NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
TYRONE C. MASON	:	
Appellant	:	No. 2757 EDA 2025

Appeal from the Judgment of Sentence Entered September 29, 2023
In the Court of Common Pleas of Philadelphia County Criminal Division at No(s): CP-51-CR-0004156-2022

BEFORE: SULLIVAN, J., BECK, J., and BENDER, P.J.E.

MEMORANDUM BY BENDER, P.J.E.: **FILED NOVEMBER 17, 2026**

Appellant, Tyrone C. Mason, appeals *nunc pro tunc* from the judgment of sentence imposed after he was convicted at a bench trial of one count of strangulation, two counts of simple assault, and two counts of recklessly endangering another person (REAP).[1] On appeal, Appellant argues that the verdict was against the weight of the evidence and challenges the discretionary aspects of his sentence. After review, we affirm.

The trial court provided a summary of the relevant facts in this matter:

> At trial, the Commonwealth presented the testimony of the complainant, Charles Stewart. Mr. Stewart, who was 76 years old, testified that on the morning of March 21, 2022, [Appellant] rang the doorbell to his residence located at 755 North 38th Street in Philadelphia. Mr. Stewart previously had suffered a stroke which caused the left side of his body to be paralyzed. His stepdaughter, Markieta Daughtry – who often visited to assist him following his stroke – was present in the apartment at the time.

---

[1] 18 Pa.C.S. §§ 2718(a)(1), 2701(a), and 2705, respectively.

Ms. Daughtry answered the door and started talking to [Appellant]. Upon seeing [Appellant] at the door,[fn4] Mr. Stewart started to get dressed in his bathroom.[fn5] [Appellant] then entered Mr. Stewart's residence and walked toward the front window. Upon getting dressed, Mr. Stewart walked out of the bathroom and asked [Appellant], who was 46 years old at the time, "What are you doing in here?" Mr. Stewart described the ensuing events: "[Appellant] turned around and looked at me and just ran over and started punching on me. He had knocked me to the floor and was beating on me."

[fn4] Mr. Stewart had an intercom system that "shows who's at the door."

[fn5] Mr. Stewart testified that [Appellant] was not allowed in his apartment.

Mr. Stewart testified that Ms. Daughtry came to his aid and said: "If you want to beat on somebody, beat on me." [Appellant] "got up and started beating on her[.]

[Thereafter, the following exchange occurred:]

[Assistant D.A.] Q. When you say he was beating on her, was he using his fists again or something else?

[Mr. Stewart] A. He was using his fists.

Q. Did you see where he was hitting her?

A. In the head and around her shoulders.

Q. Okay.

A. He had his left arm around her neck, and she was choking and crying[.]

* * *

Q. Was she standing or on the ground or something else?

A. She was laying down on her back.

Q. On her back?

A. Yes.

Q. How did he have his arm on her?

A. He had his left arm on her throat --

Q. Okay.

A. -- and she was basically choking, trying to breathe.

[DEFENSE COUNSEL]: Objection; speculation.

THE COURT: Sustained.

[Assistant D.A.]:

Q. I'll ask a question, get a little foundation. When you say "trying to breathe,'' what did you mean? Without saying anything she may have said, what did you hear?

A. She was choking, gasping.

Mr. Stewart testified that he tried his best to pull [Appellant] off Ms. Daughtry but "couldn't move him." Accordingly, Mr. Stewart retrieved a knife from his bathroom and "stuck [Appellant] one time in the back." [Appellant] then got up and started beating Mr. Stewart again:

A. He was hitting me.

Q. Okay. What happened after that, sir?

A. We ended up on the floor between the bathroom door - halfway between the little hallway and the bathroom, and he was punching [me] and trying to grab the knife.

