NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
SAMMIE EDWARD LANE	:	
Appellant	:	No. 1516 MDA 2025

Appeal from the Judgment of Sentence Entered September 10, 2025
In the Court of Common Pleas of Lancaster County
Criminal Division at No: CP-36-CR-0001289-2024

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

MEMORANDUM BY STABILE, J.: **FILED NOVEMBER 06, 2026**

Appellant, Sammie Edward Lane, appeals from the judgment of sentence the Court of Common Pleas of Lancaster County entered on September 10, 2025. On appeal, Appellant raises challenges to the discretionary aspects of his sentence and the weight of the evidence in support of his conviction. Upon review, we affirm.

The trial court summarized the relevant factual and procedural background as follows:

> On January 18, 2024, the Commonwealth lodged a Criminal Complaint against [Appellant] for his alleged involvement in a December 31, 2023, carjacking. The Criminal Complaint averred that while [Appellant] and two other individuals, Destiny Delgado-Diaz and Alexander Delgado-Diaz, were passengers in Victim Jamir Stone's car, they directed Stone to park his vehicle. Alexandar Delgado-Diaz then grabbed Stone around the neck while [Appellant] pointed a handgun at Stone's head, took his keys and other valuables, directed Stone to get out of the car, and drove away with Stone's vehicle.

> [Appellant] was ultimately charged with Robbery of a Motor Vehicle, Robbery, Illegally Possessing a Firearm, two counts of Theft, Firearms Not To Be Carried Without a License, Strangulation, Simple Assault by Physical Menace, Unlawful Restraint, and associated counts of Conspiracy.

Trial Court Opinion, 1/28/26, at 1-2 (citations to the record omitted).

> At the conclusion of the trial,
>
> the jury convicted [Appellant] of Robbery of a Motor Vehicle, Robbery, Theft By Unlawful Taking, Simple Assault, Unlawful Restraint, Criminal Conspiracy - Robbery, Criminal Conspiracy - Simple Assault, and Possession of a Firearm Prohibited. Following receipt of a Pre-Sentence Investigation, [the sentencing court] sentenced [Appellant] to an aggregate term of 15 to 35 years' incarceration. [Specifically, the sentencing court] imposed seven to twenty years' incarceration for Robbery of a Motor Vehicle, a concurrent term of eight to twenty years' incarceration for Robbery, a concurrent term of eight to twenty years' incarceration for Conspiracy to Robbery, a consecutive term of seven to fifteen years' incarceration for Possession of a Firearm Prohibited, a concurrent term of one to two years' incarceration for Simple Assault, a concurrent term of one to two years' incarceration for Conspiracy to Simple Assault, and a concurrent two to five years for Unlawful Restraint.
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> [Appellant] filed Post-Sentence Motions on September 17, 2025, in which he argued that he was entitled to relief because the verdict was contrary to the weight of the evidence and because the aggregate sentence is excessive in that [the sentencing court] failed to properly weigh mitigating circumstances. [The sentencing court] denied [Appellant]'s Motions on October 16, 2025. [Appellant] timely filed the [underlying] Notice of Appeal to the Superior Court, along with a Statement of Errors pursuant to Pa.R.A.P. 1925(b), on November 4, 2025. The Commonwealth filed a Response to Defendant's Statement on November 14, 2025.

Id. at 10-11 (citations to the record omitted.

Appellant argues that the trial court abused its sentencing discretion by (i) imposing an excessive sentence (resulting from the imposition of

consecutive sentences), and (ii) by failing to adequately account for mitigating circumstances. Additionally, Appellant argues that the trial court abused its discretion in denying his weight of the evidence challenge. We disagree.

Appellant's first two claims involve the discretionary aspects of his sentence. ***See***, ***e.g.***, ***Commonwealth v. Perry***, 883 A.2d 599, 602 (Pa. Super. 2005). "[C]hallenges to the discretionary aspects of sentencing do not entitle an appellant to review as of right." ***Commonwealth v. Derry***, 150 A.3d 987, 991 (Pa. Super. 2016) (citations omitted). Before reaching the merits of such claims, we must determine:

> (1) whether the appeal is timely; (2) whether Appellant preserved his issues; (3) whether Appellant's brief includes a [Pa.R.A.P. 2119(f)] 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 inappropriate under the sentencing code.

Commonwealth v. Corley, 31 A.3d 293, 296 (Pa. Super. 2011) (citations omitted).

A review of the record reveals that the instant appeal was timely filed, that the claims at issue here were properly preserved in a post-sentence, and that the brief has no fatal defects. We also conclude that Appellant raised a substantial question for our review. ***See Perry***, ***supra*** (concluding that an excessive sentence claim, in conjunction with an assertion that the court did not consider mitigating factors, raised a substantial question).

