

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
: PENNSYLVANIA

V.

KENDILL ANTHONY RALEIGH

Appellant

: No. 134 MDA 2026

Appeal from the Judgment of Sentence Entered August 27, 2025
In the Court of Common Pleas of Franklin County
Criminal Division at No: CP-28-CR-0000732-2024

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V.

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: No. 135 MDA 2026

Appeal from the Judgment of Sentence Entered August 27, 2025
In the Court of Common Pleas of Franklin County
Criminal Division at No: CP-28-CR-0000731-2024

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

MEMORANDUM BY STABILE, J.:

FILED: OCTOBER 26, 2026

These consolidated appeals concern the discretionary aspects of the sentences imposed upon Appellant, Kendill Anthony Raleigh. In 2025, Appellant pleaded guilty to one count each of simple assault and aggravated assault. As to the simple assault count, the Court of Common Pleas of Franklin County (trial court) sentenced Appellant to a prison term of one to two years; as to the aggravated assault count, Appellant was sentenced to a consecutive

term of four to 10 years. He now argues that the trial court abused its discretion in imposing a sentence in the aggravated range as to the simple assault count, and in declining to impose a sentence in the mitigated range of the statutory sentencing guidelines as to the aggravated assault count. We affirm.

The facts are undisputed. Surveillance video footage of an incident on May 12, 2024, showed Appellant jumping out from behind some bushes to attack a juvenile victim.¹ Appellant and two other individuals repeatedly punched and kicked the victim, even after he had fallen to the ground and lost consciousness. The victim's pants and underwear were then removed, and Appellant dragged him into the street.

Police later discovered the victim crying, naked, and bleeding from head injuries near where the attack occurred. Appellant was identified by his parents when police showed them the surveillance video, and Appellant was soon arrested when police discovered him hiding in his grandfather's camper, located in Maryland. Appellant explained that he was retaliating for an earlier attack perpetrated against him by the victim.

The remaining offense, simple assault, took place about a month before the aggravated assault on May 12, 2024. In that earlier matter, Appellant struck a female victim (his former girlfriend) in the face, causing a black eye

¹ Appellant was 18 years old at the time of this offense.

and a cut on the victim's cheek. The two cases were consolidated for purposes of sentencing.

Prior to the disposition of both cases, Appellant sought and obtained the appointment of mitigation experts, Dr. Corie Hammers and Dr. Natalie Drozda. Dr. Hammers prepared a pre-sentence social history report, which incorporated the findings in the biopsychosocial mental health and substance use evaluation prepared by Dr. Drozda. These materials were, in turn, cited in Appellant's pre-sentence memorandum, in which he requested the trial court to impose a downward departure sentence in both of his cases. **See** Pre-Sentence Memorandum, 8/20/2025. The memorandum also included a letter to the trial court from Appellant's step-mother, Vanessa Persaud, in which she attested to Appellant's background and good character. The trial court ordered a pre-sentence investigation report (PSI).

Appellant was sentenced, as outlined above, to an aggregate prison term of five to 12 years. At the sentencing hearing the trial court enumerated the materials that had been considered when fashioning the sentence. These materials included the reports submitted by Appellant's mitigation experts, the memorandum prepared by defense counsel, and the PSI. **See** Sentencing Hearing, 8/27/2025, at 37. Additionally, the trial court explicitly took into account the mitigation evidence presented on Appellant's behalf, including the circumstances of his difficult upbringing. **See id.** The trial court nevertheless concluded that mitigation was not warranted. **See id.**

Appellant timely filed a post-sentence motion, contending that the trial court failed to give an adequate reason for sentencing him on the simple assault count above the standard range, and in failing to consider mitigating factors as to both counts. **See** Post-Sentence Motion, at paras. 11-21. The motion was denied by operation of law. **See** Court Order, 1/8/2026.

In his brief, Appellant now raises the following two issues, both of which implicate the discretionary aspects of his sentences:

1. At Docket 732-2025, Simple Assault, did the [trial court] err in sentencing Appellant in the aggravated range of the sentencing guidelines without the support of adequate aggravating circumstances on the record?
2. At Docket 731-2025, Aggravated Assault, did the [trial court] err in failing to sentence Appellant in the mitigated range of the sentencing guidelines considering the mitigating factors presented to the Court, in conjunction with the sentencing factors pursuant to 42 Pa.C.S. § 9701?

Appellant's Brief, at 4 (suggested answers omitted).

Appellant's first claim is that the trial court abused its discretion in sentencing him on the simple assault count to a prison term in the aggravated range of the statutory guidelines (one to two years).² Appellant argues that the record does not support a finding of any aggravating factors as to that offense. **See** Appellant's Brief, at 11.

² The standard range of the sentencing guidelines on the simple assault count was a term of six to nine months.