Q. Okay.

A. I had the knife in my hand, and he had his hand around my wrist.

Q. How did that end, sir?

A. It ended when Markieta took the knife from me. . . . After that, [Appellant] got up and ran outside.

Mr. Stewart testified that his next-door neighbor's home healthcare aide called the police. Upon reporting the above events to police, Mr. Stewart noticed that Ms. Daughtry had suffered a cut to her hand. Ms. Daughtry was treated at the hospital for the wound. Additionally, Mr. Stewart testified that in the wake of the attack, he suffered pains in his back and additional loss of mobility, which required him to undergo physical therapy.

For his case-in-chief, [Appellant] called his aunt, Latanya Richardson, to the stand. Ms. Richardson testified she had known [Appellant] since he was born and was familiar with his relationship with Ms. Daughtry. Specifically, prior to the incident, [Appellant] and Ms. Daughtry were involved in a romantic relationship resulting in her becoming pregnant, and [Appellant] had spent some nights with Ms. Daughtry at Mr. Stewart's residence. Ms. Richardson knew that [Appellant] had spent nights there because she had dropped him off and picked him up there on multiple occasions. Ms. Richardson also testified that she had given [Appellant] money to pay Mr. Stewart rent for letting him stay there.

[Appellant] then took the stand in his own defense. He testified that he suffers from a cornucopia of health issues, including chronic obstructive pulmonary disorder (COPD), asthma, cardiomyopathy, congestive heart failure, coronary artery disease and orthostatic hypertension. [Appellant] testified that prior to suffering these ailments, he used to practice three different types of mixed martial arts, to wit, Muay Thai, kickboxing and jiu jitsu. He also had spent many nights at Mr. Stewart's residence by virtue of his romantic relationship with Ms. Daughtry. On the date of the incident, [Appellant] was having "plumbing issues" at his own residence, which was located down the street. He called Ms. Daughtry and asked if he could fill a jug of water. Ms. Daughtry obliged, and he proceeded to Mr. Stewart's residence. He met Ms. Daughtry in the common area of the building, where Ms. Daughtry had a large jug of water waiting for him. [Appellant] protested, "Markieta I don't want this. I told you I have my own jug." Ms. Daughtry then retreated into Mr. Stewart's residence, and [Appellant] followed her in.

[Appellant] testified that, following a conversation with Ms. Daughtry, she exited the apartment and he started to retrieve his belongings (reading glasses and shoes). Mr. Stewart then emerged from the bathroom and stated, "What are you looking for[?]" [Appellant] responded, "I'm about to get my stuff." Before he could do so, however, Ms. Daughtry returned to the apartment and yelled at him and grabbed him "from the back."

According to [Appellant], and despite his myriad of health issues, he then did a "football spin" to get away from her, at which point his mixed martial arts training - to which moments earlier he testified he could not perform due to his health issues - "kicked in." [Appellant] testified that he then applied an assortment of

"grips" and "holds" to Ms. Daughtry, including an "over-underhook" which he transitioned into a "seat belt hold" before "taking her down" and applying a "Gable grip" as the two grappled on the floor. [Appellant] explained that, in applying the Gable grip, he was "on one side of [Ms. Daughtry's] body while controlling the other side of her body" and applying pressure so that "her head [was] against my shoulder and against my jaw. . . . It's like a hug." [Appellant] also acknowledged that Ms. Daughtry was frantically "struggling" to "get loose."

[Appellant] testified that, at that point, Mr. Stewart emerged from the bathroom and stabbed him in the lower back, and then stabbed Ms. Daughtry as well:

> So that is when I look over to him and I see that he has a knife in his right hand. So . . . I'm trained for this, and so I go and do a single-leg takedown [to drop him to the floor]. . . . Then I scrambled on him and grabbed the knife, his wrist. . . [.] He's trying to bite me also, so I put him in a cross-face.
>
> A cross-face, you use the elbow to his jaw or between the carotid artery and jaw and use your forearm to force him to the ground.

[Appellant] testified that he got off Mr. Stewart and exited the apartment when Ms. Daughtry went to get the knife out of Mr. Stewart's hand. Upon being asked how he was able to do all these maneuvers with his medical conditions, [Appellant] responded, "They're just holds."

