

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
PACQI STEFAN LASSITER	:	
	:	
Appellant	:	No. 1632 EDA 2025

Appeal from the Judgment of Sentence Entered March 14, 2025
In the Court of Common Pleas of Bucks County
Criminal Division at No(s): CP-09-CR-0002972-2024

BEFORE: PANELLA, P.J.E., LANE, J., and BENDER, P.J.E.

MEMORANDUM BY PANELLA, P.J.E.:

FILED AUGUST 28, 2026

Pacqi Stefan Lassiter appeals from the judgment of sentence entered in the Court of Common Pleas of Bucks County for his convictions of third degree murder, conspiracy to commit third degree murder, conspiracy to commit possession of a weapon, conspiracy to recklessly endanger another person ("REAP"), and three counts of REAP.¹ Lassiter challenges the trial court's denial of his motions to suppress, the denial of his motion to sever his trial from his co-defendant, Breon Daquawn McRae, and the sufficiency of the evidence. After careful review, we affirm.

The trial court aptly summarized the detailed factual history, which we extensively repeat here because it is well supported by the certified record:

¹ 18 Pa.C.S.A. § 2502(c), 18 Pa.C.S.A. § 903 / 2502(c), 18 Pa.C.S.A. § 903 / 18 Pa.C.S.A. § 907(b), 18 Pa.C.S.A. § 903 / 2705, and 18 Pa.C.S.A. § 2705, respectively.

In the early morning hours of December 16, 2022, [McRae] strangled and assaulted his then-girlfriend, Anala Burgess-Williams. . . . [Anala's siblings, Jasmine, Clifton a.k.a. "CJ", and Nicholas, learned of the incident. On December 22, 2022, around 12:30 P.M., a physical altercation occurred between CJ and McRae in which McRae punched CJ in the face. Later that evening, around 7:40 P.M., CJ and Nicholas drove to McRae's residence at 574 Wilk Drive, Morrisville, Pennsylvania 19067, and Anala, Jasmine, and a friend, Stephen Campbell, followed behind. A few minutes later, CJ and Nicholas ran onto McRae's porch. McRae shouted down to them, "You guys are gonna see me. I'm gonna lay somebody down tonight." N.T., 1/23/25, at 116. McRae called his cousins, Robert Lassiter and the appellant, Pacqi Lassiter. CJ, Nicholas, Anala, Jasmine, and Campbell all left and returned to CJ's residence at 20 Lenora Avenue, Morrisville, Pennsylvania 19067. Officer Andrew Nagle arrived at McRae's residence and then went to CJ's residence. The distance between the residences was about a five to ten minute drive. McRae again called Lassiter around 8:06 P.M.]

At approximately 8:13 P.M., a sport utility vehicle (SUV) with distinctive trim traveled into Morrisville, Pennsylvania, via the "Trenton Makes" bridge and turned right from Bridge Street onto North Delmorr Street. At 8:14 P.M., Ofc. Nagle left [CJ's] residence and drove back to headquarters to file a report. Also, at 8:14 P.M., [McRae] called [Lassiter] again, and at 8:15 P.M., [McRae] walked off his porch, walked up the street towards the end of the block, nearing Rennard Avenue, and held a cell phone in his hand. [McRae] then returned to his residence, and approximately 30 (thirty) seconds later, the SUV with distinctive trim traveled down Wilk Drive from Rennard Avenue and passed [McRae's] residence. [At 8:16 P.M. Lassiter conducted a search in Apple Maps for McRae's residence. N.T., 1/28/25, at 91.] At 8:16 P.M., Jasmine, Anala, and Stephen returned to [CJ's] residence and parked directly behind Nicholas' vehicle. Jasmine, Nicholas, [CJ], Anala, and Stephen subsequently began to chat and smoke in the vehicle.

At approximately 8:17 P.M., a male figure (believed to be [Lassiter]) walked down Wilk Drive from Rennard Avenue towards [McRae's] residence and entered through the front door. [McRae's grandmother, Barbara Marshall was in the house at the time and was unable to identify who entered the house, however, she indicated that the man was young, black, and had a mask on that covered his entire face except for his eyes and mouth. N.T.,

1/24/25, at 66.] At 8:19 P.M., a neighbor's surveillance camera captured the rear door of [McRae's] residence opening, which is when the Commonwealth contended [Lassiter] and [McRae] exited [his] residence. At 8:22 P.M., a search was conducted on [Lassiter's] device in Apple Maps for 20 Lenora Avenue, which was [CJ's] residence and [the] crime scene. At approximately 8:30 P.M., the SUV with distinctive trim traveled through the intersection of Delmorr and Bridge Street, between [McRae's] residence and the crime scene.

At 8:34 P.M., Jasmine exited the driver's seat of her vehicle and entered the residence to check on her children. That same time, six (6) minutes before 911 is called in reference to [CJ's] murder, video surveillance obtained from Bowling Green Avenue (one block behind 20 Lenora Avenue), showed the SUV with distinctive trim, traveling down Bowling Green toward Riverside Drive, approximately one (1) street away from [CJ's] residence. The SUV then made a left onto a "little cut-out," on Riverside Drive, performed a "K-turn", extinguished its headlights, and parked almost directly toward the rear of [CJ's] residence at 20 Lenora Avenue. At 8:37 P.M., after Jasmine exited, Anala asked [CJ] to sit in the front with her so they could smoke together, and [CJ] subsequently entered the driver's seat of Jasmine's vehicle. At approximately 8:39 P.M., [CJ] was shot while sitting in the driver's seat of his sister's Chevrolet Trax parked in the driveway of his home. [Stephen Campbell testified that during the shooting, he saw "somebody in all black" standing in front of Jasmine's vehicle and that the person was black, skinny, and wore a ski mask. N.T., 1/23/25, at 154-55.] Within seconds of the shooting, the headlights on the SUV with distinctive trim were activated, and the vehicle drove up Bowling Green Avenue towards Pennsylvania Avenue.