"Challenges to the discretionary aspects of sentencing do not entitle an appellant to review as of right." **Commonwealth v. Moury**, 992 A.2d 162, 170 (Pa. Super. 2010). To establish whether this Court has jurisdiction to address the merits of such claims, we must first determine:

(1) whether the appeal is timely; (2) whether [a]ppellant preserved his issue; (3) whether [a]ppellant's brief includes a concise statement of the reasons relied upon for allowance of appeal with respect to the discretionary aspects of sentence [in accordance with 2119(f)]; and (4) whether the concise statement raises a substantial question that the sentence is appropriate under the sentencing code . . . [I]f the appeal satisfies each of these four requirements, we will then proceed to decide the substantive merits of the case.

Commonwealth v. Colon, 102 A.3d 1033, 1042-43 (Pa. Super. 2014) (quoting **Commonwealth v. Austin**, 66 A.3d 798, 808 (Pa. Super. 2013)) (citations omitted).

"A substantial question exists only when the appellant advances a colorable argument that the sentencing judge's actions were either: (1) inconsistent with a specific provision of the Sentencing Code; or (2) contrary to the fundamental norms which underlie the sentencing process." **Commonwealth v. Sexton**, 222 A.3d 405, 420 (Pa. Super. 2019) (quoting **Commonwealth v. Glass**, 50 A.3d 720, 727 (Pa. Super. 2012)).

In these consolidated cases, notices of appeal were timely filed; as was Appellant's post-sentence motion claiming an abuse of the trial court's discretion in imposing an aggravated range sentence as to the simple assault count and in declining to impose a below-guidelines range sentence as to the

aggravated assault count. **See** Motion for Post-Sentence Relief, 9/8/2025, at paras. 11-21. Appellant's brief contains a 2119(f) statement giving the reasons relied upon for allowance of appeal. **See** Appellant's Brief, at 6-7.

As to the simple assault count, Appellant argues that the contents of neither the trial court's reasons for the sentence, nor the record, justify a sentence within the aggravated range of the sentencing guidelines. This issue, as the Commonwealth concedes, raises a substantial question. **See** Commonwealth's Brief, at 7; **see also Commonwealth v. Booze**, 953 A.2d 1263, 1278 (Pa. Super. 2008) ("[A]n allegation that the court failed to state adequate reasons on the record for imposing an aggravated-range sentence . . . raises a substantial question[.]").

Turning to the merits of Appellant's first claim, we find that no relief is due. "Sentencing is a matter vested in the sound discretion of the sentencing judge, and a sentence will not be disturbed on appeal absent a manifest abuse of discretion." **Commonwealth v. Lawrence**, 313 A.3d 265, 285 (Pa. Super. 2024) (citation omitted). To establish an abuse of discretion in this context, an appellant must demonstrate from 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." **Id.**

A sentence that goes above or below the statutory guidelines will be vacated if the sentence is "unreasonable." 42 Pa.C.S.A. § 9781(c)(3). "In all

other cases the appellate court shall affirm the sentence imposed by the sentencing court.” **Id.** A sentence is unreasonable if it was imposed “without express or implicit consideration” of the factors outlined in [42 Pa.C.S.A. § 9721(b)].”

A sentencing court must take into account “the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the defendant.” 42 Pa.C.S.A. § 9721(b). It is only necessary for the sentencing court to consider the Sentencing Guidelines, as they are not mandatory, and do not prohibit any sentence within the statutory maximum. **See Moury**, 992 A.2d at 171.

Moreover, on review of the discretionary aspects of a sentence, this Court must 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.
- (3) The findings upon which the sentence was based.
- (4) The guidelines promulgated by the commission.

42 Pa.C.S.A. § 9781(d).

The sentencing court must state its reasons for the sentence on the record. **See** 42 Pa.C.S.A. § 9721(b). However, where the sentencing judge has reviewed a PSI, it will be presumed that the judge was aware of the relevant information regarding the defendant's character and weighed those

considerations. **See *Commonwealth v. Burns***, 765 A.2d 1144, 1150-1151 (Pa. Super. 2000) (citations omitted). That is, by referring to a PSI report, the sentencing judge may satisfy the requirement that the reasons for imposing sentence must be placed on the record. **See *id.*; see also *Commonwealth v. Boyer***, 856 A.2d 149, 154 (Pa. Super. 2004).

Here, the record reflects that the trial court reviewed the PSI multiple times prior to imposing sentence. **See** N.T. Sentencing Hearing, 8/27/2025, at 37; **see also** Trial Court Opinion, 2/24/2026, at 8-12. By doing so, a presumption arises that the trial court properly weighed all relevant sentencing factors. **See *Burns***, 765 A.2d 1151; ***Boyer***, 856 A.2d at 154. Although the trial court did not expressly articulate the reasons for imposing an aggravated sentence on the simple assault count, the trial court did make it clear that all the relevant evidence and sentencing factors had been considered. **See** N.T. Sentencing Hearing, 8/27/2025, at 37-40. The sentence appears to be reasonable, and it within the statutory maximum term that could legally be imposed. Thus, Appellant's first claim has no merit.

