

V.

Appellant

: No. 1516 EDA 2025

V.

Appellant

: No. 1517 EDA 2025

V.

Appellant

: No. 1518 EDA 2025

Appeal from the PCRA Order Entered May 16, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0015843-2013

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
: PENNSYLVANIA

v.

RAHEEM WILLIAMS

Appellant

: No. 1519 EDA 2025

Appeal from the Judgment of Sentence Entered May 16, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0015843-2013

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
: PENNSYLVANIA

v.

RAHEEM WILLIAMS

Appellant

: No. 1520 EDA 2025

Appeal from the PCRA Order Entered May 16, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0015844-2013

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
: PENNSYLVANIA

v.

RAHEEM WILLIAMS

Appellant

: No. 1521 EDA 2025

Appeal from the Judgment of Sentence Entered May 16, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0015844-2013

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

MEMORANDUM BY LANE, J.:

FILED SEPTEMBER 9, 2026

In these consolidated appeals, Raheem Williams (“Williams”) appeals from the judgment of sentence imposed after the Post Conviction Relief Act¹ (“PCRA”) court granted his PCRA petition, in part, and held a new sentencing hearing. He further appeals from the PCRA court’s denial, in part, of his petition with respect to his ineffective assistance of counsel claims. We affirm the judgment of sentence as well as the order dismissing the PCRA petition’s ineffective assistance of counsel claims.

We summarize the relevant factual and procedural history of this matter as follows. In August 2013, Rakeem Hall (“Hall”) broke up with his girlfriend, which led to a dispute regarding the return of her personal belongings. The girlfriend’s fifteen-year-old brother, Kaleem Shelton (“Shelton”), brandished a firearm and threatened to kill Hall if he did not return her belongings. Hall and Shelton ultimately agreed to settle their feud by way of a fistfight outside 2300 Beechwood Street, with Hall choosing a teenager closer to Shelton’s age to fight in his stead. Hall nevertheless joined the fight and punched Shelton in the face. Williams, a spectator at the fight, and Shelton immediately pulled out firearms and began shooting into the crowd, firing twenty-three bullets and striking three people (“the Beechwood Street shooting”). Upon arrival at the scene, police officers observed a trail of blood leading to the front door of the house at 2300 Beechwood Street. Inside, police found one of the gunshot victims attempting to treat his wounds in a second-floor bathroom. Police also

¹ **See** 42 Pa.C.S.A. §§ 9541-9546.

encountered Williams and an unidentified male in a third-floor bedroom. Williams told the officers that he had not heard any gunshots. **See** N.T., 10/7/15, at 82-83.

Hall, who was unharmed, fled the scene and went to his aunt's house. A few hours later, Hall's brother, Raquane, called him and said he and a female neighbor had been "shot by a boy with dreads, a hat, white t-shirt, and shorts" outside of their mother's house on 20th Street ("the second shooting"). N.T., 10/8/15, at 54. Based on this description, Hall "knew it was [Williams] who did it." **Id.** During an interview with detectives, Hall identified Williams in a photo array as one of the men who opened fire during the Beechwood Street shooting, and told police he believed this person also shot Raquane later that same day at the second shooting. Shelton, who separately pled guilty to charges in connection with the Beechwood Street shooting, also identified Williams as the other gunman involved in the Beechwood Street shooting, and as the shooter in the second shooting.²

² In his interview with detectives, Shelton stated that after the first shooting, both he and Williams were "mad because of what happened on Beechwood" and that Williams "wanted to kill [Hall]." N.T., 10/9/15, at 42. Accordingly, later that same day, Shelton and Williams went to Hall's mother's house armed with guns and saw a male and female talking on the front steps, but Shelton could not tell whether the male was Hall. Shelton agreed to "watch[] for cops" while Williams walked out into the street and shot "four or five times" at the couple on the steps. **Id.** at 42-43. Williams and Shelton fled the scene in William's car. The couple on the steps, Raquane Hall and a female neighbor, sustained gunshot wounds, with Raquane having to undergo emergency surgery for his injuries. Both victims recovered. Neither Williams nor Shelton were charged in connection with this second shooting.

The police arrested Williams and charged him with one count of attempted murder and related offenses at three separate dockets: CP-51-CR-0015842-2013; CP-51-CR-0001583-2013; and CP-51-CR-00015843-2013. These charges stemmed from the three victims injured during the Beechwood Street shooting.