Immediately after the shooting, Jasmine called 911, and [CJ] was transported to a hospital in Trenton, New Jersey, and placed on life support. [CJ] was subsequently taken off life support and passed away shortly thereafter. At 9:08 P.M., Barbara left [McRae's] residence and drove [McRae's] daughter, K.B., to her mother's residence in Trenton, New Jersey. Thirty-two (32) minutes after the shooting, at 9:12 P.M., the SUV with distinctive trim was observed driving back into New Jersey on the Calhoun Street Bridge. At 9:25 P.M., a shadow, contended to be [McRae] by the Commonwealth, entered his residence through the rear door. Fifty-two (52) minutes after the murder, at 9:32 P.M.,

[Lassiter's] cellular device was removed from airplane mode and reconnected to its network provider.

At the same time, [McRae] left his residence and drove to work at the Wendy's in Falls Township. [McRae] entered the Wendy's through the rear back door at 9:35 P.M., and asked his manager, Derrick Grimsley, to adjust his card from 9:35 P.M. to 8:00 P.M., the initial time at which [he] was supposed to be at work. At approximately 10:30 P.M., Det. Timothy Campbell received a call from Det. Johnson, asking for his assistance with processing the crime scene at [CJ's] residence. At the crime scene, detectives recovered eight (8) 9mm spent shell casings from [CJ's] driveway; however, the detectives never recovered the firearm.

On December 23, 2022, at approximately 12:49 A.M., Detectives Johnson and Montella located [McRae] inside of the Wendy's and asked to speak with him. [McRae] agreed to speak with the detectives, and he was transported to the Morrisville Borough Police Department. [McRae] informed and confirmed with the detectives that he called several individuals on the night of the shooting, including, his cousin, Robert Lassiter, AKA "Pooda"; and his drug dealer who he identified as Pacqi (Appellant). He further informed the detectives that [Lassiter] went to his house to sell him marijuana that evening. Moreover, according to [McRae], [Lassiter] and [McRae's brother] Junior were the only individuals (besides Barbara Marshall and his sister Arronasia White), who went to his house that night.

Additionally, [McRae] stated that after the confrontation with Nicholas and [CJ] on his front lawn, [Lassiter] (his "weed man") arrived at his home to deliver him a hundred dollars worth of marijuana. [CJ] claimed that [Lassiter] arrived at his residence shortly before [CJ] went onto his "roof to smoke." He initially told the detectives that he arrived for his shift at Wendy's the night of the murder at 8:45 P.M. [McRae], however, admitted, after the detectives reminded him that the store is covered with surveillance cameras, that he did not arrive for his shift until 9:30 P.M. He further admitted that he asked his manager, Derrick Grimsley, to adjust his time clock to reflect an 8:45 P.M. arrival time. Around 2:30 A.M., [McRae] ended the interview, and the detectives drove him home.

On December 24, 2022, at approximately 10:01 A.M., law enforcement executed a search warrant at [McRae's] residence.

Detectives Montella and Johnson arrested [McRae] on December 29, 2022, and charged him with Strangulation and other related charges pursuant to a physical altercation that occurred on December 16, 2022, with his then-girlfriend, Anala Burgess-Williams.

In March 2023, the detectives interviewed K.B., [McRae's] daughter, with the consent of her mother, Tenia Bey. After the interview, K.B. spoke to her mother about being present at [McRae's] residence in the hours before [CJ's] murder. K.B. stated that her grandmother, [McRae], and someone she did not know were at his residence. K.B. indicated that the unknown individual wore a mask and eventually left with [McRae].

As the murder investigation continued, Det. Johnson obtained cell phone records from the cellular service providers for the accounts associated with [Lassiter] and [McRae], which revealed the following:

- i. [Lassiter's] and [McRae's] cellular devices were in constant communication with one another in the hours leading up to [CJ's] murder.
- ii. [Lassiter's] cellular device traveled from the area of Trenton, New Jersey, towards [McRae's] residence at 574 Wilk Drive, Morrisville, PA 19067 in Bucks County on the date of the murder from approximately 8:03 P.M. to 8:16 P.M.
- iii. [Lassiter's] and [McRae's] cellular devices traveled to the area of the murder in the hour leading up to the murder.
- iv. [Lassiter's] cellular device was on airplane mode and was in the area of the murder at the time the shooting occurred.
- v. At 9:32 P.M., fifty-two (52) minutes after the murder, [Lassiter's] cellular device was removed from airplane mode and reconnected to its network provider.

