

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
CASEY DAVID ANTHONY	:	
	:	
Appellant	:	No. 538 WDA 2025

Appeal from the Judgment of Sentence Entered December 20, 2024
In the Court of Common Pleas of Westmoreland County Criminal Division
at No(s): CP-65-CR-0001355-2024

BEFORE: BOWES, J., OLSON, J., and BENDER, P.J.E.

MEMORANDUM BY OLSON, J.:

FILED: September 10, 2026

Appellant, Casey David Anthony, appeals from the judgment of sentence entered on December 20, 2024, in the Criminal Division of the Court of Common Pleas of Westmoreland County, as made final by the resolution of his post-sentence motion. We affirm.

The trial court aptly summarized the facts of this case as follows.

On March 5, 2024, Trooper Michael Kowalski of the Pennsylvania State Police was dispatched to the area of Windgate Drive and Liberty Hill Road in Hempfield Township for a reported hit-and-run crash involving a relative. Specifically, Kaydee Anthony (hereinafter "Kaydee") contacted 911 and reported that, while she was waiting at a bus stop, [Appellant] backed up his vehicle while "screaming" at her "rammed" it into the back of her vehicle. Her 4-year-old child was also inside of her vehicle at the time that it was struck. [Appellant] then "took off" towards Arona Road and his vehicle's front bumper was "hanging."

Upon Trooper Kowalski's arrival at the scene, he spoke with Kaydee about what occurred. She reported that, while she was waiting for one of her children to get off of the bus, [Appellant]

backed up his truck with a trailer attached to it and “rammed” it into the back of her vehicle causing it to move forward. Kaydee believed that [Appellant] purposely struck her vehicle because he was mad at her about a Protection from Abuse (hereinafter “PFA”) order that his mother had just obtained against him. Moreover, he told her that “all of this was [her] fault.” Kaydee pointed out pieces of the front of [Appellant’s] truck that were left at the scene. [Appellant] backed up his vehicle and left after striking Kaydee’s vehicle. Kaydee told Trooper Kowalski that there was not much inside of [Appellant’s] trailer whenever he struck her vehicle. Trooper Kowalski also observed some scratches and scuff marks on the rear bumper area of Kaydee’s vehicle.

Kaydee testified that on March 5, 2024, she was waiting inside of her vehicle to pick her daughter up from the school bus. At one point, [Appellant] arrived at the bus stop in his truck that had a trailer attached to the back of it. [Appellant] exited his vehicle and spoke with Kaydee about the PFA that his mom had just placed on him.

Kaydee stated that she could only remember “bits and pieces” of the incident because she has Post-Traumatic Stress Disorder and forgets certain situations where she is “triggered.” She recalled talking with [Appellant] and getting him inside of his vehicle. She also remembered being “juttet” forward and her daughter crying. Kaydee testified that she checked her daughter for injuries as she was contacting 911. [Appellant] did not check on Kaydee or her daughter after striking her vehicle.

Trial Court Opinion, 4/1/25, at 2-3.

On May 17, 2024, the Commonwealth filed a criminal information charging Appellant with three counts. Count I alleged that Appellant committed simple assault by physical menace, 18 Pa.C.S.A. § 2701(a)(3), by striking Kaydee’s vehicle with his truck. Count II also alleged that Appellant committed simple assault by physical menace, this time for yelling at and berating Kadee. Count III alleged that Appellant committed disorderly conduct, 18 Pa.C.S.A. § 5503, when he struck Kaydee’s vehicle and berated

her. At the conclusion of a bench trial on October 18, 2024, the court found Appellant guilty of Counts I and III. On December 20, 2024, Appellant was ordered to serve 30 days to 23 months' incarceration, with 30 days credit for time served, for his conviction at Count I. In addition, Appellant received one year of concurrent probation for Count III.

Appellant filed a post-sentence motion on December 30, 2024. Among other things, Appellant's motion alleged that his guilty verdicts were against the weight of the evidence. The trial court denied Appellant's post-sentence motion by opinion and order on April 1, 2025. Thereafter, on May 1, 2025, Appellant filed a timely notice of appeal and, after obtaining leave of court, Appellant filed a concise statement of errors complained of on appeal on June 16, 2025. On June 23, 2025, the trial court issued an opinion pursuant to Pa.R.A.P. 1925(a).

