NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
ASHLEY MARIE HAMM	:	
Appellant	:	No. 37 MDA 2026

Appeal from the Judgment of Sentence Entered September 9, 2025
In the Court of Common Pleas of Bradford County Criminal Division at
No(s): CP-08-CR-0000189-2025

BEFORE: PANELLA, P.J.E., DUBOW, J., and SULLIVAN, J.

MEMORANDUM BY DUBOW, J.: **FILED: NOVEMBER 4, 2026**

Appellant, Ashley Marie Hamm, appeals from the September 9, 2025 judgment of sentence of 65 months to 11 years of incarceration entered in the Bradford County Court of Common Pleas following her guilty plea to one count of Involuntary Deviate Sexual Intercourse with an Unconscious Person ("IDSI"), 18 Pa.C.S. § 3123(a)(3). Appellant challenges the discretionary aspects of her sentence. After careful review, we affirm.

The relevant facts and procedural history are as follows. On January 13, 2024, Appellant and her paramour, Sean Hall, drugged the pregnant victim causing her to become unconscious and then placed an item of a sexual nature into her mouth and anus.

Following this incident, the Commonwealth charged Appellant with numerous sexual offenses.[1] On May 8, 2025, Appellant entered an open guilty plea to one count of IDSI, a first-degree felony.[2] The court deferred sentencing pending preparation of a pre-sentence investigation ("PSI") report.

The parties appeared for sentencing on September 9, 2025. At the outset the court indicated that along with the PSI report, it had considered the Commonwealth's sentencing memorandum and the attached exhibits which included, *inter alia*, text and Facebook messages in which Mr. Hall wrote about drugging Appellant and other women and Appellant's efforts to obtain other women with whom to engage in sex or drugs, letters to Appellant from her mother regarding Appellant's legal strategies to emphasize that Appellant acted under duress and suffered from PTSD, and communications between Appellant and Children and Youth Services ("CYS").

Appellant's counsel argued at the hearing that Appellant's addiction issues led her to Mr. Hall. She also argued that, after participating in the assault of the victim, Appellant went "out of her way to try and help . . . the

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[1] The Commonwealth also charged Mr. Hall with numerous sexual offenses arising from this incident and included Appellant as one of Mr. Hall's victims because Mr. Hall had sex with her multiple times while she was under the influence of Ambien, which is illegal. N.T. Sent. Hr'g, 9/9/26, at 25.

[2] The Commonwealth also charged Appellant at Appellant Docket No. 296-2024 with unrelated charges of Criminal Conspiracy to Deliver of a Controlled Substance. The notes of testimony from Appellant's guilty plea hearing in the instant matter indicates that Appellant entered her plea to the Conspiracy charge at the same time as the IDSI charge and that the court sentenced Appellant on that conviction that same day. It appears that Appellant did not appeal from that judgment of sentence.

victim in this case" by removing her from the situation as quickly as possible and getting the victim clothing and a ride. N.T. Sent. Hr'g, 9/9/25, at 7-8. Counsel also emphasized that Appellant was very cooperative with detectives in the investigation of Mr. Hall. In addition, Appellant and her mother, Holly Butler, both made statements to the court. Relevant to the instant appeal, Ms. Butler stated that Mr. Hall had threatened to "turn [Appellant] in[] to" CYS "if she didn't comply with a lot of things." ***Id.*** at 16.

Detective Michael Lamanna also read a statement to the court regarding what he characterized as Appellant's "excuses for why [she] participated in the sexual assault[.]" ***Id.*** at 21. According to Detective Lamanna, Appellant was an "active and willing participant in the assault [and] she played an integral part in the planning of it." ***Id.*** at 21. Detective Lamanna proceeded to detail the myriad ways in which Appellant was involved both generally with Mr. Hall and specifically in the instant crime. ***Id.*** at 22-28.

Following its consideration of the PSI report, sentencing memorandum, testimony, the sentencing guidelines, and counsels' arguments, and noting the importance of the "context in which" Appellant committed the crimes to which she plead guilty and that Appellant had taken responsibility for her actions, the court sentenced Appellant to a term of 65 months to 11 years of incarceration.[3]

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[3] The court also sentenced Appellant to 11 months to 4 years of incarceration for the Criminal Conspiracy to Delivery of a Controlled Substances conviction, which the court ordered to run consecutively to the IDSI sentence.