On cross-examination, [Appellant] admitted that, in applying the "Gable grip" to Ms. Daughtry, her head was in the crook of his elbow and pressed against his shoulder and jaw. He then admitted that this was the position that Mr. Stewart encountered him in when Mr. Stewart stabbed him. [Appellant] also admitted that it only takes "eight pounds of pressure applied to the carotid artery for eight seconds [to] knock a person unconscious." He further admitted that he had already freed himself from Ms. Daughtry's alleged grasp before going on the offensive and applying his various jiu jitsu moves. Additionally, despite claiming that he only applied "holds," he admitted to performing a "single-leg takedown" of Mr. Stewart, wrestling him to the ground and pinning him from behind while controlling his wrists.

> Prior to resting. [Appellant] introduced via stipulation Ms. Daughtry's medical records pertaining to the treatment of her injuries and the "75-48" incident report taken by police in this case.

Trial Court Opinion (TCO), 12/29/25, at 3-8 (citations omitted and some formatting altered).

As noted above, following the bench trial in March of 2023, Appellant was convicted of strangulation, two counts of simple assault, and two counts of REAP.[2] The trial court held a sentencing hearing on September 29, 2023.

As to the offenses committed against Ms. Daughtry, the court imposed seven years of probation for strangulation (count two), one to two years of incarceration for simple assault (count three), and one to two years of incarceration for REAP (count four). As to the offenses involving Mr. Stewart, the court imposed a sentence of one to two years of incarceration for simple assault (count five), and it imposed a sentence of one to two years of incarceration for REAP (count six). Sentencing Order, 9/29/23, at 1-2. The trial court ordered the sentences at counts three and four to be served consecutively and ordered the sentences at the remaining counts to run concurrently to the sentence at count three. ***Id.*** This resulted in an aggregate sentence of two to four years of incarceration with a concurrent term of seven years of probation. ***Id.***

---

[2] The trial court acquitted Appellant of burglary, aggravated assault, and criminal trespass. ***See*** TCO at 8.

Appellant subsequently filed an appeal that this Court quashed as untimely. ***See*** Order, 3120 EDA 2023, 4/26/24 (single page). Thereafter, Appellant filed a timely Post Conviction Relief Act[3] (PCRA) petition, and the PCRA court entered an order reinstating Appellant's post-sentence and appellate rights *nunc pro tunc*. Appellant then filed a post-sentence motion challenging the weight of the evidence and the discretionary aspects of his sentence, which the trial court denied.

Appellant filed a timely *nunc pro tunc* notice of appeal on October 27, 2025, and both the trial court and Appellant have complied with Pa.R.A.P. 1925.

On appeal, Appellant presents the following issues:

1. Whether the verdict was against the weight of the evidence.
2. Whether Appellant's sentence was unduly harsh and excessive.

Appellant's Brief at 7 (some formatting altered).

In his first issue, Appellant argues that the trial court abused its discretion when it denied his post-sentence motion for a new trial based on the weight of the evidence. ***Id.*** at 18. Specifically, Appellant argues that the absence of physical injuries to Ms. Daughtry and Mr. Stewart is inconsistent with an attack by a trained martial artist such as himself, and that Ms. Daughtry and Mr. Stewart gave different descriptions of how Appellant struck

---

[3] 42 Pa.C.S. §§ 9541-46.

and choked Ms. Daughtry and how she sustained a cut on her hand. ***Id.*** at 18-19.[4]

In reviewing a challenge to the weight of the evidence, our standard of review is as follows:

> A motion for a new trial based on a claim that the verdict is against the weight of the evidence is addressed to the discretion of the trial court. A new trial should not be granted because of a mere conflict in the testimony or because the judge on the same facts would have arrived at a different conclusion. Rather, the role of the trial judge is to determine that notwithstanding all the facts, certain facts are so clearly of greater weight that to ignore them or to give them equal weight with all the facts is to deny justice.
>
> An appellate court's standard of review when presented with a weight of the evidence claim is distinct from the standard of review applied by the trial court. Appellate review of a weight claim is a review of the exercise of discretion, not of the underlying question of whether the verdict is against the weight of the evidence.

