NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
RASHEED ROBINSON	:	
Appellant	:	No. 2196 EDA 2025

Appeal from the Judgment of Sentence Entered June 17, 2025
In the Court of Common Pleas of Delaware County
Criminal Division at No(s): CP-23-CR-0005148-2022

BEFORE: BOWES, J., OLSON, J., and McLAUGHLIN, J.

MEMORANDUM BY BOWES, J.: **FILED NOVEMBER 25, 2026**

Rasheed Robinson appeals from the judgment of sentence of life imprisonment imposed upon his convictions for third-degree murder and possession of an instrument of crime ("PIC"). We affirm.

On August 8, 2021, Deja Lewis recorded an argument she had with Appellant in the home they shared in Darby, Delaware County. After Ms. Lewis informed Appellant that she would summon the police if he did not leave, he called a female relative "to come and beat [Ms. Lewis] the fuck up and all that" if she contacted authorities. ***See*** N.T. Trial, 3/6/25, at 32. Ms. Lewis sent the video to her mother, Angela Shields, and called her to request assistance getting Appellant out of the house. Ms. Shields appeared at the residence with her husband, Bennie Drake ("Victim"). When she entered through the screen door, she saw Appellant sitting at the top of the stairs

talking on his phone to a relative. Ms. Shields went upstairs, trying to convince him to leave. Ms. Lewis followed, yelling at Appellant "to get the F-out." N.T. Trial, 3/5/25, at 111. Ms. Shields convinced Ms. Lewis to go back downstairs, but she returned after a short time. Ms. Shields had a calm discussion with Appellant in the bedroom until his relative and Ms. Shields began shouting at each other through the phone. Overhearing threats, Victim rushed upstairs, but Ms. Shields intercepted him at the landing. Victim, who was substantially larger than Appellant and under the influence of intoxicants but unarmed, loudly exchanged words with Appellant. When Victim pressed his way into the bedroom, Ms. Shields pushed Victim against the wall, imploring him to let her handle the matter.

When she turned around to resume discussions with Appellant, Ms. Shields observed Appellant standing on the bed, looking angry and pointing a gun at them. ***Id***. at 118-19, 129. Instead of heeding Ms. Shield's pleas that he leave the house, Appellant shot Victim in the torso. After Victim and Ms. Shields fell to the floor, Appellant continued to fire his weapon at Victim's back. ***Id***. at 124. Appellant jumped off the bed, walked toward the bedroom door, turned to fire at Victim again, then ran down the stairs. ***Id***.

Ms. Lewis called 911 to summon emergency services, but Victim could not be be saved and was declared dead at the scene. Ms. Lewis and Ms. Shields provided statements to police detailing the shooting. The following

day, the Commonwealth charged Appellant with murder and other offenses, but Appellant remained a fugitive for more than a year.

On October 8, 2022, Ms. Lewis was found in her Philadelphia residence, dead from multiple gunshot wounds. Police apprehended Appellant in a Delaware County apartment four days later. Firearms that police found outside the building were consistent with shell casings discovered at the scene of Ms. Lewis's murder. They also recovered from Appellant two mobile phones. Later examination of these phones placed Appellant in the vicinity of Ms. Lewis's apartment the day before her body was found. They also revealed text messages in the days after Ms. Lewis's killing suggesting that Appellant sought to alter his appearance by getting his hair braided and obtaining a new tattoo.[1] Ms. Lewis's last call had been to Appellant, whom Philadelphia police charged with her murder.