Further, during the course of the murder investigation, Det. Johnson discovered that [Lassiter's] sister, Saquisa Lassiter, was

the registered owner of the Ford Freestyle SUV with distinctive trim bearing Pennsylvania registration LMY-2032 from July 20, 2022, through January 2023. On January 1, 2023, Trenton Police observed Saquisa Lassiter's SUV committing multiple traffic violations and attempted to stop the vehicle. The vehicle fled and came to an abrupt stop near an Intersection. The driver jumped out of the vehicle while the vehicle was still moving, rolled on the ground, and fled the scene on foot. Ofc. Chaz Cason of the Trenton Police Department, testified that he recognized [Lassiter] as the driver because he had previously had contact with [him]. On the highway where [Lassiter] fell, Trenton Police located a silver handgun. A subsequent search of Saquisa Lassiter's vehicle produced a magazine loaded with four (4) 9mm rounds that were manufactured by Luger, and a black ski mask. On January 9, 2023, Detectives Johnson and Montella applied for a search warrant for [Lassiter's] cell phone records to include cell site information, cell site location, and location information, and they subsequently received these records.

[On June 1, 2023, the Twentieth Bucks County Investigating Grand Jury returned a presentment on charges of first-degree murder and criminal conspiracy for Lassiter and McRae.] On June 2, 2023, Detectives Johnson and Montella obtained arrest warrants for [Lassiter] and [McRae] for Murder of the First Degree, Conspiracy of Murder of the First Degree, [REAP], and Conspiracy of [REAP]. [Lassiter] was arrested on June 9, 2023, at which time the detectives interviewed him at the Mercer County Prosecutor's Office after providing the requisite **Miranda** warnings. During the interview, [Lassiter] repeatedly informed the detectives that he had no recollection of the charged events due to alcohol consumption. He also confirmed that the SUV with distinctive trim depicted in surveillance videos travelling from the area of [McRae's] residence to the scene of the murder "looked like" his sister Saquisa's vehicle. On or about May 13, 2024, Detectives Johnson and Montella applied for a search warrant to establish ownership information and for the contents of [Lassiter's] cell phone, which was recovered from his sister's vehicle when he was involved with the Trenton police on January 1, 2023. Subsequent to the issuance of the lawful warrant, the detectives performed a forensic extraction of [Lassiter's] cell phone, which revealed the following for the night of the murder:

- i. At 8:16 P.M., twenty-four (24) minutes before the murder, a search was conducted on [Lassiter's]

cellular device for 574 Wilk Drive, [McRae's] residence. The device recorded the coordinates of the search location as 40.205955, -74.797043, coordinates that were located next door to [McRae's] residence.

ii. At 8:22 P.M., eighteen (18) minutes before the murder, a search was conducted on [Lassiter's] cellular device in Apple Maps for 20 Lenora Avenue, which was [CJ's] address and where the murder occurred. The device recorded the coordinates of the search location as 40.199277, -74.768824, coordinates that were located at the exact location of the murder scene.

iii. At 8:34 P.M., six (6) minutes before the murder, [Lassiter's] cellular device registered an arrival at 40.200138, -74.769055 after a waypoint on Apple Maps, which placed the device in the exact location that the SUV with distinctive trim was recorded reversing onto a roadway on Riverside Drive, one (1) block behind the murder scene.

The extraction of [Lassiter's] cell phone also revealed an internet search on December 31st just days after the murder in which [Lassiter] searched for facial reconstruction surgery that takes Horizon New Jersey health insurance.

Trial Court Opinion, 10/14/25, at 1-11 (footnotes omitted).²

Relevant to this appeal, Lassiter filed various pre-trial motions including a motion to suppress his statements to law enforcement, a motion to suppress all information seized from his cell phones, and a motion to sever his trial from McRae's. These motions were all denied.

² We commend the Honorable Charissa J. Liller for assisting our appellate review of the voluminous trial transcripts by providing a detailed recitation of the evidence with citations to the record.

Lassiter's and McRae's joint jury trial began on January 23, 2025, and concluded on February 3, 2025. At the conclusion of the trial, Lassiter was found guilty of third degree murder, conspiracy to commit third degree murder, conspiracy to commit possession of a weapon, conspiracy to commit REAP, and three counts of REAP.³

On March 14, 2025, Lassiter was sentenced to an aggregate term of 40 to 80 years' incarceration. He filed post-sentence motions. The trial court denied his motion for a new trial and judgment of acquittal on April 1, 2025, and after a hearing, denied his motion for reconsideration of sentence on May 27, 2025. Lassiter timely appealed.⁴ Both Lassiter and the trial court complied with Pennsylvania Rule of Appellate Procedure 1925. **See** Pa.R.A.P. 1925(a)-(b).

Lassiter raises the following issues.

1. Did the [trial] court err in failing to suppress [Lassiter's] statement, as it was made in violation of ***Miranda [v. Arizona]***, 384 U.S. 436 (1966)]?
2. Did the [trial] court err in failing to suppress the fruits of the search warrant issued on January 9, 2023, for the T-Mobil[e] Records associated with the phone number linked to [Lassiter]?

³ In addition to all the same offenses for which Lassiter was convicted, McRae was also convicted of terroristic threats, strangulation, intimidating a witness, and multiple counts of simple assault. He received an aggregate sentence of 44.5 to 89 years' incarceration.

⁴ At docket numbers 898-900 EDA 2025 and 1083-85 EDA 2025, McRae filed his own appeals that were dismissed for failing to file a brief. **See** Order, 1/22/26, 898 EDA 2025. McRae filed an application to reinstate his appeal which this Court denied. **See** Order, 5/7/26, 898 EDA 2025.

3. Did the [trial] court err in failing to sever [Lassiter's] case for trial from [McRae's] three cases?
4. Did the [trial] court err in finding that the evidence was sufficient to support the convictions?

Appellant's Brief, at 6.