Commonwealth v. Windslowe, 158 A.3d 698, 712 (Pa. Super. 2017) (citations omitted).

---

[4] Appellant adds an additional argument asserting that he was somehow entitled to a "presumption of self-defense," as he claimed that he had no motive to harm Ms. Daughtry, as she may have been pregnant with his child. Appellant's Brief at 19. The Commonwealth responds that this claim is completely undeveloped and merely "a bald assertion unsupported by any legal authority." Commonwealth's Brief at 8. We agree. It is well settled that appellants are required to support their arguments with relevant facts and pertinent legal authority. ***See Commonwealth v. Samuel***, 102 A.3d 1001, 1005 (Pa. Super. 2014); Pa.R.A.P. 2119. This Court will neither search the record for factual support nor develop arguments on an appellant's behalf. ***See id***. Therefore, Appellant's failure to develop his argument with citations to any legal authority results in waiver. ***Id.***

Moreover, this Court has explained:

> [t]he weight of the evidence is exclusively for the finder of fact, who is free to believe all, none, or some of the evidence and to determine the credibility of the witnesses. Resolving contradictory testimony and questions of credibility are matters for the finder of fact. It is well-settled that we cannot substitute our judgment for that of the trier of fact.
>
> * * *
>
> Because the trial judge has had the opportunity to hear and see the evidence presented, an appellate court will give the gravest consideration to the findings and reasons advanced by the trial judge when reviewing a trial court's determination that the verdict is against the weight of the evidence. One of the least assailable reasons for granting or denying a new trial is the lower court's conviction that the verdict was or was not against the weight of the evidence and that a new trial should be granted in the interest of justice.
>
> Furthermore, in order for a defendant to prevail on a challenge to the weight of the evidence, the evidence must be so tenuous, vague and uncertain that the verdict shocks the conscience of the court.

Commonwealth v. Spence, 290 A.3d 301, 311 (Pa. Super. 2023) (citations omitted and formatting altered).

> [T]he trial court's role changes in ruling on a post-sentence motion after a non-jury trial. Post-trial, the court cannot re-deliberate, as it is no longer the fact finder. Although weight of the evidence claims have been addressed in non-jury cases, there is a logical inconsistency in asking a trial judge to conclude that his non-jury decision shocked his own conscience. It would be highly incongruous for a trial judge presiding over a non-jury trial to find his own decision shocks his conscience. . . . A judge in a non-jury trial has the dual duties of determining the weight and admissibility of evidence. A trial court sitting as fact-finder is unlikely to find, in response to a post-sentence motion, that it reached a verdict contrary to the evidence.

Commonwealth v. Banniger, 303 A.3d 1085, 1095 (Pa. Super. 2023) (internal citations omitted and formatting altered).

In its opinion, the trial court addressed Appellant's challenge to the weight of the evidence as follows:

> Here, having presided as the trier of fact, this court had the first-hand opportunity to observe the demeanor of the witnesses and assess their credibility. In that regard, having twice carefully reviewed the record by virtue of [Appellant's] post-sentence motion and the instant appeal, the court is confident that its verdict is soundly supported by the weight of the evidence. The court found the testimony of Mr. Stewart to be candid, detailed and corroborated by the physical evidence. Conversely, setting aside that the court acquitted [Appellant] of the more serious offenses of burglary, criminal trespass and aggravated assault, the court did not find [Appellant's] testimony to be remotely credible. Indeed, [Appellant's] testimony that he needed to punch, tackle and wrestle a 76-year-old, half-paralyzed man and a pregnant woman as a matter of self-defense — as opposed to simply walking away — not only strained credulity but was internally inconsistent in myriad respects. That is, [Appellant] claimed that it was physically impossible for him to assault the complainants because he suffered from numerous debilitating ailments which "subject [him] to sudden cardiac death" and hamper him from performing basic activities like "moving around," "bending down" or even "walking more than a block." Yet, in the next breath, [Appellant] claimed that he performed various feats of cardiovascular endurance and great physical ability in this case, including football spins, single-leg take-downs, and numerous jiu-jitsu grappling holds and maneuvers. Simply put, the court found [Appellant's] testimony to be self-serving and incredible.
>
> Nor was the court persuaded by [Appellant's] argument that the evidence conflicted with Ms. Daughtry's hospital discharge summary, which indicated "lacerations" to her wrist and ankle. Indeed, both Mr. Stewart and [Appellant] testified to Ms. Daughtry sustaining these wounds during the incident. Moreover, that the discharge summary did not include a diagnosis of "blunt force trauma" hardly means that [Appellant] did not punch her on the "head and shoulders" as testified to by Mr. Stewart.[fn6]

> [fn6] Nor does Ms. Daughtry's discharge summary have any bearing whatsoever on the assault of Mr. Stewart.
>
> Likewise, contrary to [Appellant's] contention, the evidence did not conflict with the "75-48" (*i.e.*, the initial police report), which noted stab wounds to Ms. Daughtry's arm and ankle, and [Appellant's] back. Again, both Mr. Stewart and [Appellant] testified to these precise injuries. Additionally, that the initial incident report referenced [Appellant] as a "victim" given his stab wound and emergency transport to the hospital, does not detract from any of [Appellant's] actions — much less conclusively adjudicate him innocent in this case.
>
> In sum, the court carefully assessed and accorded weight to the evidence presented on a first-hand basis; that, on balance, the scales were tipped against [Appellant] does not amount to court error. Stated differently, the verdict in this case hardly shocks one's sense of justice . . . . Indeed, there was nothing shocking about the verdict — rather, [Appellant] benefitted by the reasonableness and impartiality of the court. Accordingly, [Appellant]'s weight of the evidence claim fails.

TCO at 11-12 (citations omitted and some formatting altered).

Our review of the record confirms that the trial court provided a thorough recitation of its reasoning for rejecting Appellant's challenge to the weight of the evidence, ***see id.***, and we reiterate that it was for the finder of fact to determine the credibility of the witnesses and evidence that appeared before it. ***See Spence***, 290 A.3d at 311. Therefore, in light of the record before us, and pursuant to the applicable standard of review, we discern no abuse of discretion in the trial court denying Appellant's post-sentence motion for a new trial based on the weight of the evidence. ***See Windslowe***, 158 A.3d at 712; ***Spence***, 290 A.3d at 311. Accordingly, Appellant's challenge to the weight of the evidence fails.

Next, Appellant presents a challenge to the discretionary aspects of his sentence. Appellant's Brief at 21. Specifically, he argues that the trial court imposed an unduly harsh and excessive sentence. Appellant contends that while the sentence imposed was below the sentencing guidelines, it was unreasonable considering Appellant's mental and physical issues and his rehabilitative needs. ***Id.***

This Court has explained:

> Challenges to the discretionary aspects of sentencing do not entitle an appellant to review as of right. ***Commonwealth v. Sierra***, 752 A.2d 910, 912 (Pa. Super. 2000). An appellant challenging the discretionary aspects of his sentence must invoke this Court's jurisdiction by satisfying a four-part test:
>
> > We conduct a four-part analysis to determine: (1) whether [the] 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 [the] 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.[ ] § 9781(b).
>
> ***Commonwealth v. Evans***, 901 A.2d 528, 533 (Pa. Super. 2006). . . . Objections to the discretionary aspects of a sentence are generally waived if they are not raised at the sentencing hearing or in a motion to modify the sentence imposed. ***Commonwealth v. Mann***, 820 A.2d 788, 794 (Pa. Super. 2003) . . . .
>
> The determination of what constitutes a substantial question must be evaluated on a case-by-case basis. ***Commonwealth v. Paul***, 925 A.2d 825, 828 (Pa. Super. 2007). A substantial question exists "only when the appellant advances a colorable argument that the sentencing judge's actions were either: (1) inconsistent with a specific provision of the Sentencing Code; or (2) contrary to the fundamental norms which underlie the sentencing process." ***Sierra, supra*** at 912–13.