With Appellant finally in custody, the instant case involving Victim's killing proceeded to a preliminary hearing and then towards trial. Relevant to this appeal, the Commonwealth submitted two pretrial filings regarding evidence it wished to proffer: (1) a motion to introduce Ms. Lewis's recorded statement pursuant to Pa.R.E. 804(b)(6) ("Statement Offered Against a Party That Wrongfully Caused the Declarant's Unavailability"); and (2) notice of

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[1] Additionally, in a text message to a third party sent a month before Ms. Lewis was killed, Appellant referred to Ms. Lewis using rat and "shush" emojis. ***See*** N.T. Trial. 3/6/25, at 70-71.

intent to admit evidence implicating Appellant as Ms. Lewis's killer pursuant to Pa.R.E. 404(b)(2) (providing that evidence of other crimes, wrongs, or acts is admissible for purposes other than proving character). After holding a hearing at which the Commonwealth presented the testimony of detectives from the Darby and Philadelphia police departments, the court granted the motion to introduce Ms. Lewis's statement. The court granted in part the Rule 404(b) motion, specifying evidence the Commonwealth could introduce concerning the facts surrounding Ms. Lewis's killing, but prohibited it from establishing that Appellant was arrested for her murder, as the case was still pending in Philadelphia County at that time.[2] ***See*** Order, 8/19/24, at 1-2.

Appellant's trial was conducted in March 2025. The Commonwealth's case-in-chief included testimony from Ms. Shields, the playing of Ms. Lewis's recorded statement, the reading of a stipulation implementing the court's ruling on the Rule 404(b) evidence, and the testimony of medical examiner Khalil Wardak, M.D. Dr. Wardak indicated that Victim sustained eight gunshot wounds, namely one to each knee, five in the back of his body, and one to the left side of the chest. ***See*** N.T. Trial, 3/5/25, at 160. He testified that all the shots were fired in a downward trajectory. Dr. Wardak opined that the cause

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[2] Appellant was convicted of Ms. Lewis's murder on December 6, 2024. ***See*** Trial Court Opinion, 12/11/25, at 3 n.3. Prior to trial of the instant matter, the court granted Appellant's motion *in limine* related to this topic, ordering the Commonwealth to direct its witnesses not to mention the Philadelphia arrest or conviction. ***See*** Order, 2/27/25.

of Victim's death was multiple gunshot wounds and the manner of death was homicide. ***Id***. at 166-68.

Appellant elected to testify in his defense. He indicated that, after arguing with Ms. Lewis on the day in question, he began packing his personal items and arranging a ride to leave. Appellant maintained that Ms. Shields began screaming at him from the moment she entered the home, and that Victim threatened him with a gun. Appellant retreated to the bedroom, where Ms. Shields, Ms. Lewis, and Victim joined him. According to Appellant, while he was calmly sitting on his bed, Victim grabbed an aluminum pull-up bar from among Appellant's things packed by the doorway and charged at him. Appellant, terrified, reached for a gun that was between the bed and the wall. As Victim swung the bar at him, Appellant stood up on the bed frame and shot multiple times. Appellant, seeing a gun in Victim's pocket and fearing reprisal, then ran out of the house. ***See*** N.T. Trial, 3/7/25, at 16-36.

Pertinent to this appeal, during closing arguments, the Commonwealth highlighted the consciousness of guilt suggested by Appellant's decisions to keep running after he had escaped the immediate danger of the supposed threat posed by Victim and to remain a fugitive until just after Ms. Lewis's death. The Commonwealth revisited Ms. Lewis's recorded statement and the circumstances of her absence from the trial. It referenced Appellant's contact with her right before her murder and argued that he had "decided to silence a witness[.]" ***Id***. at 155-56. Appellant immediately objected and moved for

a mistrial, contending that the Commonwealth violated the court's order precluding it from addressing Appellant's responsibility for Ms. Lewis's murder. The court denied the motion and confirmed that Appellant did not wish it to issue a curative instruction. ***Id***. at 157-59.