Lassiter's first two issues concern the denial of his suppression motions.

Our standard of review of the denial of a suppression motion requires us to determine whether the record supports the trial court's factual findings and legal conclusions. Where, as here, the Commonwealth prevailed on the suppression motion, we consider only the Commonwealth's evidence and so much of the evidence for the defense as remains uncontradicted when read in context of the record as a whole. We reverse only where the record does not support the trial court's factual findings, or the court's legal conclusions are erroneous.

Commonwealth v. Smith, 237 A.3d 580, 582-83 (Pa. Super. 2020) (internal quotation marks and citations omitted).

In his first issue, Lassiter asserts that the trial court erred by not suppressing the statements he made to Detectives Montella and Johnson. He argues that he never expressly waived his ***Miranda*** rights and his statement, "I don't know what's goin[g] on," indicated that he did not understand his ***Miranda*** rights. **See** Appellant's Brief, at 18-20. The Commonwealth argues that an explicit waiver is not necessary to waive ***Miranda*** rights so long as the defendant is informed of his rights, acknowledges he understands his rights, and continues to answer questions, which is what happened here. **See** Appellee's Brief, at 21-24.

A valid waiver of ***Miranda*** rights depends on:

(1) whether the waiver was voluntary, in the sense that defendant's choice was not the end result of governmental pressure, and (2) whether the waiver was knowing and intelligent, in the sense that it was made with full comprehension of both the nature of the right being abandoned and the consequence of that choice.

Commonwealth v. Lukach, 163 A.3d 1003, 1011 (Pa. Super. 2017) (citation omitted).

"If the totality of the circumstances reveals an uncoerced choice and the requisite level of comprehension, a court may properly find that ***Miranda*** rights have been waived." ***Id.*** (citations omitted). Additionally, "after a defendant is given his or her ***Miranda*** rights, a statement by the defendant that he understands those rights followed by the answering of questions posed by the interrogating officer constitutes a sufficient manifestation of a defendant's intent to waive those rights so as to satisfy state constitutional protections." ***Commonwealth v. Baez***, 21 A.3d 1280, 1286 (Pa. Super. 2011) (footnote omitted).

Here, during the June 9, 2023, interview Lassiter acknowledged that New Jersey authorities had just given him ***Miranda*** warnings before the Bucks County detectives arrived. ***See*** N.T., 12/10/24, Ex. C-12, at 7.⁵ Lassiter acknowledged that he understood he had the right to remain silent and the

⁵ Exhibit C-12 is a transcript of Lassiter's police interview and was admitted into evidence at the December 10, 2024, hearing. The audio recording was also admitted into evidence as Exhibit C-11.

detective read the remainder of the warnings. **See id.** at 8-9. Thereafter, the following exchange occurred:

[DET. MONTELLA:] Um, so, basically, if—if you want to get some pieces and you don't like where it's going, you can stop at any time.

[LASSITER]: Well, I don't even know like why—I don't even have no recollection of any—I don't know what's goin on.

DET. MONTELLA: All right, we'll get more into it then.

DET. JOHNSON: Yeah, we'll—we'll explain it.

DET. MONTELLA: Do you understand what I've just explained to you?

[LASSITER]: **Yes, I do.**

DET. MONTELLA: Okay. And will you speak with us without a lawyer present right now?

[LASSITER]: **Yeah.** Cause I don't—

DET. MONTELLA: And we'll get into more so—so you'll have a better idea. Because the last thing I want you to do is walk out this room today facing first-degree—

[LASSITER]: Yeah, cause this is weird. Come on, like—then I'm in—like, now I got this one from New Jersey, like I don't—like this—they they—just can't be a working man.

DET. MONTELLA: Can you just sign right here? Can you sign? That's just what I read you.

[LASSITER]: I'm signing—oh, wait, wait, hold on, hold on. Weight [sic] a second. I'm signing this and I don't even know what's goin on.

DET. MONTELLA: All right, well hold on. We'll talk more then and then if you—

[LASSITER]: I don't even know what's goin on.

DET. JOHNSON: That's what—you're sign—you're not signing anything that, you know, about—

DET. MONTELLA: It's just what I read.

DET. JOHNSON: —what you're signing here is your **Miranda** rights, that's what you're signing, that we read them to you, that's all.

DET. MONTELLA: Well, that's—let's put the signature aside.

DET. JOHNSON: You're not admitting anything there, it's it's just—you said you'd be willing to talk to us, so what you're doing is you're signing there that everything that's on this form was just read to you.

[LASSITER]: But if I'm signing, that means I—I don't even know anything like—I just told you guys—

DET. MONTELLA: All right, let's put—

[LASSITER]: —I don't even have no recollection.

DET. MONTELLA: All right, let's put this aside then, then don't sign.

[LASSITER]: No, wait. Listen to me. Listen to what I'm saying. I don't even have no like—this—you all saying—when you all say this happened?

DET. MONTELLA: So—so right around Christmastime, December. So that means—

[LASSITER]: Well, that was like six, seven months ago, my birthday was just literally two weeks ago, I drank every day.

Id. at 9-11 (emphasis added). The interview continued.