In 2015, the matter proceeded to a consolidated jury trial at which both Hall and Shelton refused to testify, and their prior signed statements were read into the record and admitted into evidence. The Commonwealth presented several witnesses, including numerous police officers and detectives involved in the investigation. Relevantly, Philadelphia Police Detective Ted Wolkowicz (“Detective Wolkowicz”) testified that he spoke to Williams after his arrest to inform him of the charges that would be lodged against him and to read him his ***Miranda***³ rights. While he was explaining the charges, Williams “spoke over top of [the detective]” and insisted that he was not in the area of Beechwood Street on the day of the shooting. N.T., 10/9/15, at 80. The detective reminded Williams that the police briefly questioned him inside the residence at 2300 Beechwood Street immediately after the shooting, but told him, “I’m going to read you your rights before anything else is said.” ***Id.*** Williams interrupted again, explaining that he “forgot he was in a house at [Beechwood]” and that “he was inside the third floor in bed with a female friend.” ***Id.*** Detective Wolkowicz reiterated that Williams should stop

³ ***See Miranda v. Arizona***, 384 U.S. 436 (1966).

talking until after “[he] read [him his] rights and we sign everything.” **Id.** at 81. Williams told the detective that he now remembered “the police actually entered that house and checked him out before they left him there.” **Id.**

During cross-examination of the detective, defense counsel asked a series of questions regarding his treatment of teen-aged Shelton, suggesting that Detective Wolkowicz failed to follow police directives for interrogating juveniles. Defense counsel then pivoted to Detective Wolkowicz’s treatment of Williams:

Defense counsel: Detective, you don’t have any statements from [Williams], do you, sir?

Det. Wolkowicz: No, just what he said. I documented that and, of course, you were there that night and you went into the room and spoke to him and that was the end of that.

Defense counsel: And I noticed in your memo you don’t include my name, do you?

Det. Wolkowicz: What do you have to do with what he said?

Defense counsel: Excuse me?

Det. Wolkowicz: You don’t have anything to do with what he said.

Defense counsel: You’re questioning before I got there?

Det. Wolkowicz: Well, as the memo says, I wasn’t questioning him. I was telling him what he was charged with. He spoke over top of me and I told him quite frankly to shut up. I say that a lot to people, [s]hut up before you have your rights—

Defense counsel: Let me ask you this: [w]as that before I got there?

Det. Wolkowicz: You know that. I told you.

Defense counsel: Did you write in your memo—I noticed you left out the fact that the lawyer came and told you that he didn't want—

Det. Wolkowicz: I remember what you said and you never said that to me. You told him. And you swore at him. You said, [k]eep your fucking mouth shut.

Defense counsel: I told you that?

Det. Wolkowicz: No. You weren't going to say that to me. You said that to him. I walked you to the room where he was.

Defense counsel: So you were listening to my conversation?

Det. Wolkowicz: Well, of course, I was. I was about six inches from you. You stood in the doorway and you said, [a]re you okay? And he said, [y]eah. And you said, [k]eep your fucking mouth shut. And you then turned around and I pulled the door shut and I walked—

Defense counsel: Didn't I say, [d]o not answer any questions and you have the right to remain silent?

Det. Wolkowicz: You never said that.

Defense counsel: I will tell that to that man.

Det. Wolkowicz: You never said that.

Defense counsel: I never told you that?

Det. Wolkowicz: At that point in time you had said that, why would I tell them something differently? You said, [k]eep your fucking mouth shut and you walked out.

Defense counsel: But you left out the fact that I told him and I told you I did not want him to make a statement. Isn't that what I told you?

The court: You're being argumentative, Mr. Elmore. I'm going to tell you at this point to stop. He answered your question. What's your next question?

N.T., 10/9/15, at 103-05.

After the Commonwealth rested its case, Williams elected not to testify on his own behalf. During closing arguments, defense counsel told the jury:

Now, let's talk about Kaleem Shelton and why your job as jurors is so important to make sure that our laws are being enforced, exercised and applied impartially to every U.S. citizen.

* * * *

I ask you not to look at Raheem Williams but to keep this chair anonymous. Any person in the United States of America, any demographic, any gender, any age, any nationality sitting right there . . .

N.T., 10/13/16, at 31-32, 43-44. In his closing argument, the prosecutor stated:

Ladies and gentlemen, I will leave you with this and it's been touched on a little bit kind of delicately by [defense counsel], but it's somewhat fair.

If this were to take [place] in the King of Prussia Mall, it would be on the front page of the New York Times, but it's at 2300 Beechwood Street, and the general assumption goes either the police or my office, the [j]udge and finally you all won't care, you will not care.

You're going to go back in that room and I am asking you to care. Care deeply about what happened on the street that day. This could have been a massacre. Twenty three shots that we have accounted for, [twenty three] shots, twenty people. This is at 6:00 p.m. in August at the corner of Beechwood and Dauphin. This is a big street. This could have been a massacre. Don't let it stay out on the street. It would be very easy to go back and say, well, Hall didn't point the finger. [Defense counsel] is right and Shelton didn't point the finger, so we really can't say what happened out there, we don't know. That would be easy.

I'm asking you to do something more difficult than that. I'm asking you to uphold your oath. Go back there. Think about the evidence. Put it all together. Try to make sense of what you heard.

Ladies and gentlemen, you know that man led off an unbelievable amount of gunfire at 2300 Beechwood Street that day. The question is what are you going to do about it now? I'm asking you to care.

Id. at 73-74.

At the conclusion of the consolidated trial, the jury found Williams guilty of three counts each of attempted murder and aggravated assault, and one count each of firearms not to be carried without a license, carrying firearms on a public street in Philadelphia, and possession of an instrument of crime. The trial court ordered the preparation of a presentence investigation report ("PSI"). On January 20, 2016, the matter proceeded to sentencing at all three dockets, and the court imposed a sentence of twelve and one-half to twenty-five years' incarceration on each of the attempted murder charges, with two of the sentences to run consecutively, for an aggregate sentence of twenty-five to fifty years' incarceration. The court imposed no further penalty on the remaining charges.