On appeal, Appellant raises the following issues for our review.

- 1) Did the Commonwealth present legally sufficient evidence to support Appellant's conviction for Simple Assault by Physical Menace, graded as a first-degree misdemeanor, and Disorderly Conduct, graded as a third-degree misdemeanor, where legally infirm inferences were necessarily relied upon to find that the material elements of the crimes were established?
- 2) Did the trial court abuse its discretion in not granting a new trial and in determining that its verdict for Simple Assault by Physical Menace, graded as a first-degree misdemeanor, was not against the weight of the evidence presented at trial where the trial court relied on legally infirm inferences from unrelievable hearsay testimony that was contradicted by more objective evidence?

Appellant's Brief at 4.

In his first issue, Appellant challenges the sufficiency of the evidence supporting his convictions for simple assault by physical menace and disorderly conduct. Our review of Appellant's sufficiency challenges is governed by the following standard.

Our standard and scope of review of challenges to the sufficiency of the evidence is well-established. "We review claims regarding the sufficiency of the evidence by considering whether, viewing all the evidence admitted at trial in the light most favorable to the verdict winner, there is sufficient evidence to enable the factfinder to find every element of the crime beyond a reasonable doubt." ***Commonwealth v. Parrish***, 191 A.3d 31, 36 (Pa. Super. 2018)(citation omitted). "Further, a conviction may be sustained wholly on circumstantial evidence, and the trier of fact - while passing on the credibility of the witnesses and the weight of the evidence - is free to believe all, part, or none of the evidence." ***Id.*** (citation omitted). "Because evidentiary sufficiency is a matter of law, our standard of review is *de novo*, and our scope of review is plenary." ***Id.*** (citation omitted).

Commonwealth v. Flythe, 358 A.3d 656, 2026 WL 575272, *4 (Pa. Super. 2026) (non-precedential decision).

In developing his sufficiency challenge to his simple assault conviction, Appellant asserts that testimony regarding his departure from the scene of the collision, Kaydee's inquiry into her daughter's safety, and Kaydee's expressions of fear at trial were "too tenuous and infirm" to establish that Appellant attempted to place the victims in fear of imminent serious bodily injury since the evidence showed only that the collision between the vehicles involved a "minor bump," which was incapable under the circumstances of

causing serious bodily injury. **See** Appellant's Brief at 16-21. Appellant also denies that he employed physical menace to place the victims in fear of imminent injury because, under the circumstances proven at trial, a singular collision does not constitute a threat. **See id.** at 23. Lastly, Appellant contends that he did not harbor a conscious objective to frighten the victims; instead, Appellant argues that the trial evidence proved only that he intended to harass or annoy them. **Id.** at 24.

"[A] person is guilty of [simple] assault if [he attempts by physical menace to put another in fear of imminent serious bodily injury]." 18 Pa.C.S.A. § 2701(a)(3). "In order to prove the crime of simple assault by physical menace, the Commonwealth must establish the following elements: (1) that the defendant attempted to put the [victim] in fear of imminent serious bodily injury, and took a substantial step toward that end, (2) that the defendant used physical menace to do this, and (3) that it was the defendant's conscious object or purpose to cause fear of serious bodily injury." **Commonwealth v. Little**, 614 A.2d 1146, 1152 (Pa. super. 1992). "Simple assault is a misdemeanor of the second degree unless committed . . . against a child under 12 years of age by a person 18 years of age or older, in which case it is a misdemeanor of the first degree."¹ 18 Pa.C.S.A. § 2701(a)(3).

¹ Appellant does not dispute that the couple's daughter was under 12 years of age at the time of the incident.

To prove simple assault by physical menace, the Commonwealth needed to demonstrate beyond a reasonable doubt that Appellant “acted with a specific intent to put the [victims] in fear of imminent serious bodily injury.” ***See Commonwealth v. Fry***, 491 A.2d 843, 844 (Pa. Super. 1985). “Serious bodily injury” is defined in the Crimes Code as “[b]odily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.” 18 Pa.C.S.A. § 2301. Proof of an individual’s state of mind may be inferred from his words, conduct, or from the surrounding circumstances and may be shown by circumstantial evidence. ***See Fry***, 491 A.2d at 844. “A fact finder may find that a person intends the natural and probable consequences of his actions.” ***Fry***, 491 A.2d at 844. An individual may commit simple assault by physical menace without verbally threatening the victim. ***See Little***, 614 A.2d at 1153. The commentary to Section 3701(a) makes clear that “[s]ubsection (a)(3) [(the provision under which Appellant was charged and convicted)] **covers the situation when the actor intends to frighten even though he does not intend, or lacks ability, to commit a battery.**” 18 Pa.C.S.A. § 2701(a)(3), cmt. (emphasis added).