Appellant's second claim is the trial court abused its discretion by failing to consider mitigating factors when imposing a standard-range sentence on the aggravated assault count. **See** Appellant's Brief, at 11.

Here again, Appellant has raised a substantial question, as the Commonwealth once more concedes. **See *Commonwealth v. Reid***, 323 A.3d 26, 30 (Pa. Super. 2024). On the merits, this second claim fails for much

the same reason as the first. The trial court's review of the PSI in this case establishes that all relevant sentencing factors were sufficiently considered.

See Burns, 765 A.2d 1151; **Boyer**, 856 A.2d at 154.

Even had the trial court not reviewed the PSI, it thoroughly recounted its reasons for imposing a standard (and not mitigated) range sentence as to the aggravated assault count:

In imposing this sentence and fashioning it I have read and reread the Franklin County Adult Probation Presentence Report.

I've read the presentence memorandum prepared by counsel for [Appellant].

I've read the mitigation, Mr. Persaud's letter to me and the presentence social history report prepared by Dr. Hammers and the attachments thereto, and I am focusing on those sentencing factors that Attorney Stottlemeyer lists in his memorandum, protection of the public, gravity of the offense, rehabilitation needs, and I'm keeping all those in mind for this sentence.

I appreciate the childhood and adolescence that you described to Dr. Hammers. It's tragic. It's harrowing. If half the things in there are true, I can completely understand how this happened and how you had the mindset to let this happen, but one thing it doesn't do for me, [Appellant], is convince me that this case deserves mitigation, alright. I understand those things that happened in your past, but these are decisions that you made that put you here, and you've got some good examples in your family and your father, I appreciated him coming in here today because the impression that I got from him from Dr. Hammers' report was pretty ugly, and if he's telling me the truth about how he's managed to pull his life together now 12 years after he's been released from incarceration and he's a business owner who is making his way in the world and he's got his head on straight and he's counseling you not to be violent, not to be vengeful and to maybe let some things roll off your back, then he could be a good example for you too, and I hope he's there for you[.]

[B]ut, like I said, this case does not call out for a mitigation, and I find it personally offensive that I have to consider putting a 19 year old . . . in a state correctional institution for as long as you're going to have to go, but you're going to have to go because the way I see this and I'm not going to lay this at juvenile probation because I know they are good people, that they do good jobs but there has been an impression that hasn't been made on you at some point about what we can tolerate in society, and I understand that you may have been attacked before and that this was some sort of revenge action taken by you, but if I were to play that video in here right now I am sure that people would be calling for your blood. **That made a real impression on me, so you are going to have—you are in need of rehabilitation and it's going to take, I think, you know, if what you told Dr. Hammers about what you're doing in jail now and what I read in the reports from jail about the things that you're doing and what you told me this morning, I think you're off to a good start, but it's going to take some years for you to get the therapy, treatment, whatever you want to call it so that you're ready to return to society.**

I agree with Ms. Persaud maybe you're not a menace to society but **the actions that you took that day, I cannot let that slide. I cannot do that in conscience.** The actions that you took against . . . the victim in the simple assault case, all this just amplifies that and because I am focusing on the gravity of the offense, which is horrific as [the Commonwealth] told us about as what's clearly displayed in probably one of the most—well, let's just say I can't ever recall in my career on the bench having the worst things about what I read in the affidavit of probable cause displayed on a screen, it actually happened, you know, it actually happened. There wasn't any embellishment or anything else. **It was ugly as hell, and I cannot let that go. It stuck with me since last year[.]**

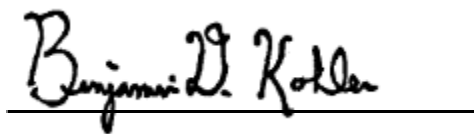
N.T. Sentencing Hearing, 8/27/2025, at 37-40 (emphasis and indentations added).

The above explanation, given by the trial court on the record, indicates that the trial court acted within its discretion in declining to sentence Appellant in the mitigated range of the sentencing guidelines on the aggravated assault

count. The trial court found the mitigation evidence not to be compelling in light of the nature and circumstances of the crime, the statutory sentencing guidelines, the history and characteristics of Appellant; and the trial court's findings. ***See id.*** The trial court further considered the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and Appellant's rehabilitative needs. ***See id.*** Appellant's mitigation evidence was found not to outweigh those considerations. We therefore find no legal or factual basis to overturn the trial court's reasonable and discretionary sentencing decisions. Thus, Appellant's second claim has no merit, and both of his judgments of sentence must be upheld.

Judgments of sentence affirmed.

Judgment Entered.

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

Benjamin D. Kohler, Esq.
Prothonotary

Date: 10/26/2026