

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
MIGUEL ANGEL SLIGER RIVERA, JR.	:	
	:	
Appellant	:	No. 123 MDA 2026

Appeal from the Judgment of Sentence Entered November 18, 2024
In the Court of Common Pleas of Dauphin County Criminal Division at
No(s): CP-22-CR-0005371-2022

BEFORE: KUNSELMAN, J., KING, J., and STEVENS, P.J.E.*

MEMORANDUM BY KUNSELMAN, J.:

FILED: OCTOBER 26, 2026

Miguel Sliger Rivera, Jr. ("Sliger") appeals from the judgment of sentence imposed after a jury found him guilty of third-degree murder and other related offenses.¹ He challenges the sufficiency of the evidence to establish that he was the one who killed the victim. Upon review, we affirm.

The trial court detailed the evidence as follows:²

On November 25, 2022, sometime in the late afternoon or early evening after it had become dark outside, Jacob Rivera was walking on 7th Street in the City of Harrisburg when he saw someone driving a dirt bike

* Former Justice specially assigned to the Superior Court.

¹ 18 Pa.C.S.A. § 2502(c).

² These facts relate only to Sliger's third degree murder conviction because he did not challenge the sufficiency of the evidence for his other convictions.

The driver, who was wearing a ski mask but had visible dreadlocks, parked the bike in the vicinity of 7th and Emerald Streets near 2301 North 7th Street.

Rivera watched the driver enter the residence at 2301 North 7th Street and then [Rivera] proceeded to steal the bike. The theft was captured by video that was later recovered by the police. Rivera initially walked the bike to his friend Demere's house on Geary Street, and then to his aunt's house. At some point, [Rivera] called his friend Tay'Andre Warren, also known as "Fatty", to tell him about the bike, and the next day he brought the bike to Warren's house on Hamilton Street.

Rivera and Warren took turns riding the bike but decided to sell it and began texting and calling people they thought may be interested in purchasing it. They took a picture of the bike which they included in the text solicitations. Eventually, Warren's father bought the bike for approximately \$200.00 to \$300.00, and Warren continued riding the bike when Rivera left [] to get Chinese food. Walking back to Warren's house after getting his food, Rivera saw police gathered near the intersection of 3rd and Kelker Streets.

Amanda King, an employee of Enviroquest, located at 1738 North 3rd Street, went to her office in the early evening to briefly do something while her husband, Timothy, waited in the car. Amanda heard a gunshot that sounded like it came from right outside the building, followed by the sound of a dirt bike. Timothy also heard the gunshot and the dirt bike, and when he looked in his vehicle's mirrors, he saw a dirt bike drive away.

At approximately 5:30 p.m. on the same date, Felix Rivera-Bonilla was in a vehicle with his wife and children driving on Kelker Street. He heard a "motorcycle" just before seeing a person lying in the road approximately three (3) feet from the stop sign at 3rd and Kelker Streets. Rivera-Bonilla saw someone he described as "black" and having dreadlocks get on the bike and drive away on Kelker Street before turning left the wrong way down one-way Susquehanna Street. Rivera-Bonilla's wife called 911 as he attempted to render aid.

Surveillance video obtained by the police recorded the sound of the bike and then showed it crashing to the ground before an unidentified person got on it and drove off.

Although the person could not be identified from the video, his dreadlocks were visibly “flopping around.”

Officer Matthew Gallup was dispatched to the scene and discovered an individual lying face down in the street, not moving, with a large amount of blood. After not finding a pulse, Officer Gallup rolled the person onto their back and began cutting off their clothes to search for a wound. He discovered one on the person’s left side towards the area of the back. The victim, later identified as Warren, did not have any weapons on his person but did have a “small wad” of cash. The presence of the cash led the police to believe that Warren was not the victim of a robbery. Additionally, one (1) shell casing, from a .357 SIG cartridge, was recovered from the scene.

On November 29, 2022, Dr. Wayne Ross conducted an autopsy. He identified a gunshot wound to Warren’s left back with no soot or gunshot powder residue surrounding it. The bullet was fired from a distance of at least two (2) feet away and entered Warren’s body at a back to front and left to right trajectory, moving upwards ten (10) degrees.