Williams filed a direct appeal at all three dockets, and this Court affirmed the judgment of sentence. ***See Commonwealth v. Williams***, 181 A.3d 1262 (Pa. Super. 2017) (unpublished memorandum). He then sought review before the Pennsylvania Supreme Court, which initially granted allowance of appeal, but subsequently dismissed the appeal as improvidently granted on June 18, 2019. ***See Commonwealth v. Williams***, 210 A.3d 267 (Pa. 2019).

On August 29, 2019, Williams filed a timely *pro se* PCRA petition, which the PCRA court dismissed as meritless. This Court vacated the dismissal order and remanded the matter for the appointment of new counsel with leave to file an amended PCRA petition. ***See Commonwealth v. Williams***, 281 A.3d 1068 (Pa. Super. 2022) (unpublished memorandum). Upon remand, the PCRA court appointed counsel; however, Williams requested to proceed *pro se*. After conducting a hearing pursuant to ***Commonwealth v. Grazier***, 713 A.2d 81 (Pa. 1998), the PCRA court permitted Williams to proceed *pro se*, and he filed a *pro se* amended petition on April 13, 2023. Therein, Williams asserted that both trial counsel and direct appeal counsel were ineffective.⁴ On December 13, 2023, Williams filed a second *pro se* amended petition, in which he averred that the sentences imposed on his three attempted murder convictions were illegal because they were enhanced under 18 Pa.C.S.A. § 1102(c)⁵ without a jury finding of serious bodily injury. In its answer to Williams' second

⁴ In his first amended petition, Williams argued, *inter alia*, that trial counsel was ineffective for (1) failing to object to the prosecutor's closing argument where he mentioned a hypothetical shooting at the King of Prussia mall; and (2) failing to object to the detective's references to Williams' silence at the time of his arrest. Although he raised several additional ineffective assistance of counsel claims in his amended petition, he has abandoned them on appeal.

⁵ Pursuant to 18 Pa.C.S.A. § 1102(c), "a person who has been convicted of attempt, solicitation or conspiracy to commit murder, . . . where serious bodily injury results[,] may be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years. Where serious bodily injury does not result, the person may be sentenced to a term of imprisonment which shall be fixed by the court at not more than 20 years."

amended petition, the Commonwealth conceded that the sentences were illegal, and agreed that Williams was entitled to relief in the form of a new sentencing hearing. Ultimately, the PCRA court granted the petition, in part, with respect to the illegal sentencing claim on the three attempted murder charges only, and dismissed the remaining claims for ineffective assistance of counsel as meritless. The court then scheduled the matter for a resentencing hearing on the convictions for attempted murder.⁶

On May 16, 2025, the court held a resentencing hearing at which it noted that Williams' original sentences on the three attempted murder charges, as structured, were illegal and exceeded the statutory maximum because the court imposed an enhancement pursuant to section 1102(c) with "no jury determination of serious bodily injury." N.T., 5/16/25, at 5. Defense counsel recommended a reduced aggregate sentence of twelve and one-half to thirty years' incarceration, arguing that Williams was eager to work on his rehabilitation and had strong family support. Several of Williams' friends and family members then testified on his behalf. The Commonwealth argued that the original sentence of twenty-five to fifty years' incarceration was appropriate, particularly in light of the thirteen infractions Williams incurred while imprisoned, which included three infractions for fighting. The

⁶ Williams subsequently retained counsel, who represented him at the resentencing hearing, and who continues to represent him in the instant appeal.

Commonwealth asked the court to “basically rework the numbers so that [the new sentence] fall[s] within the [same] statutory scheme.” ***Id.*** at 30.

The court explained that it had reviewed everything from the original sentencing hearing, including the PSI, and noted that Williams grew up with a supportive family, earned his GED, and even attended community college courses. The court further stated:

The path that you were on, combined with the horrific nature of the [Beechwood Street shooting], is what formed much of what—informed my sentencing decision.

I felt that you posed a grave danger to society. What happened that day was intentional. Firing into a group of people on Beechwood Street, there were [twenty-three fired cartridge casings], as I recall. And I think that’s when Billah Lewis was struck multiple times, and then going to Rakeem Hall’s house later that day and opening fire on the house, shooting two innocent people, Mr. Hall—[Raquane] Hall and Chaquita Copes, I think. . .