We discern no error with the trial court denying Lassiter's motion to suppress his statements. As the trial court explained,

[Lassiter] argues his saying “I don’t know what’s goin[g] on” relates to his lack of understanding the **Miranda** warnings. [The trial court] correctly ruled that in the context of the interview[, Lassiter] is saying **he “doesn’t know” in regard to why he was brought in for questioning about the murder not from a lack of understanding his rights as they were read to him.** [N.T., 12/10/24, at 7-8.] [Lassiter] never indicates that he has trouble understanding his actual rights, but rather the context for why he is being interviewed. Prior to this interview[,] he was also read his rights by New Jersey police, and he indicated that he knew those had been read to him. [**See** Exhibit C-12, 12/10/24, at 7-9.] Detective Montella clarifies [Lassiter’s] understanding of his rights before continuing the interview. Detective Montella asks [Lassiter] if he understands the rights that were just read to him, to which [Lassiter] responds in the affirmative. [**See id.** at 9.] Detective Montella then asks if he is choosing to speak with the officers without an attorney present, to which [Lassiter] once again responds in the affirmative. [**See id.** at 10.] At no point during the interview does [Lassiter] indicate that he waived his rights unknowingly, involuntarily, nor unintelligently. [Lassiter] after being read his rights and [] given further clarification, continues to speak to the detectives which is a clear showing of a knowing, voluntary, and intelligent waiver of his **Miranda** rights[.]

Trial Court Opinion, 10/14/25, at 27-28 (footnotes omitted) (emphasis added).

We agree with the trial court. After Lassiter was appraised of his **Miranda** rights and he acknowledged he understood them, he continued to answer questions that indicated a “sufficient manifestation of an intent to waive one’s **Miranda** rights.” **Baez**, 21 A.3d at 1286. His equivocations were related to his supposed lack of knowledge for why he was being interviewed in the first place, not his lack of understanding of his **Miranda** rights. Therefore, Lassiter’s waiver of his **Miranda** rights was knowing, voluntary,

and intelligent, and the trial court did not err in denying his motion to suppress.

In his second issue, Lassiter argues that the search warrant application lacked probable cause because it contained no evidence that Lassiter was involved in the homicide and its purpose was to conduct a general investigation into criminal activity.⁶ **See** Appellant's Brief, at 24. He asserts that at most it suggests that Lassiter was in the area at the time of the murder, which he claims is insufficient. **See id.** at 25. We disagree.

When considering the validity of a search warrant, "a reviewing court is not to conduct a *de novo* review of the issuing authority's probable cause determination, but is simply to determine whether or not there is substantial evidence in the record supporting the decision to issue the warrant." **Commonwealth v. Jones**, 988 A.2d 649, 655 (Pa. 2010) (brackets and citation omitted). There are three prerequisites for a valid warrant:

(1) the warrant must be issued by a neutral, disinterested magistrate; (2) the entity seeking the warrant must demonstrate probable cause to believe that the evidence sought will aid in a particular apprehension or conviction for a particular offense; and (3) the warrant must describe particularly the place to be searched and the items to be seized.

Commonwealth v. Pacheco, 263 A.3d 626, 646 (Pa. 2021) (citation omitted).

⁶ In his brief, Lassiter does not mention the May 13, 2024, warrant and only challenges the January 9, 2023, warrant. **See** Appellant's Brief, at 21-25.

"Probable cause exists where the facts and circumstances within the affiant's knowledge and of which he has reasonably trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that a search should be conducted." **Id.** at 645. The issuing authority is to consider the totality of the circumstances and "make a practical, common-sense decision whether, given all of the circumstances set forth in the affidavit before him, including the veracity and basis of knowledge of persons supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a particular place." **Jones**, 988 A.2d at 655 (citation omitted).

According to Lassiter, the affidavit of probable cause merely states that McRae was in contact with Lassiter (and others) an hour before the murder and that Lassiter drove to McRae's house after the fight to sell McRae marijuana. However, as the trial court summarized,

In the Affidavit of Probable Cause, Detectives Johnson and Montella provided ample information pertaining to [Lassiter's] involvement with [McRae] during the night of the homicide, and the warrant described with particularity the place to be searched and the items to be seized. As such, [the trial court] found that the detectives provided ample evidence of probable cause to show that [Lassiter's] cellular device was potentially in possession of crucial evidence that could aid the detectives' homicide investigation.

Trial Court Opinion, 10/14/25, at 30.

We agree with the trial court. The affidavit did not only contain information to suggest that Lassiter merely spoke to McRae an hour before

the shooting and sold him marijuana. Rather the affidavit indicates that McRae called multiple people, including Lassiter, “to solicit their help in fighting.” Affidavit of Probable Cause, 1/9/23, at 9. Additionally, a search of McRae’s phone revealed that he had been in contact with the phone number associated with Lassiter “multiple times within the hour prior to the homicide.” ***Id.*** at 15. Further, while McRae stated that Lassiter went to his house after the altercation to sell him marijuana, Lassiter is never observed entering McRae’s house on any of the Ring video footage. ***See id.*** at 29. Investigators also knew that an unidentified individual driving an SUV was involved. Moreover, there was ample information in the affidavit of probable cause to establish that McRae, who Lassiter was in contact with multiple times in the hour before the homicide, was involved in CJ’s murder. Given the totality of the circumstances, the information provided in the affidavit of probable cause led to the common-sense conclusion that evidence related to the homicide would be found on Lassiter’s phone. Therefore, the trial court did not err in denying Lassiter’s motion to suppress the contents recovered from his cellphone.