Ultimately, the jury, having been charged as to murder of the first and third degrees and voluntary manslaughter along with other offenses, adjudged Appellant guilty of third-degree murder and PIC. The trial court subsequently sentenced him as indicated above and denied his timely post-sentence motions.[3] This appeal followed, and both Appellant and the trial court complied with Pa.R.A.P. 1925. Appellant presents the following questions for our resolution:

> I) Whether the trial evidence is insufficient to sustain the convictions for [PIC] and third-degree murder because the prosecution failed to disprove beyond a reasonable doubt that [Appellant] lawfully defended himself in his own home?
>
> II) Whether the trial court erred in admitting any evidence relating to [Appellant]'s alleged fugitive status and his girlfriend's subsequent death since it is irrelevant, any probative value is outweighed by the risk of unfair prejudice and confusing the issues, and it is impermissible other crimes, wrongs, or acts evidence?

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[3] Since Appellant was convicted of murdering Ms. Lewis in Philadelphia, his life sentence for the third-degree murder of Victim was mandated by statute. ***See*** 42 Pa.C.S. § 9715(a) ("[A]ny person convicted of murder of the third degree in this Commonwealth who has previously been convicted at any time of murder or voluntary manslaughter in this Commonwealth . . . shall be sentenced to life imprisonment, notwithstanding any other provision of this title or other statute to the contrary.").

> III) Whether the trial court erroneously denied the defense's mistrial motion after the prosecution during summation exceeded previous rulings by arguing that [Appellant] silenced (murdered) a witness, in violation of his state and federal constitutional rights to due process and a fair trial?

Appellant's brief at 6.

We begin with Appellant's sufficiency challenge, mindful of the applicable legal principles.

> The standard we apply in reviewing the sufficiency of the evidence is whether viewing all the evidence admitted at trial in the light most favorable to the verdict winner, there is sufficient evidence to enable the fact-finder to find every element of the crime beyond a reasonable doubt. In applying the above test, we may not weigh the evidence and substitute our judgment for a fact-finder. In addition, we note that the facts and circumstances established by the Commonwealth need not preclude every possibility of innocence. Any doubts regarding a defendant's guilt may be resolved by the fact-finder 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. The Commonwealth may sustain its burden of proving every element of the crime beyond a reasonable doubt by means of wholly circumstantial evidence. Moreover, in applying the above test, the entire record must be evaluated and all evidence received must be considered. Finally, the trier of fact, while passing upon the credibility of witnesses and the weight of the evidence produced, is free to believe all, part or none of the evidence.

Commonwealth v. Haahs, 289 A.3d 100, 104 n.2 (Pa.Super. 2022) (cleaned up).

Concerning self-defense as a justification for the use of deadly force, we have explained:

> The use of force against a person is justified when the actor believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force by the other person. When a defendant raises a claim of self-defense by

> identifying evidence that supports the claim, the Commonwealth has the burden of disproving self-defense beyond a reasonable doubt.

Commonwealth v. Ward, 188 A.3d 1301, 1304 (Pa.Super. 2018) (cleaned up). It is settled that "[t]he Commonwealth cannot sustain its burden of proof solely on the fact finder's disbelief of the defendant's testimony." ***Id***. (cleaned up). Rather, the Commonwealth must establish one or more of the following: "1) the accused did not reasonably believe that he was in danger of death or serious bodily injury; or 2) the accused provoked or continued the use of force; or 3) the accused had a duty to retreat and the retreat was possible with complete safety." ***Commonwealth v. Smith***, 97 A.3d 782, 787 (Pa.Super. 2014) (cleaned up).

Appellant's position is, in sum, as follows:

> [Victim] unlawfully invaded [Appellant]'s private abode through a closed screen door without an invitation, illegally remained inside, and instigated violence by trying to compel [Appellant] to leave. Cornered on his bed by [a] large intruder who had ingested drugs, [Appellant] properly eliminated a deadly threat.
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> [Appellant] was under no legal obligation to contact or speak with police, and his decision to leave the property in a panic in no way disproved justification, even if he knew about a warrant. As courts have reiterated, purported flight sufficiently indicates a guilty conscience only in cases where other evidence of guilt is more substantial – often, it is just as consistent with fear as with guilt.
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> [Appellant] responded reasonably in light of the facts, and the government did not establish otherwise. Accordingly, both guilty verdicts – [PIC] and third-degree murder – must be overturned.