Appellant filed a timely post-sentence motion to modify sentence alleging that the court failed to adequately consider mitigating factors when sentencing her. In particular, Appellant claimed the court did not consider: (1) her mental health; (2) that Mr. Hall threatened to harm Appellant's daughter prior to Appellant's involvement in this crime; (3) that Appellant was also Mr. Hall's victim; (4) that evidence showed that Mr. Hall physically forced or directed Appellant to assault the victim; (5) that Appellant cooperated with the Commonwealth's prosecution of Mr. Hall; and (6) Appellant's therapist's evaluation of Appellant's mental health at the time of the offense. Post-Sent. Mot., 9/19/25, at 1-2 (unpaginated). Appellant also complained that the trial court relied on information presented by the Commonwealth at the hearing that was "false and not corrected by her counsel." ***Id.*** at 1. Appellant requested that the court resentence her to a mitigated-range sentence. The trial court denied Appellant's motion for modification of sentence on December 3, 2025.

This timely appeal followed. Appellant complied with the trial court's order to file a Pa.R.A.P. 1925(b) statement.[4]

Appellant raises the following two issues for our review:

1. Whether the sentencing court abused its discretion by failing to meaningfully consider defense mitigation that (a) Appellant had been previously assaulted by [Mr.] Hall and [Mr.] Hall

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[4] The trial court referred this Court to its December 3, 2025 order denying Appellant's post-trial motion for an explanation of its reasons for denying Appellants request for modification of her sentence.

> threatened Appellant's fourteen-year[-]old daughter, (b) Appellant was physically forced or directed to assault the victim, (c) Appellant cooperated with the Commonwealth in the prosecution of [Mr.] Hall, and (d) therapist Henry Liberanti evaluated Appellant's mental state at the time of the offense[?]
>
> 2. Whether the sentencing court failed to comply with 42 Pa.C.S. § 9721(b) by not adequately stating on the record its reasons for sentence in a manner demonstrating due consideration of Appellant's mitigation and rehabilitative needs[?]

Appellant's Br. at 9 (suggested answers omitted).

Appellant challenges the discretionary aspects of her sentence. We do not review an appellant's challenge to discretionary aspects of a sentence as a matter of right. ***Commonwealth v. Leatherby***, 116 A.3d 73, 83 (Pa. Super. 2015). Rather, an appellant challenging the sentencing court's discretion must invoke this Court's jurisdiction by (1) filing a timely notice of appeal; (2) properly preserving the issue at sentencing or in a post-sentence motion; (3) complying with Pa.R.A.P. 2119(f), which requires a separate section of the brief setting forth a concise statement of the reasons relied upon for allowance of appeal of the discretionary aspects of a sentence; and (4) presenting a substantial question that the sentence appealed from is not appropriate under the Sentencing Code, 42 Pa.C.S. § 9781(b), or sentencing norms. ***Id.***

Appellant timely appealed, preserved the issue in a post-sentence motion, and included a Rule 2119(f) Statement in his brief. We, thus, proceed to consider whether Appellant has raised a substantial question for our review.

We determine on a case-by-case basis whether an appellant has raised a substantial question regarding discretionary sentencing. ***Commonwealth***

v. Moury, 992 A.2d 162, 170 (Pa. Super. 2010). "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." ***Id.*** (citation and quotation marks omitted).

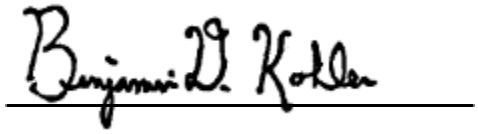
Following our review of Appellant's Rule 2119(f) statement, we conclude that Appellant has failed to raise any argument that the sentencing court's actions were either inconsistent with a specific provision of the Sentencing Code or contrary to the fundamental norms underlying the sentencing process. Rather, she has merely cited to boilerplate case law regarding: (1) this Court's review of discretionary aspects of sentencing claims; (2) the presumption that a sentencing court who has reviewed a PSI report has considered all relevant factors when imposing sentence; (3) the purpose and requirements of the Sentencing Code; and (4) consideration of cooperation with the Commonwealth as evidence of remorse or rehabilitation. Because Appellant has not articulated a colorable argument that her claims raise a substantial question, she has failed to invoke our review of her discretionary aspects of sentencing claim.[5]

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[5] Even if Appellant had raised a substantial question for our review, we would conclude that the trial court did not abuse its discretion in imposing Appellant's standard range sentence. As set forth above, in addition to the PSI report, the trial court considered statements offered by Appellant, her mother, and
(Footnote Continued Next Page)

Judgment of sentence affirmed.

Judgment Entered.



Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/4/2026

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the investigative detective, the sentencing guidelines, and the Commonwealth's sentencing memorandum and exhibits before imposing sentence. The trial court also placed its reasons for imposing sentence on the record at the hearing. N.T. Sent. Hr'g at 33-36.