In his third issue, Lassiter argues that the trial court erred by not severing his trial from McRae’s. He argues that he was prejudiced by the joint trial because McRae’s strangulation and subsequent intimidation of Anala were a separate series of events of which he was not involved and the trial court failed to instruct the jurors that the evidence for McRae’s strangulation and intimidation charges were not admissible against Lassiter. ***See*** Appellant’s

Brief, at 29-32. Further, he argues that he was prejudiced because the evidence against McRae was overwhelming while the evidence against himself was minimal. **See id.** at 34. The Commonwealth argues that consolidation was appropriate under Rule 582(A)(1)(b) because McRae's strangulation of Anala, the subsequent altercation between CJ and McRae, the murder, and McRae intimidating Anala regarding the strangulation charge, all formed one single criminal episode. **See** Appellee's Brief, at 35-36. And alternatively, consolidation was appropriate under Rule 582(A)(1)(a) because the evidence would have been admissible against Lassiter, there was no risk of confusion since the offenses were separate, and Lassiter was not prejudiced. **See id.** at 37-40.

Pennsylvania Rule of Criminal Procedure 582 permits joinder of offenses or defendants.

(A) Standards

(1) Offenses charged in separate indictments or informations may be tried together if:

(a) the evidence of each of the offenses would be admissible in a separate trial for the other and is capable of separation by the jury so that there is no danger of confusion; or

(b) the offenses charged are based on the same act or transaction.

(2) Defendants charged in separate indictments or informations may be tried together if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses.

Pa.R.Crim.P. 582(A). Additionally, “[t]he court may order separate trials of offenses or defendants, or provide other appropriate relief, if it appears that any party may be prejudiced by offenses or defendants being tried together.”

Pa.R.Crim.P. 583.

“We consider the decision of whether to deny a motion to sever under an abuse of discretion standard.” ***Commonwealth v. O’Neil***, 108 A.3d 900, 905 (Pa. Super. 2015) (citation omitted). “[I]t is well established that the law favors a joint trial when criminal conspiracy is charged.” ***Commonwealth v. Serrano***, 61 A.3d 279, 285 (Pa. Super. 2013) (internal quotation marks and citation omitted). Where the defendant moves to sever offenses not based on the same act or transaction that have been consolidated in a single indictment or information, or opposes joinder of separate indictments or information, the trial court must determine:

(1) whether the evidence of each of the offenses would be admissible in a separate trial for the other; (2) whether such evidence is capable of separation by the jury so as to avoid danger of confusion; and, if the answers to these inquiries are in the affirmative, (3) whether the defendant will be unduly prejudiced by the consolidation of offenses.

Commonwealth v. Jordan, 65 A.3d 318, 328 n.2 (Pa. 2013) (citation omitted).

Regarding prejudice,

The “prejudice” of which Rule 583 speaks is not simply prejudice in the sense that appellant will be linked to the crimes for which he is being prosecuted, for that sort of prejudice is ostensibly the purpose of *all* Commonwealth evidence. The prejudice of which Rule 583 speaks is, rather, that which would occur if the evidence

tended to convict the appellant only by showing his propensity to commit crimes, or because the jury was incapable of separating the evidence or could not avoid cumulating the evidence.

Commonwealth v. Ferguson, 107 A.3d 206, 210 (2015) (brackets and citation omitted).

The trial court explained why severance was not appropriate.

In the case at bar, [Lassiter] was not prejudiced by [the trial court's] denial of his Motion to Sever. Both [Lassiter] and [McRae] were charged with criminal conspiracy and, as previously discussed, the Pennsylvania Supreme Court has ruled that there is a strong preference for a joint trial when conspiracy is charged. This preference arises from the need to maintain efficient court proceedings and an effective use of local resources. Here, [Lassiter] and [McRae's] charges arose out of the same transaction or occurrence which creates an ideal scenario for consolidating the cases into a joint trial. Also, for the sake of judicial economy, as well as for requiring the strangulation victim and the murder victim's family and witnesses to testify only in one trial, [the trial court] made the ultimate decision to consolidate all cases.

The preference for a joint trial is balanced by any prejudice that may result. In this case, [Lassiter] was not prejudiced by the consolidation. The potential prejudice would be if the evidence tended to convict [Lassiter] only by showing his propensity to commit crimes, or because the jury was incapable of separating the evidence or could not avoid cumulating the evidence. ***Commonwealth v. Shackelford***, 293 A.3d 692, 701 (Pa. Super. 2023). Here, [the trial court] gave sufficient warnings to the jury. [The trial court] on three occasions during the jury instructions adequately warned the jurors that they were to make a separate determination for each of the defendants and made a distinction between the charges against [Lassiter] and those against [McRae]. [N.T., 1/30/25, at 219, 227, 239.]

Additionally, [McRae] had other cases aside from the murder which were part of the trial. [McRae's] charges for the strangulation and assault of his girlfriend Anala and the assault of [CJ] were separate events distinct from the murder which both [McRae] and [Lassiter] were charged. Given that the charges

unique to [McRae] were distinguishable in time, space, and characters involved, the jury was capable of separating the evidence between the actions of [McRae] and [Lassiter]. [**See Commonwealth v. Collins**, 703 A.2d 418, 423 (Pa. 1997) (“Where a trial concerns distinct criminal offenses that are distinguishable in time, space and the characters involved, a jury is capable of separating the evidence.” (citation omitted)).]

