of both the victims and the three co-participants regarding the robbery and the Defendant's participation was relatively consistent.[6] The Defendant takes great strides to highlight the fact that each of the three admitted co-participants received deals and favorable treatment in exchange for their testimony. However, the jury was well aware of this, as the Commonwealth asked each witness on direct examination about the treatment they were receiving in exchange for their testimony. (N.T. 8/4/14 at 121-122, 8/5/14 at 10, 37-38). Consequently, the jury was able to properly consider such circumstances in reaching their verdict.

Further, simply because a bulk of the testimony provided by the Commonwealth was from co-participants will not suffice to sustain a meritorious sufficiency of the evidence challenge. In fact, evidence consisting largely of testimony of even a single co-participant is sufficient to sustain a robbery conviction. *Commonwealth. v. Palmer*, 462 A.2d 755, 761 (Pa. Super. 1983). In *Palmer*, the defendant made a similar contention as in the instant case, arguing that evidence was insufficient to sustain his robbery conviction because the only direct and

[5] Ms. Robey did testify that the gun "wasn't even a gun. It was a BB gun." (N.T. 8/4/14 at 15).

[6] The Court is well aware of the rather bizarre and incoherent testimony provided by Trevon Walker on cross examination. *See* N.T. 10/4/14 p. 147-159. However, Mr. Walker's testimony on direct regarding the actual logistics and details of the robbery was fairly consistent with the testimony of the victims, Tiffani Robey and Brittany Johnson.

circumstantial evidence was supplied by a co-participant in the crime and was therefore a "corrupt source of unworthy belief." *Id.* The Superior Court promptly disposed of this argument stating:

> "Where parties in crime testify against each other, their testimony must be recognized as coming from a corrupt source and therefore must be subjected to the closest scrutiny." (Internal citations omitted). However, the issue of credibility is for the factfinder to resolve upon proper instructions by the trial court. The lower court properly instructed the jury on the manner in which to view [co-defendant's] testimony. Moreover, [co-defendant's] testimony was consistent throughout and corroborated both as to events and identifying details by other witnesses. It is within the province of the jury to accept or reject evidence presented by the Commonwealth. (Internal citations omitted). We cannot agree with appellant that [co-defendant's] testimony was so unreliable that the verdict was against the weight of the evidence. The lower court, which observed the testimony, found it consistent and corroborated. We believe that the jury reasonably believed [co-defendant], and we therefore find the evidence sufficient to sustain both convictions.

Id. Similar to *Palmer*, this Court also properly instructed the jury on the manner in which to view accomplice testimony, advising:

> These are the three rules to be applied to accomplice testimony: First, you should view the testimony of an accomplice with disfavor because it comes from a corrupt and polluted source; second you should examine the testimony of an accomplice closely and accept it only with care and caution; and, third, you should consider whether the testimony of the accomplice is supported in whole or in party by other evidence. Accomplice testimony is more dependable if it is supported by independent evidence.

(N.T. 8/6/14 at 46). Being properly instructed, the determination of the credibility and sufficiency of the three co-participants' testimony and the other independent evidence was for the factfinder to decide, and again, this Court will not disturb such a conclusion.

Lastly, Defendant argues that he also had an alibi and that no articles from the robbery were found on the Defendant when he was taken into custody. Addressing the latter contention

first, there is no requirement under any of the charges that the Defendant was convicted of that "articles from the robbery be found on him when he is taken into custody." Consequently, such an assertion is of little value to the Court in addressing Defendant's sufficiency claim. Finally, Defendant's sufficiency challenge based on that he had an alibi and that the Commonwealth refuted it only by testimony of co-participants in the robbery is also meritless. To establish this "alibi" Defendant called Samantha Deneen as a witness. Conveniently, Ms. Deneen was the Defendant's girlfriend at the time of the robbery and she testified that the Defendant was with her at home on the night in question. (N.T. 8/5/14 p. 126-30). Defendant provided no other witnesses to confirm this testimony and the Commonwealth provided testimony of the three co-participants which expressly rejected this alibi defense. Importantly, as noted above, when evaluating a sufficiency of the evidence claim, the court "may not weigh the evidence and substitute our judgment" for that of the jury. *Mack*, 850 A.2d at 693 (citations omitted). Defendant's claim that he is entitled to a judgment of acquittal because the jury found the testimony of the Commonwealth's witnesses more credible than his essentially asks the Court to weigh the evidence differently than the jury did, which the Court will not do.