Our well-settled standard of review is as follows:

> 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. In this context, an abuse of discretion is not shown merely by an error in judgment. Rather, the 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. Shugars, 895 A.2d 1270, 1275 (Pa. Super. 2006).

Additionally, our review of the discretionary aspects of a sentence is confined by the statutory mandates of 42 Pa.C.S.A. §§ 9781(c), (d), and 9721(b). ***See***, ***Commonwealth v. Raven***, 97 A.3d 1244, 1253-54 (Pa. Super. 2014); ***Commonwealth v. Williams***, 69 A.3d 735, 741 (Pa. Super. 2013).

> Subsection 9781(c) provides:
>
> The appellate court shall vacate the sentence and remand the case to the sentencing court with instructions if it finds:
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> (1) the sentencing court purported to sentence within the sentencing guidelines but applied the guidelines erroneously;
>
> (2) the sentencing court sentenced within the sentencing guidelines but the case involves circumstances where the application of the guidelines would be clearly unreasonable; or
>
> (3) the sentencing court sentenced outside the sentencing guidelines and the sentence is unreasonable.
>
> In all other cases the appellate court shall affirm the sentence imposed by the sentencing court.

42 Pa.C.S.A. § 9781(c).

> In reviewing the record, we consider:

> (1) The nature and circumstances of the offense and the history and characteristics of the defendant.
>
> (2) The opportunity of the sentencing court to observe the defendant, including any presentence investigation [(PSI)].
>
> (3) The findings upon which the sentence was based.
>
> (4) The guidelines promulgated by the commission.

42 Pa.C.S.A. § 9781(d).

Moreover, "[w]hen imposing a sentence, the sentencing court must consider the factors set out in 42 Pa.C.S.A. § 9721(b), that is, the protection of the public, gravity of offense in relation to impact on victim and community, and rehabilitative needs of the defendant[.]" ***Commonwealth v. Fullin***, 892 A.2d 843, 847 (Pa. Super. 2006). "A sentencing court need not undertake a lengthy discourse for its reasons for imposing a sentence or specifically reference the statute in question, but the record as a whole must reflect the sentencing court's consideration of the facts of the crime and character of the offender." ***Commonwealth v. Schutzues***, 54 A.3d 86, 99 (Pa. Super. 2012) (citations omitted). The trial court "must consider the sentencing guidelines." ***Fullin***, 892 A.2d at 848 (citation omitted). However, "where the trial court is informed by a PSI [report], it is presumed that the court is aware of all appropriate sentencing factors and considerations, and that where the court has been so informed, its discretion should not be disturbed." ***Commonwealth v. Edwards***, 194 A.3d 625, 638 (Pa. Super. 2018) (citation omitted). Finally, the balancing of the sentencing factors is the sole province

of the sentencing court, which had the opportunity to observe the defendant and all witnesses firsthand. ***See Commonwealth v. Kurtz***, 294 A.3d 509, 536 (Pa. Super. 2023). In conducting appellate review, this Court cannot reweigh sentencing factors and impose its judgment in place of a sentencing court where the lower court was fully aware of all mitigating factors. ***Id.*** (citing ***Commonwealth v. Macias,*** 968 A.2d 773, 778 (Pa. Super. 2009)).

Regarding the alleged excessiveness of the sentence, the trial court addressed Appellant's claim as follows.

> Here, [the sentencing court] ordered a Pre-Sentence Investigation [Report], which outlined [Appellant]'s criminal history, including, for example, prior convictions for burglary, theft, and receiving stolen property. At the sentencing hearing, [the sentencing court] imposed an aggregate sentence of 15 to 35 years' incarceration, which falls squarely within the applicable guideline ranges. During sentencing, [Appellant]'s Pre-Sentence Investigation was discussed at length by his Counsel. [N.T. Sentencing, 9/10/25, at 5]. [The sentencing court] also explicitly stated that [it] had considered the report in detail in crafting [Appellant]'s sentence. [***Id.*** at] 11, 12). For all but one of [Appellant]'s convictions, [the sentencing court] imposed concurrent sentences. The single conviction for which [the sentencing court] imposed a consecutive sentence was Possession of a Firearm Prohibited. [The sentencing court] explained [its] rationale for [Appellant]'s sentence, including that there is an "undue risk that if given a sentence of probation or partial confinement," [Appellant] "will commit more crimes and incarceration is warranted because a lesser sentence would depreciate the seriousness of the crimes." [***Id.*** at 12]. As outlined above, [the sentencing court] operated well within the discretion afforded to [the court] by imposing one consecutive sentence in light of [Appellant]'s prior criminal history and clear risk to reoffend and endanger the public. Further, [the sentencing court's] reliance on [Appellant]'s Pre-Sentence Investigation [Report] entitles [Appellant]'s judgment of sentence to the presumption that it was imposed with an awareness of all appropriate sentencing factors, including mitigating factors. Therefore, [Appellant]'s [excessiveness] claim of error must fail.