Further, the defense of [McRae] was not so antagonistic as to support a grant of severance. While [Lassiter] and [McRae’s] defenses were inconsistent, it did not rise to a level necessary to sever the trial. Our Supreme Court, as discussed, has held that the defenses must be so antagonistic that they are irreconcilable. **Commonwealth v. Williams**, 720 A.2d 679, 685 (Pa. 1998). There is nothing established in the record to suggest that such an antagonistic defense was presented to the jury. The defendants merely had conflicting versions of what took place and the extent to which they participated. The inevitable finger-pointing between [Lassiter] and [McRae] was not enough to be so antagonistic that [the trial court] could not possibly try the cases together.

Trial Court Opinion, 10/14/25, at 25-26 (footnotes omitted).

We discern no abuse of discretion. As the trial court explained, McRae’s additional charges did not warrant severance. We have explained that “a perfect identity of the charges against two defendants [is not necessary] before their cases may be joined for trial.” **Commonwealth v. Melvin**, 103 A.3d 1, 29 (Pa. Super. 2014); **see also Commonwealth v. Patterson**, 546 A.2d 596, 600 (Pa. 1988) (explaining that trial court properly denied severance where the co-defendant and the appellant were charged with identical crimes, including conspiracy, and the co-defendant was additionally charged with witness intimidation). Lassiter was not entitled to severance on any of the theories which he advances in this appeal. Separate trials of co-defendants should be granted only where the defenses of each are

antagonistic to the point where such individual differences are irreconcilable and a joint trial would result in prejudice. This determination is left to the discretion of the court which balances the inconvenience and expense to the government of separate trials against prejudice to the defendants in a joint trial, and the burden is on the movant to show prejudice. As stated above, Lassiter's and McRae's charges all originated from the same factual background and occurrences. We agree with the trial court that Lassiter has not shown prejudice, especially based upon the trial court's more than adequate instructions. Therefore, the trial court did not abuse its discretion in denying Lassiter's motion to sever.

In his final issue, Lassiter challenges the sufficiency of the evidence. Our scope and standard of review for a sufficiency claim are well established.

When reviewing a sufficiency claim, we face a question of law. Accordingly, our standard of review is *de novo*. We view the evidence in the light most favorable to the Commonwealth, as the verdict winner, and we draw all reasonable inferences therefrom in the Commonwealth's favor. Through this lens, we must ascertain whether the Commonwealth proved all of the elements of the crime at issue beyond a reasonable doubt.

The Commonwealth may sustain its burden of proving every element of the crime beyond a reasonable doubt by means of wholly circumstantial evidence. Moreover, we may not weigh the evidence and substitute our judgment for the factfinder. Any doubts regarding a defendant's guilt may be resolved by the factfinder, 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. Castaneira, 322 A.3d 223, 227 (Pa. Super. 2024)

(brackets and citation omitted).

Lassiter argues that there was insufficient evidence to sustain his conviction of third degree murder because the Commonwealth failed to prove that he was at the crime scene or participated in the murder in any way. **See** Appellant's Brief, at 41.

"Third-degree murder is defined as 'all other kinds of murder,' *i.e.*, those committed with malice that are not intentional (first-degree) or committed during the perpetration of a felony (second-degree)." **Commonwealth v. Jones**, 339 A.3d 493, 498 (Pa. Super. 2025) (citation omitted); 18 Pa.C.S.A. § 2502(c). "[M]alice is present under circumstances where a defendant did not have an intent to kill, but nevertheless displayed a conscious disregard for an unjustified and extremely high risk that his actions might cause death or serious bodily harm." **Jones**, 339 A.3d at 499 (internal quotation marks and citation omitted). Additionally, under accomplice liability, a person is "equally criminally liable for the acts of another if he acts with the intent of promoting or facilitating the commission of an offense and agrees, aids, or attempts to aid such other person in either planning or committing that offense." **Jones**, 339 A.3d at 503 (citations omitted); **see also Commonwealth v. Causey**, 833 A.2d 165, 173 (Pa. Super. 2003) (driving the shooter to and from the scene of the shooting was sufficient to establish the elements of aggravated assault under a theory of accomplice liability).

The trial court explained in detail the evidence that supported Lassiter's third degree murder conviction.

During the trial, there was much evidence presented to support the charge of Third-Degree Murder. [McRae] testified that [Lassiter] came to his house on the night of the murder to sell him marijuana. [N.T., 1/30/25, at 57-60, 101-02, 128-30.] Further, cell phone records obtained by police indicated that [Lassiter's] cellular device travelled from the area of Trenton, New Jersey, towards [McRae's] residence . . . on the date of the murder from approximately 8:03 P.M. to 8:16 P.M. [N.T., 1/28/25, at 84-86, 88-92.] [Lassiter's] and [McRae's] cellular devices traveled to the area of the murder in the hour leading up to the murder. [*Id.* at 95-99.] [Lassiter's] cellular device was on airplane mode and was in the area of the murder at the time the shooting occurred. [*Id.* at 97-98.] Thirty-two (32) minutes after the shooting, at 9:12 P.M., the SUV with distinctive trim was observed driving back into New Jersey on the Calhoun Street Bridge. [*Id.* at 99.] At 9:32 P.M., fifty-two (52) minutes after the murder, [Lassiter's] cellular device was removed from airplane mode and reconnected to its network provider. [*Id.* at 101.] Pursuant to a valid search warrant, a deeper dive into [Lassiter's] cellular device was conducted which recovered data from his Apple Maps. Police discovered that at 8:22 P.M., eighteen (18) minutes before the murder, a search was conducted on [Lassiter's] cellular device in Apple Maps for 20 Lenora Avenue, which was [CJ's] address and where the murder occurred. [*Id.* at 94.] The device recorded the coordinates of the search location as 40.199277, -74.768824, coordinates that were located at the exact location of the murder scene. [*Id.*] At 8:34 P.M., six (6) minutes before the murder, [Lassiter's] cellular device registered an arrival at 40.200138, -74.769055 after a waypoint on Apple Maps, which placed the device in the exact location that the SUV with distinctive trim was recorded reversing onto a roadway on Riverside Drive, one (1) block behind the murder scene. [*Id.* at 96.] On January 1, 2023, [Lassiter] was seen driving a similar SUV with distinctive trim as the one at the murder scene and fleeing police in Trenton. [*Id.* at 178-80. Inside the vehicle, police found a black ski mask which is consistent [] with what [McRae's] minor child as well as [his] Grandmother informed police regarding the second male who appeared at [McRae's] home on the night of the murder wearing a black ski mask over his face. [N.T., 1/24/25, at 66.] A search of [Lassiter's] cell phone also revealed an internet search on December 31st just days after the murder in which [Lassiter] searched for facial reconstruction surgery that takes Horizon New Jersey health insurance. [N.T., 1/28/25, at 112.]