Id. at 37-38. Defense counsel immediately pointed out, “Your Honor, [Williams] was convicted of the shooting on Beechwood Street. He was not convicted of the shooting later.” ***Id.*** at 38. The court responded, “Right, but the evidence from the trial was that,” to which defense counsel conceded, “There was some, yes.” ***Id.*** The court acknowledged that it believed Williams’ apology to the victims was sincere, and expressed that the court was “moved by what [it] heard here this morning,” adding “that some amount of consideration should be given to what has been said on [Williams’] behalf and what [Williams] expressed in court.” ***Id.*** at 39. However, the court explained,

“a sentence should not be changed merely because someone recognized a sentencing error in the structure of the numbers and . . . that’s no reason to change the sentence. You’re not going to be getting out soon, but I am going to take some amount of time off your sentencing.” ***Id.*** at 38-39. The court then imposed a sentence of seven to twenty years’ incarceration on each of the three attempted murder charges, to run consecutively, for an aggregate term of twenty-one to sixty years’ incarceration. Williams filed a timely post-sentence motion, which the court denied. He then filed a timely notice of appeal, and both he and the court complied with Pa.R.A.P. 1925.

Williams raises the following issues for our review:

1. Whether the [trial] court abused its discretion by imposing an excessive sentence based on improper considerations, resulting in an aggregate sentence that was harsher in significant respects than [Williams’] original sentence, despite extraordinary mitigation evidence and [Williams’] demonstrated rehabilitation.
2. Whether trial counsel rendered ineffective assistance by affirmatively introducing evidence that [Williams] retained counsel and invoked his right to remain silent following his arrest, including eliciting testimony that counsel instructed [Williams] to “keep your fucking mouth shut,” rather than objecting or moving for a mistrial when the detective testified to this inadmissible exchange.
3. Whether trial counsel was ineffective for failing to object to, and seek a mistrial based on, the prosecutor’s improper closing argument urging the jury to convict based on passion, community outrage, and other hypothetical and sensational crimes rather than the evidence.

Williams' Brief at 4 (issues reordered for ease of review).

In his first issue, Williams argues that the sentencing court abused its discretion by imposing excessive consecutive sentences based on improper sentencing factors and without due consideration to mitigating circumstances. This issue presents a challenge to the discretionary aspects of his sentence, which is not reviewable as of right. **See *Commonwealth v. Mastromarino***, 2 A.3d 581, 585 (Pa. Super. 2010) (citation omitted). To invoke this Court's jurisdiction, an appellant challenging the discretionary aspects of his sentence must satisfy a four-part test:

[W]e conduct a four-part analysis to determine (1) whether appellant has filed a timely notice of appeal, **see** Pa.R.A.P. 902 and 903; (2) whether the issue was properly preserved at sentencing or in a motion to reconsider and modify sentence, **see** Pa.R.Crim.P. [720]; (3) whether appellant's brief has a fatal defect, Pa.R.A.P. 2119(f); and (4) whether there is a substantial question that the sentence appealed from is not appropriate under the Sentencing Code, 42 Pa.C.S.A. § 9781(b).

Commonwealth v. Moury, 992 A.2d 162, 170 (Pa. Super. 2010) (some citations omitted, brackets in original).

Here, Williams filed a timely notice of appeal and preserved his claims in a post-sentence motion. He also included in his brief a Rule 2119(f) statement. Accordingly, we will review the Rule 2119(f) statement to determine whether Williams has raised a substantial question for review.

In his Rule 2119(f) statement, Williams avers that the trial court abused its discretion "by running the various sentences consecutively, resulting in an aggregate sentence which was overly punitive and failed to give adequate

consideration to [Williams'] unique mitigation evidence." Williams' Brief at 16. He contends that the "seriousness of the offense was already part of the guidelines; it did not provide an indication for whether the trial court should have run the sentences consecutively." **Id.** Williams further argues that the court "considered uncharged conduct for which there was no reliable evidence." **Id.** at 17.

Our Court has held that "an excessive sentence claim—in conjunction with an assertion that the court failed to consider mitigating factors—raises a substantial question." **Commonwealth v. Caldwell**, 117 A.3d 763, 770 (Pa. Super. 2015) (citation omitted). As such, we conclude that Williams' challenge to the imposition of his aggregate sentence, together with his claims that the trial court failed to consider mitigating factors and improperly considered uncharged criminal conduct, presents a substantial question. Accordingly, we will review the merits of this claim.

Our standard of review of a discretionary sentencing claim 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. Clemat, 218 A.3d 944, 959 (Pa. Super. 2019) (citation omitted). "When reviewing sentencing matters, this Court must accord the sentencing court great weight as it is in the best position to view the

defendant's character, displays of remorse, defiance or indifference, and the overall effect and nature of the crime." **Commonwealth v. Brown**, 249 A.3d 1206, 1217 (Pa. Super. 2021) (citation omitted).

When imposing sentence, the trial court is required to consider the particular circumstances of the offense and the character of the defendant. The trial court should refer to the defendant's prior criminal record, age, personal characteristics, and potential for rehabilitation. However, where the sentencing judge had the benefit of a [PSI], it will be presumed that he or she was aware of the relevant information regarding the defendant's character and weighed those considerations along with mitigating statutory factors.

Clemat, 218 A.3d at 959-60 (citation omitted). "[W]here a sentence is within the standard range of the guidelines, Pennsylvania law views the sentence as appropriate under the Sentencing Code." **Moury**, 992 A.2d at 171.

