NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
KYLE GOODMAN	:	
Appellant	:	No. 1629 EDA 2025

Appeal from the Judgment of Sentence Entered May 30, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at No(s): MC-51-MD-0000039-2025

BEFORE: LAZARUS, P.J., BECK, J., and NEUMAN, J.

MEMORANDUM BY LAZARUS, P.J.: **FILED NOVEMBER 18, 2026**

Kyle Goodman appeals from the judgment of sentence, entered in the Court of Common Pleas of Philadelphia County, after he was convicted of two counts of criminal contempt. On appeal, he raises challenges to the sufficiency of the evidence and the legality of his sentence. Upon careful review, we vacate Goodman's judgment of sentence.

On May 30, 2025, Goodman appeared at a pre-trial conference before the Honorable Scott O'Keefe on homicide and related charges. ***See*** N.T. Pre-Trial Conference, 5/30/25, at 5. In response to Judge O'Keefe granting Goodman's request for new counsel, Goodman told Judge O'Keefe, "That's it. Fuck you, fuck you, suck a dick, nigga." ***Id.*** at 13. After Judge O'Keefe confirmed that Goodman had made those statements, Judge O'Keefe found Goodman guilty of two counts of criminal contempt, one for each use of derogatory language. ***Id.*** at 14. Goodman was then sentenced to two

consecutive terms of five months and twenty-nine days of incarceration. ***See*** Order of Sentence, 5/30/25.

Goodman filed a motion to reconsider, which the trial court denied without a hearing. Goodman then filed a timely notice of appeal and a court ordered Pa.R.A.P. 1925(b) concise statement of errors complained of on appeal. Goodman now raises the following claims for our review:

> [1.] Whether the evidence was legally insufficient to find Goodman guilty beyond a reasonable doubt of two counts of direct criminal contempt because he did not obstruct the administration of justice?
>
> [2.] Whether the trial court imposed an illegal sentence, in violation of Goodman's state and federal rights against being placed in double jeopardy for the same offense, by imposing two sentences consecutively for the same act?
>
> [3.] Whether the trial court abused its discretion by imposing manifestly excessive sentences for the single act of disrespect?

Brief for Appellant, at 7-8.

Goodman concedes the first three elements of criminal contempt but contends that his statements in court did not actually obstruct the administration of justice. ***Id.*** at 16. Goodman argues that this Court's decisions in ***Commonwealth v. Outlaw***, 306 A.3d 406 (Pa. Super. 2023)[1] and ***Commonwealth v. Williams***, 753 A.2d 856 (Pa. Super. 2000) were incorrect as a matter of law and should be overturned. ***Id.*** at 16, 18-20.

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[1] As noted ***infra***, our Supreme Court recently overturned this decision. ***See Commonwealth v. Outlaw***, --- A.3d ---, 2026 WL 3257878 (Pa. 2026).

Our standard of review for evaluating the sufficiency of the evidence is "whether the evidence, viewed in the light most favorable to the Commonwealth as the verdict winner, supports the [] finding that every element of the crime was proven beyond a reasonable doubt." ***Commonwealth v. Hicks***, 156 A.3d 1114, 1123 (Pa. 2017) (citing ***Commonwealth v. Watkins***, 843 A.2d 1203, 1211 (Pa. 2003)). With regard to a trial court's finding of contempt, we will reverse only where the court has abused its discretion. ***Commonwealth v. Moody***, 125 A.3d 1, 12 (Pa. 2015) (citing ***Commonwealth v. Baker***, 766 A.2d 328, 331 (Pa. 2001)).

Goodman was convicted and sentenced for direct criminal contempt, which is defined as follows:

> **§ 4132. Attachment and summary punishment for contempts**
>
> The power of the several courts of this Commonwealth to issue attachments and to impose summary punishments for contempts of court shall be restricted to the following cases:
>
> * * *
>
> (3) The misbehavior of any person in the presence of the court, thereby obstructing the administration of justice.

42 Pa.C.S.A. § 4132(3).

Our Supreme Court has explained that direct criminal contempt has four elements: (1) misconduct; (2) in the presence of the court; (3) committed with the intent to obstruct the proceedings; (4) which obstructs the

administration of justice. ***Behr v. Behr***, 695 A.2d 776, 779 (Pa. 1997) (citing ***Matter of Campolongo***, 435 A.2d 581, 583 (Pa. 1981)).

Regarding the fourth element, obstruction of the administration of justice, our Supreme Court recently held:

> [F]or conduct to constitute an obstruction of the administration of justice, it must significantly disrupt judicial proceedings. This means that [r]emarks that are injudicious, or even disrespectful, will not, without more, justify a summary conviction for contempt of court.
>
> To illustrate these principles, consider ***Williams v. Williams***[, 721 A.2d 1072, 1073 (Pa. 1998)], where a *pro se* attorney in a custody dispute reacted injudiciously to a trial judge's evidentiary ruling:
>
> * * *
>
> > Williams: He's such a fucking asshole.
> >
> > Opposing Counsel: I heard him say that you are such a fucking asshole. I heard it as an officer of the court. And the stenographer is nodding her head. That's exactly what he said, "He is such a fucking asshole." And he said it under his breath. And as an officer of the court, I am standing here, and I am testifying that that's exactly what he said.
>
> The trial court held Williams in contempt. On appeal, however, this Court held that Williams' remark did not obstruct the administration of justice because, although "there was a momentary break in the proceedings" due to Williams' comment, "the hearing resumed quickly," "[t]he entire incident encompassed just three and a half pages of hearing transcript," and "[s]uch a transient delay is not an obstruction of justice." Expounding upon the statutory requirement that the contemnor must "obstruct the administration of justice," we explicitly stated that [i]nappropriate and even ill-mannered conduct which does not obstruct or delay the trial falls short of the misbehavior punishable under 42 Pa.C.S.[A.] § 4132(3).

