

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
TIFFANY HINES	:	
	:	
Appellant	:	No. 1438 EDA 2025

Appeal from the Judgment of Sentence Entered March 26, 2025
In the Court of Common Pleas of Philadelphia County
Criminal Division at No(s): CP-51-CR-0001278-2024

BEFORE: PANELLA, P.J.E., NICHOLS, J., and NEUMAN, J.

MEMORANDUM BY PANELLA, P.J.E.:

FILED AUGUST 28, 2026

Tiffany Hines appeals from the judgment of sentence entered in the Court of Common Pleas of Philadelphia County after she was convicted of attempted murder, aggravated assault, conspiracy, firearms not to be carried without a license, carrying firearms in public in Philadelphia, possession of an instrument of crime, simple assault, and recklessly endangering another person¹ at a nonjury trial. On appeal, Hines challenges the sufficiency of the evidence. After careful review, we affirm.

The trial court accurately summarized the testimony presented at Hines's trial as follows:

[T]he Commonwealth first presented the testimony of Shane Archer. Archer testified that, on February 19, 2023 at

¹ 18 Pa.C.S.A. §§ 901(a), 2702(a)(1), 903, 6106(a)(1), 6108, 907(a), 2701(a), and 2705, respectively.

approximately 6:00 p.m., he was working as a security guard inside the [Save] A Lot grocery store located at 63rd Street and Chew Avenue in Philadelphia. At said time and location, Archer observed [Hines] and a male companion[] arguing with the store manager, [Beresford Lewis]. Archer testified that [Hines] initiated the argument with Lewis, before her male companion “stepped in.” [N.T. Trial, 11/20/24, at 13.] [Hines] and the male then started “fighting” with Lewis, prompting Archer to intervene. [**Id.**] When Archer grabbed [Hines’s] companion, [Hines] pulled out a gun and said, “Let [my husband go] before I shoot you.” [**Id.** at 15.]

Archer testified that he grabbed hold of [Hines’s] firearm and took it from her. [Hines] then start[ed] “swinging” at him[and demanded that he return her gun. **Id.** at 16.] At that point, [Hines’s] companion “pulled his [own] gun out at [Archer],” prompting Archer to back up in the front vestibule area of the store. [**Id.** at 16.] Archer told the male to “calm down” in an effort to deescalate the situation. [**Id.** at 17.] Archer then removed the magazine from [Hines’s] firearm in a further effort to deescalate the situation. [Hines] and her companion then “calmed down for a little” and walked outside the store. [**Id.** at 18.] Archer gave [Hines] her gun back, and her male companion “put his gun away.” [**Id.**]

Archer testified that [Hines] and the male were [leaving when Hines] “started going off. She started snapping again.” [**Id.**] [Hines] then pursued Lewis inside the store and started arguing with him again. Archer saw [Hines’s] male companion run back into the store, and just as Archer was “about to get on the phone,” he heard a single gunshot and saw [Hines] and the male run out of the store together. [**Id.** at 20.] Archer went over to Lewis, who was shot in the face and bleeding profusely. Police arrived within one minute, and Archer told them to “rush [Lewis] to the hospital because he was injured bad, like critical.” [**Id.** at 21.]

The Commonwealth then played the store’s surveillance video, which depicted the above events. Specifically, among other things, the video depicted: [Hines] and her male companion arguing with Lewis; [Hines] retrieving and pointing her gun; Archer confiscating the firearm; [Hines] and the male exiting the store; [Hines] reentering the store moments later to continue the altercation; [Hines] swinging at Lewis and pointing her firearm directly at his face; [Hines’s] male companion following her inside

the store and then shooting Lewis in the face, before the two assailants flee in unison.

The Commonwealth next presented the testimony of [] Lewis[, who] testified that, on February 19, 2023 at approximately 6:00 p.m., he was working as an assistant manager at the [Save] A Lot store when he was alerted to a disturbance in Aisle 3. There, he encountered [Hines] and a male companion, to whom he said, "Whatever you're doing, could you stop. You're making some people nervous." **[Id. at 45.]** Lewis then attempted to walk away, but [Hines] started cursing and yelling at him. More specifically, [Hines] stated, "You're a bitch. I'm going to fuck you up. Wait till you get outside. I'll wait for you outside when you close[.]" **[Id. at 46.]**

Lewis testified that as [Hines] continued to curse and threaten him, she reached into her bag, pulled out a gun and started to pass it to her male companion:

A. She reached in her bag. She took the firearm out and was starting to pass it to the gentleman. The security guard came up, like God sent, and intercepted the firearm going to [Hines's companion].

Q. So you saw the security guard intercept the firearm?

A. Yes. And when I saw the firearm, I called one of my cashiers and told them to call the police because, I mean, I saw the gun. ...