With respect to the imposition of consecutive sentences, we observe:

Long standing precedent . . . recognizes that the Sentencing Code affords the sentencing court discretion to impose its sentence concurrently or consecutively to other sentences being imposed at the same time or to sentences already imposed. We will not disturb consecutive sentences unless the aggregate sentence is "grossly disparate" to the defendant's conduct, or "viscerally appear[s] as patently unreasonable."

Commonwealth v. Brown, 249 A.3d at 1212 (citations and brackets omitted).

In **Commonwealth v. Berry**, 323 A.3d 641 (Pa. 2024), our Supreme Court held that evidence of prior arrests, without conviction, cannot be used as a sentencing factor. In **Berry**, the defendant had a prior record score of zero, but the trial court noted that the defendant actually had a lengthy arrest

history and stated that because of his significant contacts with law enforcement, the court would impose an aggravated sentence. Our Supreme Court found that the trial court abused its discretion when it “nullified the prior record score by considering, and significantly relying upon, [the defendant’s] prior arrests.” **Id.** at 651.

Citing **Berry**, Williams argues that the trial court improperly “considered the second, subsequent shooting which occurred later in the day for which [he] was never charged,” and that this “evidence was far too speculative to be considered aggravating or the bases for consecutive sentences at sentencing.” Williams’ Brief at 41-42. He further avers that the court failed to “adequately account for the incredible mitigation evidence presented,” including “extraordinary family and community support,” “demonstrated remarkable personal growth” while incarcerated, and a “strong incentive for rehabilitation.” **Id.** at 43-44. Williams contends that the aggregate sentence of twenty-one to sixty years’ incarceration “exceeds what is necessary under the Sentencing Code,” because “although the crime was obviously incredibly serious, all of the victims made a full recovery, and the victims were largely [Williams’] friends who did not want him prosecuted.” **Id.** at 44-45. He concedes that the “current sentence for each charge was . . . below the guidelines” and acknowledges that his “disciplinary record [in prison] showed some misconduct,” but argues that his lengthy sentence limits his

opportunities to participate in prison programs and that he is “very focused on rehabilitation.” **Id.** at 45-46.

The court considered Williams’ claim that it improperly relied on evidence of the second shooting at the resentencing hearing and found it meritless. The court reasoned:

[T]his court did not consider [Williams’] “bare arrest record” to justify an aggravated sentence. First, the court **lowered** [Williams’] minimum sentence by four years and far from the court’s comments in **Berry**, this court did not include a bare recitation of [Williams’] arrest record and most certainly did not “significantly” rely on the second shooting incident when **reducing** [Williams’] minimum sentence. Unlike **Berry**, the reference to the second shooting at sentencing was appropriate insofar [as] it was an incident that completed the story of what happened that day, and it was properly admitted evidence heard by the jury at trial.

Trial/PCRA Court Opinion, 9/12/25, at 7-8 (unnecessary capitalization and spacing omitted; emphasis in the original).

The court likewise found that Williams’ challenge to the imposition of consecutive sentences lacked merit, explaining:

[T]he court gave substantial reasoning to support its sentencing scheme, including consideration of [Williams’ PSI], the record of infractions during his present period of incarceration, and the extreme violence inflicted upon the community. Accounting for [Williams’] rehabilitative needs, remorse, and family support, the court lowered [his] minimum period of incarceration. Nonetheless, [Williams] “is not entitled to a ‘volume discount’ on his multiple convictions by the imposition of concurrent sentences.” . . . Ordering that [Williams] serve his sentences consecutively did not amount to an abuse of discretion.

Id. at 8.

After careful review, we conclude that the court did not improperly consider evidence of the second shooting when fashioning Williams' sentence. Unlike **Berry**, the court in the instant matter did not significantly rely on uncharged criminal conduct to enhance Williams' sentence. The record shows that at trial, the Commonwealth introduced evidence of the second shooting at Hall's mother's house, where Williams allegedly shot and injured Hall's brother and a female neighbor. Williams was never charged in connection with the second shooting, but the Commonwealth used evidence of it at trial to establish Williams' identity as one of the gunmen at the Beechwood Street shooting. **See** N.T., 10/8/15, at 54. At the resentencing hearing, the court referred to the second shooting while describing the sequence of events and the level of violence inflicted on the community on the day of the Beechwood Street shooting. **See** N.T., 5/16/26, at 37-38. The court did not state that the second shooting was a reason for the sentence imposed or that it considered it to be an aggravating factor. Consequently, as there is no evidence that the court "significantly rel[ied] upon" uncharged criminal conduct when imposing its sentence, we discern no error. **See Berry**, 323 A.3d at 651.

We additionally conclude that the court did not abuse its discretion when it imposed consecutive sentences. The court originally imposed a sentence of twelve and one half years to twenty-five years' incarceration on each of Williams' three attempted murder charges, with two sentences to run

consecutively and the third to run concurrently, for an aggregate term of twenty-five to fifty years' incarceration. At the resentencing hearing, the court reduced each sentence to seven to twenty years' incarceration, and ordered that all three sentences run consecutively to one another, for an aggregate term of twenty-one to sixty years' incarceration. As Williams concedes, each individual sentence of seven to twenty years' incarceration is actually **below** the standard range of the sentencing guidelines.⁷ We reiterate that Pennsylvania law views sentences within the standard range of the guidelines as appropriate. **See Moury**, 992 A.2d at 171.