Based upon his observations from the video of the incident, Dr. Ross knew that Warren was moving on the dirt bike when he was shot. The upward path of the bullet, despite Warren’s seated position, is accounted for by the fact that Warren flinched to avoid being shot.

A .357 caliber bullet was located beneath Warren’s skin and recovered by Dr. Ross. It broke four (4) of Warren’s ribs, grazed his stomach, and went through his kidney, left hemi diaphragm, aorta, and liver. Dr. Ross concluded that the cause of Warren’s death was a gunshot wound to the back, and the manner of death was homicide.

Because the video of the theft of the bike showed the person from whom it was stolen entering 2301 North 7th Street, the police suspected the owner of the bike lived there. From speaking with the landlord of that residence, they learned that the occupants were [Sliger] and his girlfriend, Jessica Chaparo, and that [Sliger’s] bike had, in fact, been stolen.

On December 1, 2022, the police executed a search warrant at 2301 North 7th Street looking for documentation regarding the stolen bike upon which Warren was shot. Upon entering the residence, the police immediately encountered a young female,

later determined to be Chaparo, who initially refused to obey their commands and attempted to flee. Chaparo eventually told the police that there was no one else present in the apartment. However, a continued search revealed that [Sliger] "had . . . wrapped himself up in the shower curtain in [an] attempt to conceal himself in the corner of the bathroom."

Relevant to the instant appeal, the police located the following items during the search of the residence:

1. Air Jordan sneakers with a ribbon that said "Boston" and "Mafia." Defendant was known by the street name "Mafia."
2. [Sliger's] Pennsylvania Identification Card.
3. A cell phone.
4. A .357 caliber magazine which was discovered in a "hidden compartment", along with seven (7) accompanying .357 cartridges.

[During this search, the police discovered multiple firearms, ammunition, marijuana, and drug paraphernalia evidencing an intent to deliver. The murder weapon was never recovered.]

Detective Jason Paul questioned Chaparo and learned that Defendant's cell phone number was 717-893-1839. When Detective Paul called that phone number the cell phone located during the search rang. The police also learned that [Sliger] spent a lot of time at Auto Pride Service Center located at 2964 Jefferson Street. They proceeded to that garage to continue their investigation.

The proprietor of Auto Pride, Julio Becerril, told the police that he knew [Sliger] as "Mafia", that he hung out at the garage, and that he had dirt bikes. He further explained that his nephew, Luis Santiago, an employee at the garage, worked on [Sliger's] bikes. Becerril learned from Santiago that one of [Sliger's] bikes was stolen, and he informed the police that Defendant brought a bike to the garage on November 26th, the day Warren was shot. After obtaining Becerril's consent to search, the bike was found in the garage. A green plastic seat cover that [Sliger] removed from the bike was found in a trash bag in the garage.

Discussions with Santiago and Becerril uncovered additional information. In the afternoon on November 26th, prior to Warren being shot, [Sliger] called the garage looking for his bike, which

Rivera had stolen the previous evening. [Sliger] then showed up at the garage looking for it but left sometime between 3:00 p.m. and 4:00 p.m. when he did not find it there.

At approximately 6:30 p.m. or 7:00 p.m., [Sliger] returned to the garage with the bike. When Santiago inquired about getting the bike back, [Sliger] stated "yeah, I shot this nigger for it." Becerril overheard the conversation and remembered [Sliger] saying that "he fired a shot" and "got a kid off the bike." [Sliger] specified that he may have shot the kid "on the side."

Santiago observed that [Sliger] had a gun in his pocket. When he asked about it, [Sliger] showed him a bullet and told him it was a .357. Santiago thought [Sliger] seemed "scared, like weird, like, he did something." Santiago observed blood on the bike and Defendant explained that it was from when he was bitten by a dog. [Sliger] proceeded to use a hose at the garage to wash the bike. According to Santiago, [Sliger] then left with the bike, and Santiago was unaware that it had been returned at some point prior to being discovered by the police. He explained that the garage was always accessible by an unlocked side door. When Santiago last saw the bike on November 26th, it still contained various green plastic pieces that were also visible in photographs obtained by the police. Those "plastics" were absent from the bike when it was located on December 1st, but they were discovered during the consent search in a fenced-in area outside the garage. When provided a photo array containing [Sliger's] picture and asked if he recognized anyone, Santiago "immediately" identified [Sliger].