We agree with the trial court that the totality of the trial evidence, when viewed in the light most favorable to the Commonwealth, was sufficient to find Appellant guilty of simple assault by physical menace. As the court found, Appellant, while angered by a PFA order issued against him, entered his truck,

reversed it, and intentionally rammed it into the rear of Kaydee's vehicle while both Kaydee and the couple's young child were inside. Even in the absence of a more violent vehicular collision or an express threat, Appellant's actions were sufficient to show, as the trial court determined, that he took a substantial step toward placing Kaydee and the couple's young child in fear of imminent serious bodily injury through an intentional vehicle strike. Because the evidence was sufficient to prove simple assault by physical menace against both victims, and since our standard of review precludes us from reassessing what Appellant intended and what he attempted, we affirm Appellant's conviction under Count I.

Appellant next challenges the sufficiency of the evidence introduced in support of his disorderly conduct conviction. While Appellant concedes that alarm or fright might be inferred from his conduct, he maintains that the Commonwealth did not prove that he intended substantial harm or inconvenience to befall the victims. **See** Appellant's Brief at 31. As such, Appellant concludes that his conviction for disorderly conduct graded as a third-degree misdemeanor should be vacated and reduced to a summary offense. **See id.** Appellant also asks us to remand this conviction for resentencing.

"A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he [engages in fighting or threatening, or in violent or tumultuous behavior]." 18

Pa.C.S.A. § 5503(a)(1). An offense under Section 5503 is a summary offense, unless the intent of the actor is to cause substantial harm or serious inconvenience. **See** 18 Pa.C.S.A. § 5503(b). In such cases, a conviction under this provision is a misdemeanor of the third degree. **Id.**

We have reviewed the certified record, the submissions of the parties, and the opinion prepared by the trial court. Based upon our review, we conclude that the trial court has adequately and accurately examined Appellant's sufficiency challenge and concluded that the Commonwealth proved beyond a reasonable doubt that Appellant acted with the intent to cause substantial harm or serious public inconvenience. **See** Trial Court Opinion, 6/23/25, at 7-9. Accordingly, we adopt this aspect of the trial court's opinion as our own.²

In his second issue, Appellant claims that his guilty verdict on the offense of simple assault by physical menace was against the weight of the evidence. We assess weight-of-the-evidence challenges under the following standard.

Appellate review of a weight claim is [not a review of the merits of the underlying question but, instead, a review of the exercise of the trial court's discretion in assessing] whether the verdict is against the weight of the evidence. Because the trial [court] had the opportunity to hear [the witnesses] and see the evidence presented, an appellate court will give the gravest consideration to the findings and reasons advanced by the trial [court] when reviewing a [its] determination that the verdict is [or is not]

² The parties shall include a copy of the trial court's June 23, 2025 opinion with all future filings pertaining to the disposition of this appeal.

against the weight of the evidence. One of the least assailable reasons for granting or denying a new trial is the [trial] court's conviction that the verdict was or was not against the weight of the evidence and that a new trial should be granted in the interest of justice.

A trial court abuses its discretion where the course pursued represents not merely an error of judgment, but where the judgment is manifestly unreasonable or where the law is not applied or where the record shows that the action is a result of partiality, prejudice, bias[,] or ill-will. The term 'discretion' implies the exercise of judgment, wisdom, and skill so as to reach a dispassionate conclusion within the framework of the law, and is not exercised for the purpose of giving effect to the will of the trial court. To prevail on a weight of the evidence claim, Appellant must show that the evidence is so tenuous, vague, and uncertain that the verdict shocks the conscience of the trial court.

When the challenge to the weight of the evidence is predicated on the credibility of trial testimony, our review of the trial court's decision is extremely limited. Generally, unless the evidence is so unreliable [or] contradictory as to make any verdict based thereon pure conjecture, these types of claims are not cognizable on appellate review.