Furthermore, we observe that the court had the benefit of a PSI; therefore, we presume that it was aware of all relevant information regarding the sentencing factors and Williams' background. **See Clemat**, 218 A.3d at 959-60. After taking into consideration Williams' familial and community support, rehabilitative needs, and sincere remorse, the court **lowered** Williams' minimum term of incarceration by four years. **See N.T.**, 5/16/25, at 39. We thus conclude that the trial court considered all relevant factors, including significant mitigation, when it imposed an aggregate term of twenty-one to sixty years' incarceration, a sentence that was not "grossly disparate"

⁷ Based on Williams' prior record score of five and the applicable offense gravity score of thirteen, with a deadly weapon used enhancement, the standard guidelines range under the 7th Edition Sentencing Guidelines is 114 to 132 months, plus or minus twelve months. **See** 204 Pa.C.S.A. §§ 303.1-303.19. Thus, each individual attempted murder sentence of eighty-four to 240 months' incarceration is below even the mitigated guidelines range.

to Williams' violent conduct. **Brown**, 249 A.3d at 1212. As we discern no abuse of the court's discretion at sentencing, no relief is due on Williams' first issue.

Williams' second and third issues both challenge the dismissal, in part, of his PCRA petition with respect to the ineffective assistance of counsel claims. Our standard of review of an order dismissing a PCRA petition is well settled:

We review an order dismissing a petition under the PCRA in the light most favorable to the prevailing party at the PCRA level. This review is limited to the findings of the PCRA court and the evidence of record. We will not disturb a PCRA court's decision on any grounds if the record supports it. Further, we grant great deference to the factual findings of the PCRA court and will not disturb those findings unless they have no support in the record. However, we afford no such deference to its legal conclusions. Where the petitioner raises questions of law, our standard of review is *de novo* and our scope of review plenary.

Commonwealth v. Ford, 44 A.3d 1190, 1194 (Pa. Super. 2012) (citations omitted).

To prevail on a claim of ineffective assistance of counsel, a PCRA petitioner must demonstrate:

(1) that the underlying claim has arguable merit; (2) that no reasonable basis existed for counsel's actions or failure to act; and (3) that the petitioner suffered prejudice as a result of counsel's error. To prove that counsel's chosen strategy lacked a reasonable basis, a petitioner must prove that an alternative not chosen offered a potential for success substantially greater than the course actually pursued. Regarding the prejudice prong, a petitioner must demonstrate that there is a reasonable probability that the outcome of the proceedings would have been different but for counsel's action or inaction. Counsel is presumed to be effective; accordingly, to succeed on a claim of ineffectiveness the

petitioner must advance sufficient evidence to overcome this presumption.

We need not analyze the prongs of an ineffectiveness claim in any particular order. Rather, we may discuss first any prong that an appellant cannot satisfy under the prevailing law and the applicable facts and circumstances of the case. Finally, counsel cannot be deemed ineffective for failing to raise a meritless claim.

Commonwealth v. Johnson, 139 A.3d 1257, 1272 (Pa. 2016) (citations and quotation marks omitted).

In his second issue, Williams avers that the PCRA court erred in denying relief on his claim that defense counsel was ineffective for “affirmatively introducing evidence that [Williams] retained counsel and invoked his right to remain silent following his arrest.” Williams’ Brief at 4. Our Supreme Court has held that “testimonial reference to a defendant’s post-arrest silence is constitutionally off-limits; even a single reference, as reflected, risks reducing to rubble an entire prosecution.” ***Commonwealth v. Rivera***, 296 A.3d 1141, 1157 (Pa. 2023). Indeed, “referencing a defendant’s post-arrest silence may imperil an entire case. In fact, . . . we have often deemed a single such reference—answered or not, curative instruction or not—offensive enough to the constitution and the principles it embodies as to call for a new trial.” ***Id.*** at 1154.

Nevertheless, a reference to a defendant’s post-arrest silence does not merit automatic reversal but is subject to a harmless error analysis:

Harmless error exists if (1) the error did not prejudice the defendant or the prejudice was *de minimis*; or (2) the erroneously admitted evidence was merely cumulative of other untainted evidence which was substantially similar to the erroneously

admitted evidence; or (3) the properly admitted and uncontradicted evidence of guilt was so overwhelming and the prejudicial effect of the error was so insignificant by comparison that the error could not have contributed to the verdict.

Id. at 1146 (citation omitted). The first prong of this analysis is inapplicable to “situations where, as here, a defendant does not testify [at trial] that he spoke to police after he was arrested.” **Id.** at 1159. When weighing the third prong, the reviewing court should consider factors such as: “the constitutional right at stake; our case law; the centrality of credibility in [the] case;” the existence, or lack thereof, of physical evidence; whether the trial court issued an adequate curative instruction; and whether the jury returned with a split verdict. **Id.** at 1161.