The police photographed the suspected blood still visible on the bike and collected samples for serology and DNA analysis. Warren's blood was found on the left fork and the right rear frame. Despite his claim that the blood was his from a dog bite, the scientific analysis excluded [Sliger] as a contributor to the blood samples. However, [Sliger's] DNA was discovered on the .357 caliber magazine and seven (7) accompanying rounds that were seized from 2301 North 7th Street.

Detective Brian Carriere testified at trial as an expert in Network Call Detail Analysis. He obtained call records for the phone number provided for [Sliger] by Chaparo, which turned out to be the phone discovered during the search of 2301 North 7th Street, and learned that [Sliger] was the subscriber for that phone.

At 4:01 p.m., on November 26th, [Sliger's] cell phone was around the Hall Manor housing projects, and by 4:40 p.m., was closer to Defendant's residence at 2301 North 7th Street. At the time Warren was shot, determined by various surveillance videos to be 5:23 p.m., [Sliger's] cell phone was just northwest of a cell site located at 3rd and Harris Streets, which is only two (2) blocks south of 3rd and Kelker Streets where the murder occurred. The cell phone then traveled north to the general area of Auto Pride Service Center.

Following the searches conducted on December 1st, [Sliger] was located and transported to Harrisburg Police Station. He was Mirandized and agreed to answer questions. When asked if he was in Midtown, the general neighborhood of Harrisburg where 3rd and Kelker Streets are and where Warren was killed, Detective Paul described his response as follows:

He couldn't say exactly where he was, that he had been with his mother that entire day down at the Hall Manor area. They were actually out looking for the bike at one point. They were up by Reservoir Park trying to locate his motorcycle and he was . . . at his house, but he wasn't sure of the exact times.

Detective Paul showed Defendant the picture of the bike that Rivera and Warren had taken when they were trying to sell it and he confirmed that it was, in fact, his bike. [Notably, neither Hall Manor nor Reservoir Park are in Midtown Harrisburg.]

However, despite Santiago's testimony that [Sliger] showed up at the garage with the bike on November 26th, the day after it was stolen, [Sliger] denied getting the bike back or even seeing it since it was taken from him.

[Sliger] also denied having phone number 717-893-1839. However, when confronted with the fact that Chaparo had said so to the police, he claimed that it was his old phone and that his new one had not arrived yet.

Detective Paul observed that [Sliger] had dreadlocks, matching Rivera's description of the person from whom he stole the bike and matching the person seen on the video of the shooting whose dreadlocks could be seen "flopping around."

Neither Santiago nor Becerril had dreadlocks.

Regarding the discovery of the .357 magazine and rounds containing Defendant's DNA, Detective Paul explained that this was the first time he had ever encountered .357 caliber semiautomatic ammunition in his "thousands" of gun investigations. Testifying further to the strongly probative nature of the .357 evidence, he stated:

The casing which [was] ejected from the gun [and] laying on the street is the exact same make and model as the ones we found in the magazine. They have the same markings . . . I can't say they came from the same box, but I can just tell you they are the exact same ones.

Finally, Detective Paul pointed out that the number of .357 rounds discovered strongly suggests that it was the magazine that was used to kill Warren. Specifically, the magazine held nine (9) rounds. One projectile was discharged at the scene of the shooting, which was recovered from Warren's body. When that shot was expelled, another round would automatically enter the barrel. That newly "chambered" round presumably remained in the firearm, which was never found. Therefore, the two (2) missing rounds would both be accounted for, leaving seven (7) to be discovered during the search of 2301 North 7th Street.

Trial Court Opinion, 2/26/26, at 2-10 (citations and footnotes omitted). Sliger was arrested and charged with multiple offenses.

On September 13, 2024, following trial, the jury found Sliger guilty of third-degree murder, five (5) counts of persons not to possess firearms, possession with intent to deliver a controlled substance, criminal conspiracy, and unlawful possession of drug paraphernalia. On November 18, 2024, the trial court sentenced Sliger to an aggregate term of 26 to 52 years' incarceration. Sliger did not file a post-sentence motion at that time.