Commonwealth v. Damerjian, 2023 WL 4103986, *5 (Pa. Super. 2023)

(internal quotations and citations omitted; format adjusted).

Here, Appellant claims that the trial court abused its discretion in rejecting his weight claim, which requested a new trial on the offense of simple assault by physical menace. **See** Appellant's Brief at 13 and 33. Appellant maintains that the trial court relied on legally infirm inferences from unreliable hearsay testimony that was contradicted by more objective evidence. ***Id.*** at 34.

Appellant's vague and threadbare weight claim merits no relief. In sum, Appellant argues that the trial court abused its discretion by according too

much persuasive value to Kaydee's hearsay statements and emotional testimony, while giving inadequate consideration to more objective evidence in the record. **See** Appellant's Brief at 33. The trial court, in its opinion and order dated April 1, 2025,³ carefully reviewed the evidence introduced at trial and rejected Appellant's claim that the vehicle collision was minor or accidental. Trial Court Opinion and Order, 4/1/25, at 5-7. Specifically, the court noted that Appellant quickly departed the scene after the episode. **Id.** This permitted the court to infer that Appellant was subjectively conscious of his guilt. In addition, the court found Kaydee's testimony regarding her fear to be highly credible and genuine. **Id.** As stated above, when a weight claim is predicated upon a challenge to the credibility and persuasive value of trial evidence, our review is extremely limited. Accordingly, we agree with the trial court that the verdict was not so contrary to the evidence that it shocked one's sense of justice; hence, we reject Appellant's weight challenge.

Judgment of sentence affirmed.

³ The trial court's Rule 1925(a) opinion entered on June 23, 2025 adopted the findings and conclusions set forth in the court's order of April 1, 2025, which denied Appellant's post-sentence motion.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

9/10/2026

**IN THE COURT OF COMMON PLEAS OF WESTMORELAND
COUNTY, PENNSYLVANIA – CRIMINAL DIVISION**

COMMONWEALTH OF PENNSYLVANIA

vs.

CASEY DAVID ANTHONY

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No. 1355 C 2024

**STATEMENT OF THE COURT ISSUED PURSUANT TO
PA.R.A.P. 1925(a)**

AND NOW, to wit, this 23rd day of June 2025, the Court
issues the following Opinion pursuant to Rule 1925(a) of the
Pennsylvania Rules of Appellate Procedure:

I. FACTUAL AND PROCEDURAL HISTORY

This Court hereby incorporates the Factual and Procedural
History from the Opinion and Order of Court dated April 1, 2025,
that was filed at the above-numbered case and is attached hereto
for reference.

Defendant filed a timely Notice of Appeal on May 1, 2025. He presented the following issues in a Concise Statement of Matters Complained of on Appeal that was received on June 16, 2025:¹

- 1) Did the trial court err as a matter of law in finding the Defendant guilty of simple assault under 18 Pa. C.S. § 2701(a)(3), as a first-degree misdemeanor, and that the Commonwealth presented legally sufficient evidence to prove (1) that the Defendant "attempted to put [Kaydee Anthony or her daughter] in ... fear of an impairment of physical condition that would create a substantial risk of death or that would cause serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ," and (2) that it was the Defendant's "conscious object or purpose to cause fear or imminent bodily injury," where the Defendant made no verbal threats and his conduct was not threatened, but realized action, without interference, which action caused no harm and no evidence was presented to show that it could have or was likely to produce serious bodily injury as above defined; and where no testimony or evidence was presented that the child experienced any fear. Pa. Suggested Std. Crim. Jury Instr. § 15.2701D.
- 2) Did the trial court err as a matter of law in finding the Defendant guilty of disorderly conduct as a third-degree misdemeanor under 18 Pa. C.S. § 5503(b) and that the Commonwealth presented legally sufficient evidence to prove that the Defendant acted with "intent to cause either substantial harm to the public by way of annoyance or alarm, or serious public inconvenience," and in the present case, "where the conduct of the defendant was directed at only one person, [that] the Commonwealth [] prove[d] beyond a reasonable doubt that the defendant also intended such

¹ Defendant's Concise Statement was not filed of record with the Westmoreland County Clerk of Courts at the time this Opinion was issued.

substantial harm or serious inconvenience to the public.” Pa. Suggested Std. Crim. Jury Instr. § 15.5503A.