II. Weight of the Evidence

Defendant also argues that, if this Court finds his sufficiency of the evidence argument claim to be without merit, the verdict issued by the jury on all three counts was against the weight of the evidence and that granting of a new trial is necessary in the interest of justice. The Court does not agree.

A verdict is against the weight of the evidence where it is "so contrary to the evidence as to shock one's sense of justice and make the award of a new trial imperative." *Commonwealth v. Hudson*, 955 A.2d 1031, 1035 (Pa. Super. 2008). The jury is entitled to believe "all, part, or

none of the evidence, and credibility determinations rest solely within the purview of the fact-finder." *Commonwealth v. Treiber*, 874 A.2d 26, 30 (Pa. 2005). A jury does not have to believe any testimony and the weight to be credited to testimonial or other evidence presented is a determination resting solely with the jury. *See Commonwealth v. Flor*, 998 A.2d 606, 626 (Pa. 2010). A new trial should not be granted based upon "a mere conflict in the testimony" and must have a stronger foundation than a reassessment of the credibility of witnesses. *Commonwealth v. Bruce*, 916 A.2d 657, (Pa. Super. 2007). The court must not act as a thirteenth juror. *See id.* Rather, the Court must determine that "notwithstanding all the facts, certain facts are so clearly of greater weight that to ignore them or to give them equal weight with all the facts is to deny justice." *Id.* (citing *Commonwealth v. Widmer*, 744 A.2d 745, 751-52 (Pa. 2000)).

Defendant's weight of the evidence contention mirrors the facts upon which his sufficiency of evidence argument was premised. To wit, that the: (1) testimony of the victims of the robbery was not credible because they could not positively identify the Defendant; (2) that the testimony of the three admitted co-participants in the robbery was not credible because they all received favorable treatment and lenient sentences in exchange for it; and (3) that Defendant offered an alibi defense and no articles of the robbery were found on him when he was taken into custody.

The Defendant's weight claim fails. The jury is free to believe all, part, or none of the evidence, and to make credibility determinations. Conflicts between testimonies are for the jury to resolve, and review of the jury's credibility determinations is not for the trial court to undertake. Even if there Court were to undertake such a matter, the jury's credibility determinations were quite understandable in the instant case. Upon careful consideration of the record, the Court does not find any of the evidence presented by the Defendant in support of his

weight claim so clearly of greater weight than the evidence presented supporting his convictions that failure to give it credence amounts to a denial of justice. Simply put, the verdicts are not so contrary to the evidence as to shock one's sense of justice.

CONCLUSION

For the abovementioned reasons, the Court finds the verdicts are supported by sufficient evidence and they are not against the weight of the evidence. Pursuant to the attached Order, Defendant's Post-Sentence Motion is denied.

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IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

Commonwealth of Pennsylvania,	:	**CRIMINAL ACTION**
vs.	:	**No: 1411 of 2013**
Deonta Williams, **Defendant**	:	**Honorable Carol L. Van Horn**

ORDER OF COURT

AND NOW THIS 19th **day of December, 2014,** the Court having reviewed and considered the Defendant's Post-Sentence Motion and upon review of the applicable law;

IT IS HEREBY ORDERED THAT the Defendant's Post-Sentence Motion is **DENIED.**

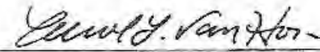
YOU ARE HEREBY ADVISED THAT Pursuant to Rule 720(4) of the Pennsylvania Rules of Criminal Procedure:

1. You have the right to appeal from the Court's decision disposing of your motion [Pa. R. Crim. P. 720(4)(a)];
2. If you choose to exercise that right, you must do so within thirty (30) days of the date of this order [Pa. R. Crim. P. 720(4)(a); Pa. R. App. P. 903(a)];
3. You have the right to assistance of counsel in the preparation of your appeal [Pa. R. Crim. P. 720(4)(b)];
4. If you are indigent, you have the right to appeal in forma pauperis and to have counsel appointed to represent in your appeal [Pa. R. Crim. P. 720(4)(c); Pa. R. Crim. P. 122];

5. You have the qualified right to bail under Pa. R. Crim. P. 521(b) [Pa. R. Crim. P. 720(4)(d)].

Pursuant to Pa. R. Crim. P. 114, the Clerk of Courts shall immediately docket this Opinion and Order of Court and record in the docket the date it was made. The Clerk shall forthwith furnish a copy of the Opinion and Order of Court, by mail or personal delivery, to each party or attorney, and shall record in the docket the time and manner thereof.

By the Court,



Carol L.Van Horn, J.

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