Commonwealth v. Griffin, 65 A.3d 932, 935 (Pa. Super. 2013) (quoting ***Commonwealth v. Moury***, 992 A.2d 162, 170 (Pa. Super. 2010)).

Here, the record reflects that Appellant preserved his issue by raising it in a post-sentence motion, filing a timely notice of appeal and a court-ordered Rule 1925(b) statement, and including a Rule 2119(f) statement in his brief. Additionally, we conclude that Appellant's issue presents a substantial question for our review. ***See Commonwealth v. Bankes***, 286 A.3d 1302, 1306 (Pa. Super. 2022) (explaining that a claim that the sentencing court imposed an excessive sentence after not considering rehabilitative needs raises a substantial question); ***Commonwealth v. Raven***, 97 A.3d 1244, 1253 (Pa. Super. 2014) (stating that "an excessive sentence claim—in conjunction with an assertion that the court failed to consider mitigating factors—raises a substantial question").

Our standard of review is as follows:

> Sentencing is a matter vested in the sound discretion of the sentencing judge, and a sentence will not be disturbed on appeal absent a manifest abuse of discretion. In this context, an abuse of discretion is not shown merely by an error in judgment. Rather, the appellant must establish, by reference to the record, that the sentencing court ignored or misapplied the law, exercised its judgment for reasons of partiality, prejudice, bias or ill will, or arrived at a manifestly unreasonable decision.
>
> Additionally, our review of the discretionary aspects of a sentence is confined by the statutory mandates of 42 Pa.C.S. § 9781(c) and (d). Subsection 9781(c) provides:
>
> > The appellate court shall vacate the sentence and remand the case to the sentencing court with instructions if it finds:

> (1) the sentencing court purported to sentence within the sentencing guidelines but applied the guidelines erroneously;
>
> (2) the sentencing court sentenced within the sentencing guidelines but the case involves circumstances where the application of the guidelines would be clearly unreasonable; or
>
> (3) the sentencing court sentenced outside the sentencing guidelines and the sentence is unreasonable.
>
> In all other cases the appellate court shall affirm the sentence imposed by the sentencing court.

42 Pa.C.S. § 9781(c).

In reviewing the record, we consider:

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

42 Pa.C.S. § 9781(d).

Raven, 97 A.3d at 1253-54 (citation omitted).

"When imposing a sentence, the sentencing court must consider the factors set out in 42 Pa.C.S. § 9721(b), [including] the protection of the public, [the] gravity of [the] offense in relation to [the] impact on [the] victim and [the] community, and [the] rehabilitative needs of the defendant[.]" ***Commonwealth v. Fullin***, 892 A.2d 843, 847 (Pa. Super. 2006) (citation omitted and formatting altered). Additionally, the trial court "must consider the sentencing guidelines." ***Id.*** at 848 (citation omitted). However, "[a] sentencing court need not undertake a lengthy discourse for its reasons for

imposing a sentence or specifically reference the statute in question, but the record as a whole must reflect the sentencing court's consideration of the facts of the crime and character of the offender." ***Commonwealth v. Schutzues***, 54 A.3d 86, 99 (Pa. Super. 2012) (citations omitted); 42 Pa.C.S. § 9725.