Appellant's brief at 22-23 (cleaned up).

Upon review of the certified record, we are unpersuaded that Appellant has presented a meritorious claim. As the Commonwealth aptly observes, Appellant's argument is not founded on a lack of evidence to disprove his self-defense assertion, but instead a request that we "reweigh the evidence or overturn the credibility determinations made by the jury." Commonwealth's brief at 17. Critically, the Commonwealth did not merely rely upon the jury disbelieving Appellant's self-serving testimony. Instead, it proffered evidence that contradicted his account of the shooting which, if believed by the jury, was more than ample to establish that Appellant killed Victim with the requisite malice.

As we detailed above, Ms. Shields testified that Ms. Lewis invited them into her home, that neither Victim nor anyone else besides Appellant was armed during the encounter, that Appellant appeared angry rather than frightened when he brandished his gun, and that he continued to shoot Victim repeatedly after the first bullet took him down. Dr. Wardak's testimony corroborated Ms. Shields's version of events, confirming that every shot Appellant fired was from above Victim, and all but one entered Victim's body from behind. Moreover, the jury was free to surmise that Appellant's decision to abandon the house and his belongings for more than a year evinced not fear, but his consciousness of guilt for the murder.

Therefore, we have no hesitation in holding that the Commonwealth's evidence was sufficient to prove that Appellant's slaying of Victim was a

murder rather than a justified homicide. ***Accord Commonwealth v. Kennedy***, 332 A.3d 133, 143 (Pa.Super. 2025) (holding evidence was sufficient to disprove justification defense where the defendant shot the victim eleven times, four of which were in the back).

Appellant next challenges the trial court's decision to allow the Commonwealth to produce evidence of his fugitive status and details of Ms. Lewis's death. The following governs our consideration of this issue:

> When considering the admission of evidence, our standard of review is very narrow. Our review of a trial court's evidentiary ruling is limited to determining whether the trial court abused its discretion. An abuse of discretion may not be found merely because an appellate court might have reached a different conclusion, but requires a result of manifest unreasonableness, or partiality, prejudice, bias, or ill-will, or such lack of support so as to be clearly erroneous. To constitute reversible error, an evidentiary ruling must not only be erroneous but also harmful or prejudicial to the complaining party.

Commonwealth v. Pratt, 357 A.3d 497, 502 (Pa.Super. 2026) (cleaned up).

As a general proposition, all evidence that has a tendency to make a fact of consequence more or less probable is admissible. ***See*** Pa.R.E. 401, 402. Our Rules of Evidence specifically address proof of other crimes, wrongs, or acts in the following manner:

> (1) *Prohibited Uses*. Evidence of any other crime, wrong, or act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.
>
> (2) *Permitted Uses*. This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident.

> In a criminal case this evidence is admissible only if the probative value of the evidence outweighs its potential for unfair prejudice.

Pa.R.E. 404(b). The subsection (b)(2) list of permitted uses is non-exhaustive. ***See*** Pa.R.E. 404, *comment*. Other recognized bases for allowing proof of other acts include establishing consciousness of guilt and the *res gestae*, or complete story, of the case. ***See Commonwealth v. Carter***, 320 A.3d 140, 148-49 (Pa.Super. 2024).

Concerning unfair prejudice warranting exclusion of relevant Rule 404(b) evidence, we have observed that "the fact that [the evidence in question is] harmful to the defendant's case does not make [it] unduly prejudicial." ***Commonwealth v. Flamer***, 53 A.3d 82, 89 (Pa.Super. 2012). "Unfair prejudice means a tendency to suggest decision on an improper basis or to divert the jury's attention away from its duty of weighing the evidence impartially." Pa.R.E. 403, c*omment*. Stated differently: "Statements that are on balance prejudicial are statements that inflame the jury to decide the case on that evidence alone and not legal propositions." ***Flamer***, 53 A.3d at 89–90.