On October 8, 2025, Sliger filed a *pro se* motion for writ of habeas corpus. On October 9, 2025, the trial court ordered that it be treated as a

petition under the Post-Conviction Relief Act ("PCRA").³ Following an uncontested supplemental PCRA petition, the court reinstated Sliger's post-sentence and direct appeal rights. Sliger filed a post-sentence motion, which the court denied.

Sliger filed this timely appeal. He and the trial court complied with Appellate Rule 1925.

In his sole issue on appeal, Sliger claims that the evidence was insufficient to support his conviction for third-degree murder. **See** Sliger's Brief at 4. Our standard of review for claims challenging the sufficiency of the evidence claim is as follows:

In reviewing the sufficiency of the evidence, we must determine whether the evidence, and all reasonable inferences deducible from that[,] viewed in the light most favorable to the Commonwealth as verdict winner, is sufficient to establish all the elements of the offenses beyond a reasonable doubt. This Court, however, may not weigh the evidence and substitute our own judgment for that of the fact-finder. We also note that the fact-finder is free to believe all, part or none of the evidence presented to it. The question of whether reasonable doubt of guilt exists is one for the fact-finder, unless the evidence be so weak and inconclusive that as a matter of law no probability of fact can be drawn.

Commonwealth v. Wilson, 825 A.2d 710, 713 (Pa. Super. 2003) (citations omitted). "The evidence may be entirely circumstantial as long as it links the accused to the crime beyond a reasonable doubt." **Commonwealth v. Koch**, 39 A.3d 996, 1001 (Pa. Super. 2011) (citations omitted). However, "the

³ 42 Pa.C.S.A. §§ 9541-9546.

inferences must flow from facts and circumstances proven in the record and must be of such volume and quality as to overcome the presumption of innocence and satisfy the jury of an accused's guilt beyond a reasonable doubt." **Commonwealth v. Scott**, 597 A.2d 1220, 1221 (Pa. Super. 1991). "The trier of fact cannot base a conviction on conjecture and speculation and a verdict which is premised on suspicion will fail even under the limited scrutiny of appellate review." **Id.** "Because evidentiary sufficiency is a question of law, our standard of review is *de novo* and our scope of review is plenary." **Commonwealth v. Diamond**, 83 A.3d 119, 126 (Pa. 2013).

To sustain a conviction of third-degree murder, the Commonwealth must establish "(1) an intentional act, (2) done with malice, that (3) results in an unintentional killing." **Commonwealth v. Arrington**, 247 A.3d 456, 461 (Pa. Super. 2021); **see also** 18 Pa.C.S.A. § 2502(c). "Malice includes not only particular ill[-]will toward the victim, but also wickedness of disposition, hardness of heart, wantonness, [] cruelty, recklessness of consequences, and conscious disregard by the defendant of an unjustified and extremely high risk that his actions may cause serious bodily harm." **Commonwealth v. Jones**, 271 A.3d 452, 458 (Pa. Super. 2021). "[A] fact finder may infer malice and a specific intent to kill from the use of a deadly weapon upon a vital part of the victim's body." **Commonwealth v. Cruz**, 919 A.2d 279, 281 (Pa. Super. 2007).

Additionally,

the Commonwealth must also establish the identity of the defendant as the perpetrator of the crimes. It is well-settled that “[e]vidence of identi[ty] need not be positive and certain to sustain a conviction.” [E]ven if the Commonwealth presented only circumstantial evidence and offered no positive identification of the [perpetrator], we may not weigh the evidence and substitute our judgment for the fact-finder as long as the evidence was sufficient to prove [the accused's] guilt. [A]ny indefiniteness and uncertainty in the identification testimony goes to its weight. Direct evidence of identity is, of course, not necessary and a defendant may be convicted solely on circumstantial evidence.

Commonwealth v. Torsunov, 345 A.3d 339, 347-48 (Pa. Super. 2025) (citations and quotation marks omitted).

Here, Sliger specifically claims that the Commonwealth failed to present sufficient evidence to establish that he was the one who shot Warren. In support of his claim, Sliger argues: 1) there was no eyewitness; 2) the Kings’ testimony did not prove the identity of the shooter; 3) the ammunition with his DNA was found at his residence, not the crime scene; and 4) the evidence connected him to taking the bike but not shooting the victim. Sliger’s Brief at 14.