- 3) Did the trial court abuse its discretion in not granting a new trial and in determining that its verdict was not against the weight of the evidence presented at trial where the evidence upon which the trial court relied to find the Defendant’s conduct threatened or caused fear of immediate serious bodily injury was that Kaydee Anthony checked her child for injury, only after first calling 9-1-1, and no harm was realized or evidence presented that serious bodily harm could have or was likely to result from the Defendant’s conduct, and where the Defendant immediately left the scene, thereby posing no further threat of harm.
- 4) Did the trial court err as a matter of law or abuse its discretion by considering and relying upon out-of-court statements made by Kaydee Anthony for the truth of the matter they asserted in support of its guilty verdicts following a non-jury trial, and not instead disregarding them as non-substantive evidence and inadmissible hearsay; Appellant complains of the trial court’s consideration of statements by Kaydee Anthony in the Commonwealth’s Exhibits 1 and 2, the Affiant’s body-worn camera recording and the recording of Ms. Anthony’s 911 call, respectively.

(Concise Statement of Errors Complained of on Appeal, received June 16, 2025, at 1-3).

II. ISSUE PRESENTED ON APPEAL

1. Sufficiency of the Evidence

The first two issues presented by Defendant involve the sufficiency of the evidence. In reviewing a challenge to the

sufficiency of the evidence, the following well-settled test is applied:

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 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. Bruce, 916 A.2d 657, 661 (Pa. Super. 2007) (quoting *Commonwealth v. Frisbie*, 889 A.2d 1271, 1274-75 (Pa. Super. 2005)).

a. Simple Assault

Defendant first challenges his conviction for Simple Assault (M1), 18 Pa. C.S.A. § 2701(a)(3), at Count 1. A person is guilty of

Simple Assault if he attempts by physical menace to put another in fear of imminent serious bodily injury. 18 Pa. C.S.A. § 2701(a)(3). Stated another way, for a person to be convicted of simple assault by physical menace, "[t]he elements which must be proven are intentionally placing another in fear of imminent serious bodily injury through the use of menacing or frightening activity." *Commonwealth v. Reynolds*, 835 A.2d 720, 726 (Pa. Super. 2003).

"Serious bodily injury" is bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ." 18 Pa. C.S.A. § 2301. Simple Assault is a misdemeanor of the first degree if it is committed against a child under 12 years of age by a person 18 years of age or older. § 2701(b)(2).

A person may commit simple assault by physical menace without verbally threatening the victim. *Commonwealth v. Little*, 614 A.2d 1146, 1153 (Pa. Super. 1992). "Intent can be proven by direct or circumstantial evidence; it may be inferred from acts or conduct or from the attendant circumstances." *Id.* at 1154.

Here, viewing the evidence in the light most favorable to the Commonwealth as the verdict winner, there was sufficient evidence to find Defendant guilty of Simple Assault beyond a reasonable doubt. First, Defendant's demeanor, coupled with his actions, evidenced his attempt to place Kaydee and her four-year-old daughter, L.L. (DOB 11/17/19), in fear of imminent serious bodily injury. Specifically, on March 5, 2024, while Kaydee was waiting at a bus stop in her vehicle with her 4-year-old daughter, Defendant showed up uninvited. (Non-Jury Trial Transcript, October 18, 2024, at 28-30, 38; Commonwealth's Exhibits 1 and 2). He approached her vehicle and was angry about a PFA that his mother had just obtained against him, stating "all of this was [Kaydee's] fault." *Id.* Defendant then entered his truck, which was attached to a trailer, reversed it, and "rammed" it into the back of Kaydee's vehicle while "screaming." See Commonwealth Exhibits 1 and 2. As a result, Kaydee's vehicle moved forward, and her and her daughter began crying. *Id.* at 30, Commonwealth's Exhibits 1 and 2. This physical act by Defendant was clearly menacing or frightening. Defendant's actions prompted Kaydee to contact 911 and check her daughter

for injuries. This Court was able to listen to Kaydee's voice and observe her demeanor just after the incident. See Commonwealth's Exhibits 1 and 2. Kaydee also could not recall some of the incident during the Non-Jury Trial because she has "Post-Traumatic Stress Disorder" and forgets certain situations where she is "triggered." *Id.* at 30. Defendant struck Kaydee's vehicle with such force that pieces of his truck were left at the scene and his truck's front bumper was "hanging." See Commonwealth's Exhibits 1 and 2. The aforementioned actions proved that Defendant's conduct was intentional, especially considering he fled the scene and failed to check on Kaydee and her child after the collision. *Id.* For all of these reasons, Defendant's claim is without merit.