In the case *sub judice*, Appellant attacks the trial court's decision to allow evidence of his fugitive status and Ms. Lewis's killing on multiple fronts. He begins by asserting that the evidence should have been excluded because it was not relevant:

> Initially, the challenged evidence in [Appellant]'s case lacked any probative value. After he defended his life and left his dwelling in distress, police arrested [Appellant] more than a year later

> following [Ms.] Lewis's death in Philadelphia. A reasonable person facing potential prosecution after lawful self-defense understandably might experience some apprehension about the fairness of criminal court practices, which the prosecution only reinforced by unfairly discussing details of a subsequent case.
>
> Even if the prosecution established that [Appellant] was a "fugitive," all evidence pertaining to his girlfriend's death – including the Philadelphia investigation – is irrelevant. The present case is about self-defense, [Appellant]'s identity was never at issue, and the jury heard [Ms.] Lewis's statement to police. The circumstances of [Ms.] Lewis'[s] death do not tend to show that [Appellant]'s actions involving [Victim] over one year earlier were unjustified.
>
> Notwithstanding the prosecution's arguments regarding consciousness of guilt, the trial court admitted the evidence in error. Put simply, whether [Appellant] left the state, later updated his hairstyle or got a tattoo, or that his girlfriend died fourteen months after the fact have no bearing on whether he engaged in lawful self-defense on the date at issue here.

Appellant's brief at 25-26.

Appellant further argues that, even if the evidence was relevant, it was unduly prejudicial, as "it implied that [Appellant] committed crimes for which he was not on trial." ***Id***. at 26-27. Relying upon the decisions in ***Carter*** and ***Commonwealth v. Brown***, 212 A.3d 1076 (Pa.Super. 2019), Appellant insists that admission of the evidence in question confused the issues and tainted the trial, such that reversal is warranted because there is "a reasonable possibility the challenged evidence factored into the jury's decision to convict." Appellant's brief at 30.

The trial court explained that it deemed evidence of Appellant's flight and efforts to avoid arrest to be relevant to his consciousness of guilt. ***See***

Trial Court Opinion, 12/11/25, at 17. It found that the death of Ms. Lewis, an eyewitness to Victim's shooting, was relevant to explain her absence from trial and her failure to testify against Appellant. ***Id***. at 19. The court determined that none of this caused unfair prejudice to Appellant because the admission of the evidence by stipulation "control[led] how and when the jury received the evidence," and, rather than confusing the issues, explained the history of the case to the jury. ***Id***. at 19-20.

For its part, the Commonwealth contends that this Court's ***Carter*** and ***Flamer*** rulings support affirmance of the trial court's decision to admit evidence of Appellant's fugitive status and the facts surrounding Ms. Lewis's death. ***See*** Commonwealth's brief at 21-23.

We find a review of the referenced opinions to be instructive. In ***Brown***, the defendant was charged with assaulting a police officer. The precipitating incident involved Brown punching the officer in the chest during the officer's attempt to place Brown under arrest. This prompted the officer to slam Brown to the ground, which in turn caused Brown to sustain a broken arm. Prior to trial, the Commonwealth moved *in limine* to preclude the defendant from offering evidence that his arm was broken during the arrest, contending "that the evidence was irrelevant and its admission would unfairly prejudice the Commonwealth, confuse the issues, and mislead the jury." ***Brown***, 212 A.3d at 1080. The court granted the motion, the case proceeded to trial, and the jury convicted Brown. On appeal, Brown contended that the trial court erred

in excluding the evidence, maintaining that it was relevant to show that the officer "was biased and motivated to testify falsely against [Brown] in order to avoid civil liability for injuring [him]." ***Id***. at 1086. This Court held that Brown did not satisfy his "heavy burden" of establishing that the trial court's decision to exclude evidence of possible motive was an abuse of its discretion, as Brown did not file a lawsuit against the officer and, since the officer was not injured during the assault, knowledge of Brown's injury risked confusing the jury and rousing sympathy for him. ***Id***. Accordingly, we affirmed the trial court's exercise of discretion.