Following our review of the record, we agree with the trial court that there was sufficient evidence to establish the identity of Sliger as the perpetrator of Warren’s murder. This is so even though Sliger’s arguments, particularly that no one specifically saw him shoot Warren or directly identified him as the shooter, may be true.

Significantly, as the trial court noted, Sliger admitted to Santiago and Beccerril that he shot someone to get his bike back. The court further observed that, although this evidence did not establish who Sliger shot, the “overwhelming volume of circumstantial evidence . . . supports the conclusion that [Sliger] shot [] Warren.” Trial Court Opinion, 2/26/26, at 14. The court highlighted the facts in support of its conclusion:

1. Warren was killed while riding [Sliger’s] dirt bike which had been stolen the day before, thereby establishing a motive for the shooting other than robbery of Warren’s person, a theory belied by the fact that [Warren’s] wad of cash was not taken.
2. [Sliger] confirmed that the bike Rivera stole and upon which Warren was shot was the one stolen from him.
3. The individual whose bike was stolen entered 2301 North 7th Street immediately before the theft, and the landlord of that residence identified [Sliger] as the occupant of that property and informed police that [Sliger’s] bike had been stolen.
4. [Sliger] had dreadlocks, as did the individual from whom the bike was stolen and the individual who drove off on the [bike] after Warren was shot, as detailed by the testimony of Rivera-Bonilla and Rivera, as well as the video depicting the incident of Warren’s shooting.
5. [Sliger] lied to the police about not seeing the bike again after it was stolen, when, in fact, he brought the bike to Auto Pride Service Center, washed it [in] an effort to clean Warren’s blood off it, and removed the green seat cover and plastic pieces, presumably to make it harder to identify.
6. [Sliger] claimed that the blood on the bike was the result of his having been bitten by a dog, although the scientific analysis concluded that it was not his blood.
7. [Sliger] had a .357 caliber firearm in his possession when he was at the garage and told Santiago that he “shot this nigger for [his bike].”

8. The credibility of Becerril's testimony regarding [Sliger's] confession to shooting someone was supported by a fact Becerril could not have known, that Warren had been shot in the side.

9. During his conversation with Santiago and Becerril, [Sliger] acted "scared . . . like he did something."

10. A .357 caliber shell casing was recovered from the scene of the shooting, and a .357 caliber projectile was recovered from Warren's body.

11. A .357 caliber magazine and seven (7) rounds, all containing [Sliger's] DNA, were recovered from his residence.

12. .357 semiautomatic ammunition is extremely rare so the presence of the casing at the scene of the shooting and the +magazine and rounds discovered at [Sliger's] home is extremely strong circumstantial evidence that [Sliger] was the shooter.

13. The firearms evidence is strengthened further by the fact that the seven (7) rounds found at [Sliger's] home is the exact amount that would be left from a nine (9) round magazine when one (1) had been fired and one (1) would be chambered in the missing weapon.

14. [Sliger] hid in a shower curtain in the bathroom when the police came to his apartment to execute a search warrant, demonstrating his consciousness of guilt.

15. [Sliger] denied that he had a cell phone number ending in 1839 when the police already knew, from Chaparo and from having called the number while possessing the phone found in [Sliger's] residence, that it was his phone. When confronted with that reality, [Sliger] told an incredulous story that it was his "old phone" and that his new one had not yet arrived.

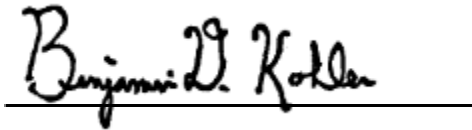
16. Despite [Sliger's] evasive denial that he was in Midtown Harrisburg at the time of the shooting, analysis of his phone records established that his phone was nearly exactly at the scene of the murder, 3rd and Kelker Streets, at 5:23 p.m., on November 26th, the time Warren was murdered.

Id. at 11-14.

Viewing this evidence in the light most favorable to the Commonwealth as the verdict winner, we conclude that the Commonwealth presented sufficient evidence that Sliger was the shooter. Additionally, the shot was an intentional act, done with malice, that resulted in the killing of Warren. Thus, the evidence was sufficient to convict Sliger of third-degree murder. We cannot reinterpret the evidence in a light most favorable to Sliger. Accordingly, Sliger's sole issue fails.

Judgment of sentence affirmed.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is written over a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 10/26/2026