[Id. at 51.]

Lewis testified that [Hines] and the male continued to yell at him, so he and Archer just tried to get them to leave the store: "I remember asking them to leave the store. Just, you know, come back another day, come back tomorrow when—you know, everything is calm." **[Id.]** The couple refused, however [and informed Lewis that they were "not going anywhere." **Id.]** Lewis

testified that the next thing he knew, [Hines's] companion was pointing a gun at him [] and then shot him in the face.^[2]

Lewis spent approximately one month recovering in the hospital. He testified that as a result of the shooting, he suffers extensively from PTSD and depression, and remains out of work[.]

* * *

Philadelphia Police Detective Shane Getz testified next for the Commonwealth. Detective Getz testified that on February 19, 2023, he was assigned to investigate a shooting that evening at the [Save] A Lot store at 63rd Street and Chew Avenue. As part of his investigation, he recovered video surveillance from the store's security system. Based on his review of the surveillance videos, he developed two suspects: [Hines], whom he identified in court[,], and Maurice Jackson. Upon identifying these individuals, Detective Getz executed a search warrant at their home address located at 6322 Chew Avenue; no one was present inside the home, however. Approximately eight months later, based upon additional information, he executed a search warrant at 2016 South 61st Street, where both [Hines] and Jackson were present.^[3] There, he recovered several items from their bedroom, namely, the jacket that [Hines] was wearing at the time of the shooting, [Hines's] ID card, mail in her name, phones, a holster, and a Taurus firearm [located inside a small freezer].

Detective Getz testified that he also took a statement from [Hines], which was recorded on video and played at trial. Among other things in her statement, [Hines] explained that the reason she left her home and moved somewhere else was because she was scared.

Finally, in addition to Lewis'[s] medical records, the Commonwealth introduced ... stipulations establishing that: (1) the Taurus firearm was swabbed for DNA and submitted to the criminalistics lab, which determined it to be consistent with

² Specifically, Lewis was shot under his left eye. **See** N.T. Trial, 11/20/24, at 53.

³ Detective Getz noted that other individuals were present at this address, which appeared to be a "rooming home." **Id.** at 72.

[Hines's] DNA; (2) the firearm was test-fired by the Firearms Identification Unit, which found it to be operable; and (3) [Hines] did not have a license to carry a firearm on the date of the shooting.

For her case-in-chief, [Hines] introduced two stipulations, namely, that: (1) "[Hines] didn't remove her firearm until Archer intervened"; and (2) if Arthur Smith and Loretta Smith were called to the stand, they would testify that they have known [Hines] to enjoy a reputation for being law-abiding, peaceful and non-violent. [***Id.*** at 83-84.]

Trial Court Opinion, 9/4/25, at 2-7 (prefixes, some quotation marks, brackets, record citations, and footnotes omitted).

On November 20, 2024, the court found Hines guilty of the above offenses. On March 26, 2025, the court imposed an aggregate sentence of 7½ to 15 years of incarceration. Hines timely filed a motion for reconsideration of her sentence, which the court denied on May 20, 2025. Hines timely filed a notice of appeal. Both the trial court and Hines have complied with Rule 1925. **See** Pa.R.A.P. 1925(a), (b).

On appeal, Hines presents the following questions for our review:

(1) Whether the Commonwealth presented sufficient evidence to prove beyond a reasonable doubt that [] Hines participated in a conspiracy to commit murder and aggravated assault where the assault was carried out by another person using his own gun during the course of a heated group altercation?

(2) Whether the Commonwealth presented sufficient evidence to prove beyond a reasonable doubt that [] Hines acted as an accomplice to attempted murder and aggravated assault where the assault was carried out by another person using his own gun during the course of a heated group altercation?

Appellant's Brief, at 2-3 (numbering provided; formatting altered; trial court answers omitted).

Hines challenges the sufficiency of the evidence to support her convictions of conspiracy to commit murder, attempted murder, and aggravated assault.

Because a determination of evidentiary sufficiency presents a question of law, our standard of review is *de novo* and our scope of review is plenary. In reviewing the sufficiency of the evidence, we must determine whether the evidence admitted at trial and all reasonable inferences drawn therefrom, viewed in the light most favorable to the Commonwealth as verdict winner, were sufficient to prove every element of the offense beyond a reasonable doubt. The facts and circumstances established by the Commonwealth need not preclude every possibility of innocence. It is within the province of the factfinder to determine the weight to be accorded to each witness's testimony and to believe all, part, or none of the evidence. The Commonwealth may sustain its burden of proving every element of the crime by means of wholly circumstantial evidence. Moreover, as an appellate court, we may not re-weigh the evidence and substitute our judgment for that of the factfinder.