In ***Carter***, the defendant was accused of shooting a man ("Decedent") in the back of the head while they were in a car with two other men, namely Carter's brother ("Brother") and their friend, driving from New Castle to Pittsburgh. The friend and his partner drove Carter and Brother to Philadelphia, then reported the murder to police. Carter and Brother made their way to Atlanta. Police had a witness place a recorded call to Brother to discuss the murder of Decedent. The Commonwealth later obtained evidence that, less than an hour after the call, "Carter shot [Brother] in a ride-share vehicle, which shooting was recorded by surveillance cameras in the car." ***Carter***, 320 A.3d at 146. The Commonwealth additionally learned that "the ride-share driver told police that, while driving Carter and [Brother], he heard a person on the other end of the phone with [Brother] tell [Brother] to hand Carter the phone, and the ride-share driver remembers [Brother] complying

with that request." ***Id***. Prior to Carter's trial for the shooting of Decedent, the Commonwealth gave Rule 404(b) notice of its intent to proffer evidence that Carter and Brother fled to Atlanta after the shooting of Decedent and that, while there, Carter shot Brother, who survived. Carter responded with a motion *in limine* seeking to exclude that evidence, which the trial court granted, ruling that the evidence was not admissible and, even if it were, "the jury could not weigh the evidence impartially and would instead decide Carter's guilt on an improper basis." ***Id***. at 147.

On appeal to this Court, the Commonwealth argued that the trial court's ruling was clearly erroneous because evidence of Carter's flight and his attempt to interfere with Brother testifying was relevant to prove consciousness of guilt, and the details of the attempt proved a common scheme or plan. We reversed as clearly erroneous the trial court's ruling regarding Carter's relocation to Atlanta, explaining that the evidence was admissible both to show Carter's consciousness of guilt and the *res gestae* of Decedent's death, and risked no unfair prejudice. ***Id***. at 150.

This Court likewise agreed with the Commonwealth that evidence that Carter shot Brother was relevant and admissible for establishing consciousness of guilt and *res gestae*, such that the trial court's contrary conclusion was legal error. However, we "[could]not conclude that the trial court abused its discretion in finding that evidence of the Atlanta shooting

ha[d] potential for unfair prejudice that outweigh[ed] its probative value." ***Id***. We explained:

> [T]he record supports the trial court's finding that there is a critical danger that the jury could confuse the issues with [Decedent's] alleged murder, convict Carter on an improper basis relating to the fact that Carter attempted to kill [Brother], or the jury might have been diverted from its duty of impartially weighing the evidence relating to [Decedent's] death.

Id. at 151. Accordingly, we declined to disturb the court's exercise of discretion in excluding the evidence of witness interference despite the legal error it committed in ruling it inadmissible for the proffered bases. Therefore, we affirmed the ruling in part and reversed in part and remanded for proceedings in which the Commonwealth was permitted to prove Carter's flight from the jurisdiction.

The Commonwealth's challenges to the grant of motions *in limine* were also at issue in ***Flamer***, consolidated appeals involving charges that brothers Marvin and Nafeast Flamer planned the murder of the victim. The Commonwealth intended to call a witness ("Witness") at trial who had information about the brothers' conspiracy to kill the victim. However, three months before trial was set to begin, Witness was shot in the head execution-style by a third party ("Assassin"), who was ultimately convicted of murdering Witness. The Commonwealth filed a motion in the Flamer brothers' cases seeking to introduce evidence that the Flamers conspired with Assassin to kill Witness. ***Flamer***, 53 A.3d at 85.

The trial court ruled that the Commonwealth was permitted to offer testimony about Witness's cause of death, photographs of the Flamers with Assassin, the contents of a call in which Marvin discussed Witness, and the fact that Nafeast talked to Assassin on four occasions in the months prior to Witness's murder. However, the court held that additional proof, such as testimony from law enforcement involved in investigating Witness's murder, Assassin's confession to it, and phone conversations among the brothers and other parties, was inadmissible. The court deemed some of this evidence to be "irrelevant, cumulative, confusing, or on balance prejudicial," and overall would turn the trial concerning the victim's killing into one for Witness's murder. ***Id***. at 87.