Trial Court Opinion, 10/14/25, at 36-38 (footnotes omitted).

Our review of the record confirms that there was sufficient evidence to convict Lassiter of third degree murder. As explained above, although Lassiter was not positively identified by direct evidence, there was ample circumstantial evidence to support the finding that he was the driver and McRae's accomplice. Therefore, Lassiter's challenge to the sufficiency of the evidence for his conviction of third degree murder fails.

Additionally, Lassiter argues that the Commonwealth failed to establish that he entered into a conspiratorial agreement with McRae because the evidence demonstrated that he only had brief interactions with McRae on the night of the murder, such that a conspiracy could not have been formed. **See** Appellant's Brief, at 47-48. We disagree.

To sustain a conviction for criminal conspiracy, the Commonwealth must establish that the defendant (1) entered into 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. This overt act need not be committed by the defendant; it need only be committed by a co-conspirator.

Proof of a conspiracy is almost always extracted from circumstantial evidence. The Commonwealth may present a web of evidence linking the defendant to the conspiracy beyond a reasonable doubt. The evidence must, however, rise above mere suspicion or possibility of guilty collusion. Mere association, presence at the scene, or knowledge of the crime is insufficient; the Commonwealth must prove that the defendant became an active participant in the criminal enterprise and that he had knowledge of the conspiratorial agreement.

Commonwealth v. Little, 305 A.3d 38, 46 (Pa. Super. 2023) (citation omitted).

Contrary to Lassiter's assertion, the brevity of his interactions with McRae does not indicate that a conspiracy was not formed. A conspiracy "can be established instantaneously, or it can be the product of drawn-out deliberations." ***Commonwealth v. Chambers***, 188 A.3d 400, 411 (Pa. 2018). A conspiracy can be formed "by mere nodding of heads, so long as [the conspirators] possess the requisite intent." ***Id.*** Additionally, "[t]he agreement need not be formal, nor must it even be expressly communicated." ***Id.***

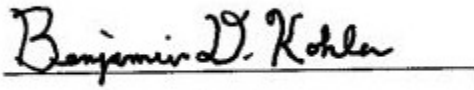
As summarized above, McRae called Lassiter after the altercation with CJ. Lassiter drove to McRae's home. Lassiter entered CJ's address in his Apple Maps. Lassiter then drove over to CJ's residence. When the shooting occurred, the SUV activated its lights and fled the scene and drove home to New Jersey. Additionally, Lassiter's "phone was in airplane mode during the time of the shooting, suggesting intentional concealment, and was turned back on 52 minutes after the murder." Trial Court Opinion, 10/14/25, at 39 (citing N.T., 1/28/25, at 101). Viewed in the light most favorable to the Commonwealth, a reasonable jury could infer that the circumstantial evidence demonstrated that Lassiter entered into a conspiracy to kill CJ with McRae. Therefore, Lassiter's sufficiency claim fails.

Lastly, although Lassiter also challenges the sufficiency of the evidence for his REAP and conspiracy to possess a weapon convictions, he relies on the same reasons he asserts for why there was insufficient evidence for his third degree murder and conspiracy to commit third degree murder convictions. **See** Appellant's Brief, at 49-50. As previously explained, there was sufficient evidence that Lassiter participated in the shooting as an accomplice and co-conspirator. That evidence was also sufficient to convict him of REAP and conspiracy to possess a weapon. We briefly add that his three REAP convictions apply to the three other individuals in the vehicle with CJ. As the trial court explained, "[b]y firing into a car known to be occupied by multiple people, the shooter and those coordinating the attack recklessly disregarded the substantial risk of killing or seriously injuring not only [CJ], but also the other passengers." Trial Court Opinion, 10/14/25, at 41; **see also Commonwealth v. Hernandez**, 230 A.3d 480, 487-88 (Pa. Super. 2020) (explaining that the appellant's third degree murder and REAP convictions did not merge for sentencing because although "as one who commits homicide can reasonably be said to have place another in danger of death" the REAP conviction applied to other individuals near the scene of the shooting, not the murder victim). Therefore, Lassiter's challenge to the sufficiency of the evidence for his REAP and conspiracy to possess a weapon convictions also fail.

Based on the foregoing, we affirm.

Judgment 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: 8/28/2026