We note that the balancing of sentencing factors is the "sole province" of the sentencing court, which has the opportunity to observe the defendant and all witnesses firsthand. ***Commonwealth v. Kurtz***, 294 A.3d 509, 536 (Pa. Super. 2023). In conducting appellate review, this Court "cannot reweigh sentencing factors and impose judgment in place of sentencing court where [the] lower court was fully aware of all mitigating factors." ***Id.*** (citation omitted). The sentencing court "has broad discretion in determining a reasonable penalty, and appellate courts afford the sentencing court great deference, as it is the sentencing court that 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. Edwards***, 194 A.3d 625, 637 (Pa. Super. 2018) (citation omitted). Finally, "where the trial court is informed by a PSI [report], it is presumed that the court is aware of all appropriate sentencing factors and considerations, and that where the court has been so informed, its discretion should not be disturbed." ***Id.*** at 638 (citation omitted and formatting altered).

Here, Appellant contends that the trial court imposed an excessive sentence and failed to consider mitigating factors. Appellant's Brief at 21-22. Appellant argues that when factors such as his age, history, and character are

properly considered, the aggregate sentence imposed is unduly harsh. ***Id.*** at 22.

In its Rule 1925(a) opinion, the trial court addressed this issue as follows:

> [T]he record demonstrates that the court considered all the pertinent factors and circumstances of this case, and thoroughly explained its rationale prior to imposing sentence. Specifically, in addition to [Appellant's] PSI report, mental health evaluation, and the Sentencing Guidelines, the court duly considered the protection of the public, the gravity of the offenses as it relates to the impact on the community, the impact on the lives of the victims, the character and condition of [Appellant], the support of his family, his extensive health issues, remarkable mental health history and his rehabilitative needs. The court also considered [Appellant's] allocution, including his complete failure to accept responsibility and total lack of remorse, in addition to his extraordinary criminal history - which entailed 96 arrests, 39 convictions and 26 commitments. (***See*** N.T., [Sentencing] 9/29/23 at 2-16). Thus, contrary to [Appellant's] contention, the record demonstrates that the court considered all relevant factors and circumstances prior to imposing a sentence tailored to this particular [individual].
>
> Moreover, the record reflects that the court imposed a lenient sentence considerably below the recommended guidelines. Specifically, given [Appellant's] prior record score of five, and the offense gravity score (OGS) of nine for strangulation, the Sentencing Guidelines called for a standard minimum sentence of 48 to 60 months' incarceration. The court, however, imposed only a probationary term.
>
> Likewise, [Appellant's] remaining four convictions for simple assault (two counts, each with an OGS of three) and REAP (two counts, each with an OGS of three) each called for standard minimum sentences of 6 to 16 months' incarceration. Thus, the court's sentence of one to two years' incarceration for each of the above offenses fell squarely within the standard guideline range. Further, the court ran two of these sentences concurrently, which reduced [Appellant's] minimum term of confinement by a period of two years.

> In sum, the record reflects that the court not only weighed all pertinent factors of consideration prior to imposing sentence, but imposed a sentence that was eminently fair, and indeed favorable, to [Appellant]. As such, [Appellant's] claim is without merit.

TCO at 15-16 (some formatting altered, footnote and some internal citations omitted).

Following our review of the record, we discern no abuse of discretion by the trial court. ***See Raven***, 97 A.3d at 1253. The record reflects that the trial court ordered a PSI report, which it reviewed prior to sentencing. ***See*** N.T., Sentencing, 9/29/23 at 13. Therefore, we presume that the trial court was fully aware of any mitigating factors and considered them when imposing Appellant's sentence. ***See Edwards***, 194 A.3d at 638; ***see also Kurtz***, 294 A.3d at 536. Further, the record demonstrates that the trial court considered Appellant's health and mental health issues, the applicable sentencing guidelines, and the Section 9721(b) factors. ***See*** N.T., Sentencing, 9/29/23 at 13-14; ***see also Raven***, 97 A.3d at 1253. We will not re-weigh the trial court's consideration of the relevant sentencing factors on appeal. ***See Kurtz***, 294 A.3d at 536. Accordingly, Appellant's challenge to the discretionary aspects of his sentence warrants no relief.

Judgment of sentence affirmed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/17/2026