Commonwealth v. Garcia Arce, 352 A.3d 495, 505 (Pa. Super. 2026) (citation omitted). "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." ***Commonwealth v. Spone***, 305 A.3d 602, 606 (Pa. Super. 2023) (citation omitted).

Because Hines's issues are related, we address them in tandem. Hines avers that the Commonwealth presented insufficient evidence to sustain her conspiracy conviction because it did not establish that she "acted with the

intent of promoting or facilitating the commission of an offense and agreed, aided, or attempted to aid [] Jackson in either planning or committing that offense.” Appellant’s Brief, at 16 (brackets and citation omitted). Rather, Hines posits that Jackson, “acting only upon his own volition and motivation[,], shot [] Lewis in a fit of pique.” **Id.** at 11 (internal quotation marks, brackets, and citation omitted). Accordingly, Hines contends that her attempted murder and aggravated assault convictions “cannot be supported under a theory of conspiracy liability.” **Id.** at 9. Hines further avers that the Commonwealth presented insufficient evidence to sustain her attempted murder and aggravated assault convictions under a theory of accomplice liability because it did not establish that she entered into an agreement, aided, or attempted to aid Jackson in shooting Lewis. **See id.** at 13. We disagree.

Our Crimes Code defines criminal conspiracy as follows:

A person is guilty of conspiracy with another person or persons to commit a crime if with the intent of promoting or facilitating its commission [she]:

- (1) agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime or an attempt or solicitation to commit such crime; or
- (2) agrees to aid such other person or persons in the planning or commission of such crime or of an attempt or solicitation to commit such crime.

18 Pa.C.S.A. § 903(a). Accordingly, to sustain a conviction for criminal conspiracy, the Commonwealth must prove that a defendant: “(1) entered an agreement to commit or aid in an unlawful act with another person or persons,

(2) with a shared criminal intent and, (3) an overt act was done in furtherance of the conspiracy. ***Commonwealth v. Wellman***, 344 A.3d 13, 19 (Pa. Super. 2025) (citation omitted). “As conspiracy is itself a substantive crime, a defendant may be convicted of both conspiracy and the offense that was the object of the conspiracy.” ***Id.*** (quotation marks, brackets, and citation omitted).

At the heart of every conspiracy lies the common understanding or agreement between the actors. Implicit in any conspiracy is proof that an accused agrees to participate in the alleged criminal activity. The criminal union being prosecuted cannot be based upon an agreement to complete a broad, undefined objective at some unknown point. Rather, the agreement must rest upon the mutual specific intent to carry out a particular criminal objective. The *sine qua non* of a conspiracy is the shared criminal intent. Without this common purpose, a conspiracy cannot be maintained.

Proving the existence of such an agreement is not always easy[] and is rarely proven with direct evidence. An explicit or formal agreement to commit crimes can seldom, if ever, be proved and it need not be, for proof of a criminal partnership is almost invariably extracted from the circumstances that attend its activities. Indeed, a conspiracy may be proven inferentially by showing the relation, conduct, or circumstances of the parties, and the overt acts of alleged co-conspirators are competent as proof that a criminal confederation has in fact been formed.

A conspiracy cannot be established based only upon mere suspicion and conjecture. Preexisting relationships or mere association of participants, without more, will not suffice to establish a prosecutable criminal conspiracy. Mere association with the perpetrators, mere presence at the scene, or mere knowledge of the crime is insufficient to prove that a particular actor was involved in a criminal conspiracy.

Commonwealth v. Jones, 339 A.3d 493, 499-500 (Pa. Super. 2025) (ellipses and citation omitted). Furthermore, “[i]t is proper for the

Commonwealth to establish the conspiracy by proof of acts and circumstances subsequent to the crime.” **Commonwealth v. Wallace**, 244 A.3d 1261, 1274 (Pa. Super. 2021) (citation omitted).

“[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 toward that goal.” **Commonwealth v. Predmore**, 199 A.3d 925, 929 (Pa. Super. 2018) (*en banc*) (citation omitted); **see** 18 Pa.C.S.A. § 901(a). “Specific intent to kill can be established through circumstantial evidence, such as the use of a deadly weapon on a vital part of the victim’s body.” **Commonwealth v. Sheets**, 302 A.3d 145, 151 (Pa. Super. 2023) (citation omitted).

A person is guilty of aggravated assault if she “attempts to cause serious bodily injury to another, or causes such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life.” 18 Pa.C.S.A. § 2702(a)(1). Our Crimes Code defines “serious bodily injury” 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.

