

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
: PENNSYLVANIA
:
v. :
:
MARK MARTIN :
:
Appellant : No. 434 EDA 2025

Appeal from the Judgment of Sentence Entered January 31, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0003578-2022

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
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v. :
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MARK MARTIN :
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Appellant : No. 435 EDA 2025

Appeal from the Judgment of Sentence Entered January 31, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0003579-2022

BEFORE: BOWES, J., OLSON, J., and STEVENS, P.J.E.*

MEMORANDUM BY STEVENS, P.J.E.:

FILED OCTOBER 28, 2026

In these consolidated appeals,¹ Mark Martin appeals from the January 31, 2025 aggregate judgment of sentence of life imprisonment without the

* Former Justice specially assigned to the Superior Court.

¹ Appellant's appeals at Nos. 434 EDA 2025 and 435 EDA 2025 were consolidated by ***per curiam*** order of this Court on May 14, 2025.

possibility of parole imposed after a jury found him guilty of two counts of first-degree murder, criminal conspiracy, firearms not to be carried without a license, and criminal use of a communication facility.² After careful review, we affirm the judgment of sentence.

The trial court summarized the relevant facts of this case as follows:

At approximately 4:16 PM on April 28th, 2020, police responded to a large fight at the 4700 block of North 3rd Street. The fight occurred between residents of 4747 North 3rd Street, members of the Jackson family, and other individuals from the 200 block of Loudon Street. The fight originated with a member of the Jackson family, Danaiah Jackson, walking to an address on Loudon Street and confronting her mother's, Sirron Jackson, ex-boyfriend's new girlfriend.

At 5:51 PM, a silver-gray Jeep Grand Cherokee and Black Chevrolet Tahoe are observed on video surveillance pulling over in the area of 4747 North 3rd street. Four (4) individuals are observed exiting the vehicles. The shooter, dressed in light pants and a dark top, is observed sitting on the hood of the Cherokee, before crossing the street and waiting. A member of the Jackson family, sitting on the front porch of 4747 North 3rd Street, is heard in footage from a neighbor's doorbell camera stating that "Mark just pulled up."

At approximately 5:55 PM, the decedents, Joseph Lee Humphrey and Khalil Kenyon Stafford, come into frame from Loudon Street, walking toward the area of 4747 North 3rd Street. The individual dressed in a dark top and light pants shoots and kills the decedents. Joseph Lee Humphrey was pronounced dead at 6:20

² 18 Pa.C.S.A. §§ 2502(a), 903(a)(1), 6106(a)(1), and 7512(a), respectively.

PM at Temple University Hospital and Khalil Kenyon Stafford was pronounced dead at 6:52 PM at Temple University Hospital. The medical examiner, Dr. Sorokin, testified to Humphrey's cause of death being a gunshot wound to the chest and Stafford's cause of death being gunshot wounds to the torso, with both manners of death deemed as homicide.

At approximately 7:30 PM, Detective Domenic, Detective Peter, and the assigned detective, Detective Centeno, arrived at the scene. Detective Domenic recovered video footage from surrounding buildings, including doorbell cameras adjacent to 4747 North 3rd Street. At 7:45 PM, Officer Perry arrived at the scene, photographed various areas of the scene, and recovered four (4) nine (9) millimeter fired cartridge casings. Detective Daly reviewed the footage retrieved from the surrounding buildings and testified in court that in the footage of the large fight occurring in front of 4747 North 3rd Street at approximately 4:15 PM, one of the decedents was on the porch.

Detective Daly suspected from Jackson family members' statements heard on the doorbell cameras that the Jacksons had summoned the offenders. Detective Daly secured a warrant for Sirron Jackson's call detail records. The record of Sirron Jackson's incoming and outgoing phone calls from that afternoon showed multiple calls with a phone number linked to Tonya Harvey, the mother of Appellant's child, taking place before and after the shooting on April 28th, 2020.