Trial Court Opinion, 1/28/26, at 17-18.

In light of the record and the applicable law, there is no basis to conclude the trial court abused its discretion when it imposed a standard range, consecutive sentence for the possession of a firearm prohibited conviction.

Additionally, we reject Appellant's claim that the sentencing court did not consider Appellant's mitigating circumstances. In fact, as noted above, the sentencing court had the benefit of the presentence investigation report, which Appellant did not challenge as inadequate or inaccurate. As such, we can assume the sentencing court "was aware of relevant information regarding [Appellant]'s character and weighed those considerations along with mitigating statutory factors." ***Commonwealth v. Devers***, 546 A.2d 12, 18 (Pa. 1988). Accordingly, Appellant's sentencing claims fail.

Next, Appellant challenges the trial court's denial of his motion for a new trial based on a weight of the evidence challenge.

> A motion for a new trial based on a claim that the verdict is against the weight of the evidence is addressed to the discretion of the trial court. ***Commonwealth v. Widmer***, [744 A.2d 745, 751–52 (Pa. 2000)]; ***Commonwealth v. Brown***, [648 A.2d 1177, 1189 (Pa. 1994)]. A new trial should not be granted because of a mere conflict in the testimony or because the judge on the same facts would have arrived at a different conclusion. ***Widmer***, [] 744 A.2d at 752. Rather, "the role of the trial judge is to 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.*** [] 744 A.2d at 752 (citation omitted). It has often been stated that "a new trial should be awarded when the jury's verdict is so contrary to the evidence as to shock one's sense of justice and the award of a new trial is

> imperative so that right may be given another opportunity to prevail." ***Brown***, [] 648 A.2d at 1189.

Commonwealth v. Krzan, 325 A.3d 714, 722 (Pa. Super. 2024).

Appellant argues that he was entitled to relief because his conviction was based on the testimony of a cooperating codefendant, whose testimony was "inherently suspect." Appellant's Brief at 20.

Regarding the credibility issues raised here, we noted the following:

> "The weight of the evidence is exclusively for the finder of fact, who is free to believe all, none[,] or some of the evidence and to determine the credibility of the witnesses." ***Commonwealth v. Talbert***, 129 A.3d 536, 545 (Pa. Super. 2015) (citation omitted). "Resolving contradictory testimony and questions of credibility are matters for" the finder of fact. ***Commonwealth v. Hopkins***, 747 A.2d 910, 917 (Pa. Super. 2000). We cannot substitute our judgment for that of the factfinder. ***Talbert***, 129 A.3d at 546. "A decision regarding the weight of the evidence is within the sound discretion of the trial judge whose decision will not be reversed on appeal absent an abuse of that discretion." ***Commonwealth v. Dougherty***, [679 A.2d 779, 785 (Pa. Super. 1996)].

Commonwealth v. Salinas, 307 A.3d 790, 795 (Pa. Super. 2023).

Finally, we note that an appellate court's standard of review when presented with a weight of the evidence claim is distinct from the standard of review applied by the trial court:

> Appellate review of a weight claim is a review of the exercise of discretion, not of the underlying question of whether the verdict is against the weight of the evidence. Because the trial judge has had the opportunity to hear and see the evidence presented, an appellate court will give the gravest consideration to the findings and reasons advanced by the trial judge when reviewing a trial court's determination that the verdict is against the weight of the evidence. One of the least assailable reasons for granting or denying a new trial is the lower 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.

Widmer, 744 A.2d at 753 (internal citations omitted).

In its opinion, the trial court stated that

> the jury had ample evidence upon which to determine the credibility of the Commonwealth's witnesses, all of whom indicated that [Appellant] was the perpetrator. Therefore, the evidence and verdict were not so contrary as to shock [one's sense of justice] and [the sentencing court] did not abuse the discretion afforded to [it] in denying [Appellant]'s post-sentence motion for a new trial.

Trial Court Opinion, 1/28/26, at 15.

Appellant essentially is asking this Court to reassess the witness' credibility. It is well settled that this Court cannot substitute its credibility determinations for that of the factfinder or reweigh the evidence. Here, the factfinder credited codefendant's testimony. We decline to reassess that determination or reweigh the evidence. Our review of the record reveals no abuse of the trial court's discretion in denying Appellant's motion for a new trial. Accordingly, this claim also merits no relief.

Judgment of sentence affirmed.

Judgment Entered.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/06/2026