When a victim actually sustains serious bodily injury, the Commonwealth can, but does not necessarily have to, establish specific intent to cause such harm. In such cases[, the] Commonwealth need only prove the defendant acted recklessly under circumstances manifesting an extreme indifference to the value of human life. For the degree of recklessness contained in

the aggravated assault statute to occur, the offensive act must be performed under circumstances which almost assure that injury or death will ensue.

Commonwealth v. Williamson, 330 A.3d 407, 417 (Pa. Super. 2025) (quotation marks and brackets omitted; formatting altered).

Furthermore, a person may be found guilty as “an accomplice of another person in the commission of an offense” if, *inter alia*, “with the intent of promoting or facilitating the commission of the offense,” she “solicits such other person to commit it” or she “aids or agrees or attempts to aid such other person in planning or committing it[.]” 18 Pa.C.S.A. § 306(c)(1). “[T]he least degree of concert or collusion in the commission of the offense is sufficient to sustain a finding of responsibility as an accomplice.” **Commonwealth v. Reed**, 347 A.3d 795, 802 (Pa. Super. 2025) (internal quotation marks and citation omitted). Unlike conspiratorial liability, the Commonwealth is not required to prove the existence of an agreement to establish accomplice liability; rather, it need only prove that the defendant rendered a “minimal” amount of aid in the planning or commission of the crime. **Id.**

Upon reviewing the evidence introduced at trial and all reasonable inferences drawn therefrom in the light most favorable to the Commonwealth as verdict winner, we find that the evidence was sufficient to sustain Hines’s convictions for conspiracy to commit murder, attempted murder, and aggravated assault beyond a reasonable doubt. **See Garcia Arce**, 352 A.3d

at 505. The trial court cogently addressed Hines's sufficiency challenge as follows:

Accepted as true, the evidence adduced at trial, including all reasonable inferences arising therefrom, demonstrated that [Hines] both actively conspired with, and aided/solicited, her partner[.] Beyond her motive—and explicitly avowing to shoot, harm, and ambush the [Save] A Lot employees—[Hines] actively participated in the physical assaults in concert with her partner. Indeed, it was [Hines] who first retrieved and pointed her firearm during the altercation, which she attempted to [pass] to her partner—with the reasonable inference being she wanted him to do the deed, which he eventually did. Further, after things calmed down[,] [Hines] led the way in returning to the store, and swinging her firearm at [] Lewis, before pointing it directly at his face. Right on cue, [Hines's] partner joined her inside and finished the act by shooting [] Lewis in the face. Immediately thereafter, [Hines] fled in unison with her partner, demonstrating a clear consciousness of guilt; [Hines further] evaded capture for an extended period by moving to a boarding home because she was scared to face the consequences of her actions.

Indeed, beyond the testimony of the witnesses, the video evidence alone clearly depicted [Hines] assaulting the complainants in concert with her partner. Accordingly, by her own express words and deeds, [Hines] clearly manifested a shared intent to commit or aid in the commission of a criminal act.

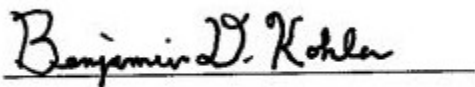
Trial Court Opinion, 9/4/25, at 15 (emphasis in original; quotation marks, footnote, and citation omitted). We discern no error. Contrary to Hines's assertion that Jackson acted entirely of his own accord when he shot Lewis, the Commonwealth presented ample direct and circumstantial evidence to establish that Hines and Jackson entered into an agreement to murder Lewis with shared criminal intent, where Hines and Jackson demonstrated a coordinated effort to work in tandem against Lewis, and that Jackson committed an overt act in furtherance of that conspiracy when he shot Lewis

in the face with a deadly weapon. **See** 18 Pa.C.S.A. §§ 901(a), 903(a); **Sheets**, 302 A.3d at 151. With respect to the co-conspirator's shared understanding and agreement, we find it particularly noteworthy that despite the altercation between the parties diffusing when Hines and Jackson left the store, the pair nonetheless reentered with their weapons drawn and aimed at Lewis's face. Likewise, the evidence adduced at trial amply demonstrated that Hines aided Jackson in committing the aggravated assault against Lewis where Hines initiated the argument with Lewis, escalated the confrontation to one involving the use of firearms, and led Jackson back into the store immediately prior to Jackson shooting Lewis in the face. **See** 18 Pa.C.S.A. §§ 2702(a)(1), 306(c)(1); **Williamson**, 330 A.3d at 417.

Based on the foregoing, Hines's challenges to the sufficiency of the evidence fail, and we affirm her judgment of sentence.

Judgment of sentence affirmed.

Judgment Entered.

A handwritten signature in black ink that reads "Benjamin D. Kohler". The signature is written in a cursive style and is positioned above a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 8/28/2026