Williams argues that defense “counsel inexplicably used his own client’s post-arrest silence against him” by asking “the detective repeatedly whether [Williams] gave a statement, whether the detective wrote in the reports that [he] had retained a lawyer and the lawyer had come to the station, and elicited over and over again . . . that he had personally told [Williams] in vulgar terms to remain silent.” Williams’ Brief at 31-32. He avers that “[n]o jury would have viewed this evidence as consistent with innocence rather than guilt as jurors typically view the invocation of the right to counsel or silent [*sic*] as incriminating.” **Id.** at 24. He argues that this evidence “implied that [his] own lawyer, who was still representing him, knew he was guilty” and that Williams “could not be trusted to speak to the police because he was guilty.” **Id.** at 24, 32, 34. Williams contends that there “was no reasonably strategic basis for emphasizing [his] exercise of his **Miranda** rights over and over

again” and that this line of questioning “served no possible purpose.” **Id.** at 24, 32.

The PCRA court considered this claim and found it meritless. The court reasoned that “[it] is obvious and apparent from the record . . . that counsel sought to impeach the [d]etective by showing that he did not use proper police procedure when dealing with his client.” Trial/PCRA Court Opinion, 9/12/25, at 14. The court further found that “trial counsel had a reasonable basis for the line of questioning: to cast doubt on the detective’s credibility by suggesting that he was bullying [Williams] into making a statement before his attorney arrived,” and that this strategy was intended to “suggest to the jury that this was a detective who didn’t follow the rules, disrespected counsel, and was a bully.” **Id.** at 18. Significantly, the court also noted that counsel’s line of questioning concerned “a conversation between counsel and the [d]etective [at the police station] where [Williams] said nothing.” **Id.** Last, the court found that Williams “is unable to show how he would be entitled to relief inasmuch as the evidence against him was overwhelming and there is no likelihood that a different result would have occurred in the absence of the aforesaid questioning by defense counsel.” **Id.** at 19.

After careful review, we conclude that the PCRA court’s dismissal of this ineffective assistance of counsel claim is supported by the record. We acknowledge that any mention of a **defendant’s** post-arrest silence is constitutionally impermissible; however, we do not detect any such error here. As the PCRA court aptly pointed out, the entire exchange at issue solely

involved a conversation between Detective Wolkowicz and defense counsel, wherein the detective recounted that defense counsel arrived at the police station and told Williams to “keep [his] fucking mouth shut.” N.T., 10/9/25, at 104-05. The detective had already testified on direct examination that Williams had chosen **not** to remain silent after his arrest and repeatedly interrupted the detective to deny his involvement in the crime. **See id.** at 80-81. Thus, the only reference to post-arrest silence was **counsel’s advice** to Williams to remain silent, and not Williams’ actual silence.

Even if the mention of defense counsel’s advice to remain silent was impermissible, we conclude any error was harmless, as the evidence supporting Williams’ guilt was overwhelming and he suffered no prejudice from defense counsel’s line of questioning. **See Rivera**, 296 A.3d at 1146. The record shows that Hall identified Williams as one of the shooters at the Beechwood Street shooting and, based on his brother’s description, identified Williams as the gunman at the second shooting. Shelton, who pled guilty to his own involvement in the Beechwood Street shooting, identified Williams as his fellow gunman. In addition, after following a blood trail and finding a gunshot victim inside the residence at 2300 Beechwood Street, police encountered Williams in a third-floor bedroom, thus establishing his presence at the crime scene. We further note that Williams’ credibility was not central to the Commonwealth’s case-in-chief, and the jury did not return with a split verdict. Therefore, we conclude that any error was harmless as the evidence of Williams’ guilt was overwhelming.

In addition, we determine that the PCRA court did not err when it found that defense counsel was not ineffective and had a reasonable basis for his line of questioning. The record shows that Detective Wolkowicz interviewed Shelton after his arrest and recorded his sworn statement. He also spoke with Williams immediately after his arrest to explain the criminal charges and read him his rights. Defense counsel's cross-examination highlighted the detective's alleged failure to follow police directives, and was an attempt to damage his credibility. **See** N.T. 10/9/15, at 84-105. Williams has not provided any evidence that "an alternative strategy not chosen offered a potential for success substantially greater than the course actually pursued." **Johnson**, 139 A.3d at 1272. Accordingly, no relief is due on Williams' second issue.

In his final issue, Williams avers that the PCRA court erred when it did not find defense counsel ineffective for failing to object to the prosecutor's remarks during closing argument. With respect to ineffective assistance of counsel claims based on trial counsel's failure to object to a prosecutor's conduct, our Supreme Court has explained that such a claim:

may succeed when the petitioner demonstrates that the prosecutor's actions violated a constitutionally or statutorily protected right, such as the Fifth Amendment privilege against compulsory self-incrimination or the Sixth Amendment right to a fair trial, or a constitutional interest such as due process. To constitute a due process violation, the prosecutorial misconduct must be of sufficient significance to result in the denial of the defendant's right to a fair trial. The touchstone is fairness of the trial, not the culpability of the prosecutor.

Commonwealth v. Koehler, 36 A.3d 121, 198-99 (Pa. 2012) (citations and quotation marks omitted).