On appeal, this Court largely reversed the trial court's exclusionary rulings. We began by noting that the court correctly found that evidence that the Flamer brothers conspired with Assassin to murder Witness was admissible "to show the history of the case and the guilty conscience of the defendants." ***Id***. We explained that consciousness of guilt, like motive, "is highly relevant in the determination of guilt," and that "the Commonwealth must be given the opportunity to show the strength of the defendant's consciousness of guilt through all admissible evidence." ***Id***. at 88. Since "[t]he highly probative nature of this evidence clearly outweigh[ed] any undue prejudice arising from its admission," we concluded that the trial court erred in excluding it. ***Id***.

In particular, the ***Flamer*** Court found that the trial court abused its discretion in not permitting the Commonwealth to offer: (1) proof that Assassin killed Witness, including testimony from officers who investigated Witness's shooting, the collection of Assassin's DNA from the crime scene, and Assassin's confession to the murder; (2) testimony from an individual to whom Assassin spoke about the plot to kill Witness "because he ratted out Nafeast[;]" (3) testimony from Witness's mother and sister to establish that Witness feared retaliation if he testified against the Flamers; and (4) portions of Nafeast's raps "about people 'keeping their mouths shut,' sending his friends to kill for him, and 'popping shells' in people that 'run their mouth.'" ***Id***. at 89. While this Court acknowledged that this evidence was prejudicial, we explained that its high probative value in establishing the motive and conspiracy to kill Witness so he could not testify about the Flamers' murder of the victim "clearly" outweighed any prejudicial effect. ***Id***.

From this review, it is plain to us that the facts of Appellant's flight from the scene of Victim's shooting, ongoing fugitive status, and murder of Ms. Lewis, an eyewitness to Victim's killing, were not only relevant to show the history of the case, but also highly probative of his consciousness of guilt for slaying Victim. In our estimation, the fact that Appellant presented a justification defense, unlike the defendants in ***Brown***, ***Carter***, or ***Flamer***, makes the consciousness-of-guilt Rule 404(b)(2) evidence more, not less, relevant than in those cases. Ms. Lewis was one of two other people in the

room when Appellant shot Victim. Eliminating her as a witness for the Commonwealth dramatically decreased resistance to his pursuit of a defense claim, as it left only Victim's wife to counter Appellant's assertion that Victim was the armed aggressor.

Furthermore, the Commonwealth offered its evidence of the murder of Ms. Lewis in a far more compact and sanitized manner than the ***Flamer*** Court deemed permissible regarding the silenced witness in that case. Here, there was no confusion of issues by bringing in multiple witnesses from the Philadelphia prosecution, or associates of Ms. Lewis testifying about her fear of Appellant. Certainly, the evidence that the trial court permitted the Commonwealth to introduce was prejudicial in that it harmed Appellant's defense, but, as in ***Flamer***, it was not a disqualifying prejudice likely to "inflame the jury to decide the case on that evidence alone and not legal propositions." ***Flamer***, 53 A.3d at 90.

All told, we conclude that the record supports the trial court's determinations that the probative value of the evidence that it authorized, on balance, exceeded any potential for unfair prejudice. Applying our standard of review, we thus hold that the court did not abuse its discretion in admitting the evidence. ***Accord Carter***, 320 A.3d at 150 (affirming the trial court's balancing of the Rule 404(b)(2) considerations because it was supported by the record); ***Brown***, 212 A.3d at 1086 (same).