b. Disorderly Conduct

Next, Defendant challenges his conviction for Disorderly Conduct (M3), 18 Pa. C.S.A. § 5503(a)(1), at Count 3. "A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he engages in fighting or threatening, or in violent or

tumultuous behavior.” 18 Pa. C.S.A. § 5503(a)(1). “An offense under this section is a misdemeanor of the third degree if the intent of the actor is to cause substantial harm or serious inconvenience, or if he persists in disorderly conduct after reasonable warning or request to desist.” § 5503(b).

“[W]hen an offender engages in fighting or threatening, or in violent or tumultuous behavior in a public arena, even when that conduct is directed at only *one other person*, the offender may be subject to conviction for disorderly conduct.” *Commonwealth v. Fedorek*, 946 A.2d 93, 100 (Pa. 2008).

In the instant case, viewing the evidence in the light most favorable to the Commonwealth as the verdict winner, there was sufficient evidence to find Defendant guilty of Disorderly Conduct beyond a reasonable doubt. Specifically, for the same aforementioned reasons, the Commonwealth proved that Defendant engaged in fighting or threatening, or in violent or tumultuous behavior. Additionally, the Commonwealth proved that Defendant acted with the intent to cause either substantial harm to the public by way of annoyance or alarm, or serious public

inconvenience. Defendant's actions involved both Kaydee and her four-year-old daughter, and they occurred in a public area at a school bus stop. Moreover, the roadway that the incident was located on was open to the public, and there were houses surrounding the area. This Court was able to review photographs and body camera footage of the scene. See Commonwealth's Exhibits 1, 3, 4, and 5. For the aforementioned reasons, Defendant's claim is without merit.

2. Weight of the Evidence

The next issue Defendant presented is whether this Court abused its discretion in not granting a new trial and in determining that the verdict was not against the weight of the evidence.²

The reasons for this Court's decision in denying Defendant's weight of the evidence claim appear in the Opinion and Order of Court dated April 1, 2025 that was filed at the above-number and is attached hereto for reference.

² The instant weight of the evidence issue that was raised by Defendant in his Concise Statement is not the same as his preserved weight of the evidence claim that was raised in his Post-Sentence Motion.

3. Alleged Hearsay Statements

The final issue Defendant presented is whether this Court erred as a matter of law or abused its discretion by considering and relying upon out-of-court statements that were made by Kaydee in body camera footage and a 911 recording.

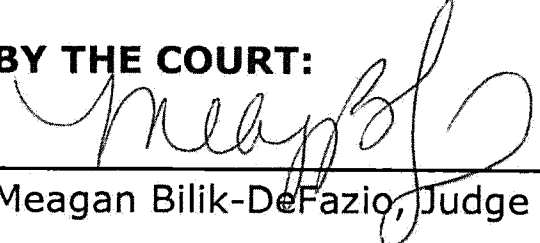
Generally, issues “not raised in the trial court are waived and cannot be raised for the first time on appeal.” Pa. R.A.P. 302(a). Moreover, the “[f]ailure to raise a contemporaneous objection to the evidence at trial waives that claim on appeal.” *Commonwealth v. Thoeun Tha*, 64 A.3d 704, 713 (Pa. Super. 2013).

Here, since Defendant did not object to any of the aforementioned alleged hearsay statements by Kaydee that were admitted into evidence at the time of his Non-Jury Trial, and the issue is being raised for the first time in his 1925(b) statement, his claim should be waived on appeal.

III. CONCLUSION

For the reasons set forth above, the issues raised on appeal are without merit.

BY THE COURT:



Meagan Bilik-DeFazio, Judge

ATTEST:

Clerk of Courts

cc: Jackie Knupp, Esq., Assistant District Attorney
David Mulock, Esq., Defense Counsel
Peter Flanigan, Esq., Criminal Court Administrator