Commonwealth v. Outlaw, --- A.3d ---, 2026 WL 3257878, at *6-8 (Pa. 2026) (reversing ***id.***, 306 A.3d 406 (Pa. Super. 2023) (citations, footnotes, and some quotation marks omitted).

Factually, in ***Outlaw***, the defendant was found in direct criminal contempt after the following proceedings:

> In June 2022, Philadelphia County Court of Common Pleas Judge Roxanne E. Covington was holding a hearing on a motion to suppress evidence in Marquis McClain's criminal case. Seated in the gallery of the courtroom was McClain's acquaintance, Basile Outlaw. After Judge Covington announced that she would be denying McClain's suppression motion, Outlaw stood up and said "the judge is a cocksucker" loud enough for Judge Covington to hear. Judge Covington responded, "What did you say?" Outlaw replied: "Never mind. I'm leaving." Outlaw then exited the courtroom.
>
> A deputy sheriff and a court employee began searching the building for Outlaw. The trial court recessed the suppression matter to allow McClain's defense attorney to confer with his client in the wake of the court's suppression ruling. The court subsequently adjourned, but Judge Covington asked McClain's attorney to "stick around for another moment . . . just in case." Around this time, Outlaw came back to the courtroom on his own, at which time he was taken into custody for direct criminal contempt.
>
> The trial court held a brief contempt hearing, at which Judge Covington recounted the above facts. A deputy sheriff who witnessed the outburst also testified. His version of events was consistent with Judge Covington's account. Outlaw did not contest the facts. [Ultimately, Outlaw was convicted of direct criminal contempt.]

Id. at *1-2.

In reversing Outlaw's direct criminal contempt conviction, our Supreme Court stated:

> The circumstances of this appeal are analogous to those in ***Williams***. The insult that Outlaw directed at the court here ("the judge is a cocksucker") is offensive in a manner similar to the remark made in ***Williams*** ("He's such a fucking asshole."). Both comments fall well below the expected standard of courtroom decorum, and both contemnors made their comments in response to judicial rulings [with] which they disagreed. Furthermore, the delay to the proceedings in this case was limited to the judge asking Outlaw "What did you say?", followed by Outlaw responding "Never mind. I'm leaving." This is the exact sort of "transient delay" or "momentary break in the proceedings" that we held in ***Williams*** **cannot serve as the basis for a conviction** under subsection 4132(3).

Id. at *8 (emphasis added, footnote omitted).

Instantly, the following exchange occurred at the pre-trial hearing for which Goodman had moved for new counsel:

> Trial Court: On case number 14, I am removing [defense counsel]. I'm going to appoint Mr. Ken Birley. We need to give this a conference date back here. I'd say in a month. These are defense requests. Time ruled excludable on all of them.
>
> [Goodman]: I didn't even request this.
>
> Court Officer: So[,] a scheduling conference on 6-27.
>
> Trial Court: Thank you.
>
> [Goodman]: That's it. Fuck you, fuck you, suck a dick, nigga.
>
> Trial Court: Sheriff, bring him back out.
>
> [Commonwealth]: Judge, I'd ask for a contempt hearing.
>
> Trial Court: If he doesn't want to come out, Sheriff, I'll do it in the doorway.
>
> Sheriff: Say it again, Your Honor?
>
> Trial Court: If you don't want to bring him back out, I'll do it in the doorway.

> Sheriff: Okay.
>
> (Pause[in proceedings])
>
> Trial Court: Can you hear me? Are you there? You just told me to go fuck myself and you told me to go suck a dick?
>
> [Goodman]: Yeah.
>
> Trial Court: For both those offenses, you are now in contempt of court. Your sentence is six months for each of those, consecutive to any other sentence you're serving. Do you understand your sentence?
>
> [Goodman]: Thank you for being fair or something.

N.T. Hearing, 5/30/25, at 13-14.

Upon review, we find the instant facts analogous to those in ***Outlaw*** and, consequently, we are constrained to conclude that there was insufficient evidence to sustain Goodman's convictions for direct criminal contempt.[2] Indeed, Goodman requested this hearing in order to obtain new counsel due to his dissatisfaction with his current trial counsel. ***See*** N.T. Hearing, 5/30/25, at 1-2. However, at the conclusion of the hearing, the trial court scheduled a new "scheduling conference" at which point Goodman stated, "That's it. Fuck you, fuck you, suck a dick, nigga." ***Id.*** at 13. The only delay, like in ***Outlaw*** and ***Williams***, was the trial court instructing the Sheriff to bring Goodman

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[2] In light of our disposition, we need not address whether or not Goodman's sentence was illegal. Nevertheless, we observe that the trial court and the parties have all agreed that the trial court **did** impose an illegal sentence by sentencing Goodman on two counts of direct criminal contempt when his actions only constituted one count. ***See*** Trial Court Opinion, 9/29/25, at 6; Brief for Appellant, at 37-41; Commonwealth's Brief, at 7-8.

back into the courtroom, and the subsequent determination that Goodman was in direct criminal contempt. ***See id.***; ***see also Outlaw***, ***supra***. Although Goodman's comments were offensive and "fall well below the expected standard of courtroom decorum," we are constrained to conclude that Goodman's comments did not "significantly disrupt judicial proceedings." ***See Outlaw***, ***supra***. Accordingly, we vacate Goodman's judgment of sentence.

Judgment of sentence vacated. Jurisdiction relinquished.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/18/2026