In his final issue, Appellant argues that the trial court erred in denying his motion for a mistrial based upon the Commonwealth's closing argument. As we have summarized:

> Upon a party making a motion for mistrial, the trial court is to determine whether misconduct or prejudicial error actually occurred, and if so, to assess the degree of any resulting prejudice. When a party moves for a mistrial, such relief is required only when an incident is of such a nature that its unavoidable effect is to deprive the appellant of a fair and impartial trial. A trial court is vested with the sound discretion to determine whether a mistrial is warranted, and we review its decision for an abuse of that discretion.
>
> An abuse of discretion is more than an error of judgment. On appeal, the trial court will not be found to have abused its discretion unless the record discloses that the judgment exercised by the trial court was manifestly unreasonable, or the result of partiality, prejudice, bias, or ill-will.

Commonwealth v. Baker, 313 A.3d 1112, 1119–20 (Pa.Super. 2024) (cleaned up).

As noted *supra*, Appellant moved for a mistrial during the Commonwealth's closing when the prosecutor made a reference to his deciding "to silence a witness[.]" N.T. Trial, 3/7/25, at 155-56. Appellant contended that, in so doing, the Commonwealth violated the court's pretrial order precluding it from arguing that Appellant murdered Lewis. ***Id***. at 157. He maintains that position on appeal, asserting that the Commonwealth "violated the trial court's evidentiary rulings and inappropriately suggested to the jury that [Appellant] 'was involved in the killing of Ms. Lewis.'" Appellant's brief at 33.

The trial court explained its denial of Appellant's mistrial request as follows:

> In response to [Appellant]'s motion for a mistrial, the prosecutor argued that she had not disclosed that [Appellant] was convicted of murdering Ms. Lewis. To the contrary, the prosecutor argued that she had merely communicated to the jury her interpretation of the facts to which the parties had stipulated.
>
> Admittedly, the prosecutor's argument to the jury that "when the [Appellant] decided to silence a witness, when the [Appellant] didn't get his way based on those text messages, he tried to silence her" could be construed as the prosecutor telling the jury that [Appellant] was involved in the killing of Ms. Lewis. However, the prosecutor did not state that [Appellant] killed Ms. Lewis. The stipulated facts as set forth above were sufficient for the jury to reasonably infer that [Appellant] had procured the absence of Ms. Lewis from [Appellant]'s trial.
>
> Pennsylvania follows the American Bar Association Standards in determining what conduct is impermissible during closing arguments. Section 5.8 states that the prosecutor may argue all reasonable inferences from evidence in the record. It is unprofessional conduct for the prosecutor intentionally to misstate the evidence or mislead the jury as to the inferences it may draw.
>
> The Commonwealth was free to argue all reasonable inferences from the evidence presented. The prosecutor's closing argument was not so prejudicial as to cause the jury to be unable to render a fair and impartial verdict.

Trial Court Opinion, 12/11/25, at 29-30 (cleaned up).

We discern no abuse of discretion. The prosecutor did not assert that Appellant was arrested or convicted for the killing of Ms. Lewis, which would have violated the court's pretrial ruling. Instead, as the Commonwealth aptly notes, by recapping the evidence heard by the jury concerning the

circumstances of Ms. Lewis's death, and suggesting it demonstrated Appellant's effort to silence her:

> The prosecutor referenced this evidence for the very purpose it was admitted: as evidence of [Appellant]'s consciousness of guilt. The prosecutor did not shift the jury's attention to [Ms.] Lewis's death and did not try to litigate her death or otherwise try to suggest that the stipulated evidence tended to show that [Appellant] had a character or propensity for violence. She did not argue that [Appellant] killed [Ms.] Lewis. Rather, the prosecutor presented an inference based on the evidence and [Appellant]'s texts calling [her] a rat.

Commonwealth's brief at 27-28.

As the Commonwealth acted within the bounds of its prerogative to ask the jury to make reasonable inferences from the evidence before it, there was no basis for the trial court to grant a mistrial. ***See Baker***, 313 A.3d at 1119–20.

For the above reasons, we conclude that none of Appellant's issues undermines the validity of his convictions. Consequently, we affirm the judgment of sentence imposed thereupon.

Judgment of sentence affirmed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/25/2026