Furthermore, when reviewing an assertion of prosecutorial misconduct, “our inquiry centers on whether the defendant was deprived of a fair trial, not deprived of a perfect trial.” ***Commonwealth v. Sneed***, 45 A.3d 1096, 1109 (Pa. 2012) (citations and quotation marks omitted). Our courts have long held that:

[A] prosecutor must be free to present his or her arguments with logical force and vigor. Comments grounded upon the evidence or reasonable inferences therefrom are not objectionable, nor are comments that constitute “oratorical flair.” Furthermore, the prosecution must be permitted to respond to defense counsel’s arguments. Consequently, this Court has permitted vigorous prosecutorial advocacy provided that there is a reasonable basis in the record for the prosecutor’s comments.

A prosecutor’s remarks do not constitute reversible error unless their unavoidable effect would prejudice the jurors, forming in their minds fixed bias and hostility toward the defendant so that they could not weigh the evidence objectively and render a true verdict. Finally, we review the allegedly improper remarks in the context of the closing argument as a whole.

Id. at 1110 (citations and some quotation marks omitted, paragraph break added).

Williams argues that the prosecutor’s remarks that “invited the jury to ‘care’ about violence on Philadelphia streets by contrasting it with a hypothetical shooting at the King of Prussia Mall” improperly “urged the jury to convict [Williams] based on emotion, fear, and community outrage rather than the evidence presented at trial.” Williams’ Brief at 36. He contends that

this argument “appears to concede that the prosecution did not meet its burden and the jury should convict anyway based on some other hypothetical sensational crime at a luxury shopping mall,” which was a “direct appeal to passion and community conscience, not a fair comment on the evidence.” ***Id.*** at 37. Williams avers that he was prejudiced by counsel’s failure to object because “[t]his was a weak case in which no witness testified at trial that [he] committed the shootings and the Commonwealth relied entirely on recanted out-of-court statements,” arguing that “an emotional appeal urging the jury to ‘care’ about community violence and to convict to send a message carried an unacceptable risk of unfair prejudice.” ***Id.*** at 40.

The PCRA court found this claim meritless and denied relief. The court reasoned:

There was nothing improper about the prosecutor’s argument. The statements urged the jury to take their responsibility to weigh the evidence and render a verdict seriously, regardless of where the crime occurred or whom it affected. Trial counsel could not have reasonably argued that the comments had the ‘unavoidable effect’ of prejudicing the jury, such that they would be unable to objectively weigh the evidence. To the contrary, objectivity is exactly what the prosecutor was advocating. The comments implored the jury to leave any biases about the location of the shooting behind and focus solely on the facts presented at trial.

Trial/PCRA Court Opinion, 9/12/25, at 11-12.

After careful review, we conclude that the PCRA court’s findings are supported by the record. When read in context, the prosecutor’s argument asking the jury “to care” about this shooting was not an inappropriate appeal

to their emotions. N.T., 10/13/15, at 74; **see also Sneed**, 45 A.3d at 1110 (holding “we review allegedly improper remarks in the context of the closing argument as a whole”). To the contrary, the prosecutor was reminding the jurors of their duty to be objective and treat this matter with all due gravity and consideration. At no time did the prosecutor tell the jury “to convict to ‘send a message,’” nor did he “concede that [the Commonwealth] did not meet its burden and the jury should convict anyway based on some other hypothetical sensational crime at a luxury shopping mall.” Williams’ Brief at 40. Neither of these assertions is supported by the record.

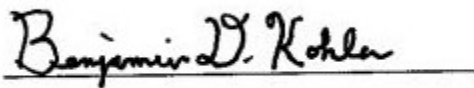
Furthermore, the prosecutor’s statements urging objectivity and impartiality reflected similar sentiments expressed by defense counsel in his closing argument, wherein he told the jury, “[Y]our job as jurors is so important to make sure that our laws are being enforced, exercised and applied impartially to every U.S. citizen.” N.T., 10/13/15, at 32; **see also Sneed**, 45 A.3d at 1110 (holding that the “prosecution must be permitted to respond to defense counsel’s arguments”). Lastly, we determine that the prosecutor’s comments did not prejudice Williams as the “prosecutor’s actions [did not] violate[] a constitutionally or statutorily protected right.” **Koehler**, 36 A.3d at 198-99. In addition, there is no evidence that asking the jury to give all due care to the case before them, regardless of location or demographic of the people involved, caused the jurors to form a “fixed bias and hostility toward the defendant so that they could not weigh the evidence

objectively and render a true verdict.” **Sneed**, 45 A.3d at 1110. As the prosecutor’s closing statements were not improper, we conclude the PCRA court committed no error when it declined to find defense counsel ineffective for failing to make a meritless objection. Accordingly, we affirm the order dismissing the PCRA petition’s ineffective assistance of counsel claims.

In sum, we affirm the judgment of sentence imposed by the trial court at William’s resentencing hearing. We also affirm the PCRA court’s dismissal of William’s PCRA petition with respect to the ineffective assistance of counsel claims.

Judgement of sentence affirmed. Order affirmed.

Judgment Entered.

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

Benjamin D. Kohler, Esq.
Prothonotary

Date: 9/9/2026