Detective Daly also authored a Google Geofence to track individuals' locations based on where their Google accounts pinged. Detective Daly identified three (3) devices consistent with the movements of the offenders at the time of the shooting. One of those accounts was registered to Carl Hill. Detective Daly learned that Carl Hill was being investigated by Detective Mullen for a murder occurring on June 22, 2020, at 1:17 AM. A crime for which, Carl Hill would later plead guilty. Nine (9) millimeter fired cartridge casings recovered from the scene of the June 22nd

murder were confirmed through NIBIN to have been fired from the same firearm as the April 28th murder.

Detective Daly reviewed Carl Hill's Instagram account and the information contained therein that Detective Mullen had secured through a search warrant. Detective Daly reviewed messages dated to April 25th, 2020, three (3) days before the shooting, and through June and July of 2020 exchanged via direct messaging on Instagram between Carl Hill's account and an account later confirmed to belong to Appellant. Among the Instagram messages, Appellant sent Sirron Jackson's phone number, and shared images with Carl Hill of the two posing with a gray Jeep Grand Cherokee and a black Chevrolet Tahoe, matching the vehicles observed at the shooting. In some of the images, Appellant is sitting on the Black Chevrolet Tahoe with a dark top and light pants. The dates of the images are unknown, but Detective Daly suspected they were taken in Spring, 2020.

Trial court opinion, 12/4/25 at 2-4 (citations omitted).

Appellant was subsequently arrested in connection with this incident and proceeded to a jury trial before the Honorable Charles A. Ehrlich on November 12, 2024. Following a three-day trial, Appellant was found guilty of the aforementioned offenses on November 14, 2024. On January 31, 2025, the trial court sentenced Appellant to an aggregate term of life imprisonment without the possibility of parole. No post-sentence motions were filed. This timely appeal followed on February 2, 2025.³

Appellant raises the following issues for our review:

- I. Whether the motions court committed reversible error by denying [Appellant's] motion

³ Appellant and the trial court have complied with Pa.R.A.P. 1925.

in limine and allowing the district attorney to present a cell phone recording of a murder victim screaming and calling for his mother as he lay dying in the street[?]

- II. Whether the trial court committed reversible error by qualifying a detective as an expert witness in social media analysis as well as street vernacular and colloquialisms, where the detective's testimony did not demonstrate that he possessed scientific, technical, or specialized knowledge beyond that of the average layperson[?]
- III. Whether the trial court committed reversible error by denying [Appellant's] motion for a mistrial, where the prosecutor played for the jury a portion of an audio recording that the court had excluded as unduly prejudicial pursuant to a motion in limine[?]
- IV. Whether the motions court committed reversible error by denying [Appellant's] motion ***in limine*** seeking to preclude hearsay testimony[?]

Appellant's brief at 6-7.

I. Motion *in Limine* & Admissibility of Video Audio

Appellant first argues that the trial court abused its discretion in denying his motion ***in limine*** to preclude the Commonwealth from introducing into evidence the audio portion of a video⁴ depicting the victim being chased and

⁴ The video depicting the victim's murder originated from a Ring doorbell camera that was later published on Instagram. Notes of testimony, 11/13/24 at 128-129.

shot by Appellant multiple times, before collapsing to the ground and screaming. **Id.** at 15.

A motion **in limine** is used before trial to obtain a ruling on the admissibility of evidence. It gives the trial judge the opportunity to weigh potentially prejudicial and harmful evidence before the trial occurs, thus preventing the evidence from ever reaching the jury. A **motion in limine** differs from a suppression motion in that a suppression motion is designed to preclude evidence that was obtained in violation of a defendant's constitutional rights, while a motion **in limine** precludes evidence that was constitutionally obtained but which is prejudicial to the moving party.

Commonwealth v. Reese, 31 A.3d 708, 715 (Pa.Super. 2011) (citation omitted).

"Questions concerning the admissibility of evidence lie within the sound discretion of the trial court, and a reviewing court will not reverse the court's decision on such a question absent a clear abuse of discretion."

Commonwealth v. Crosley, 180 A.3d 761, 768 (Pa.Super. 2018) (citation omitted), **appeal denied**, 195 A.3d 166 (Pa. 2018). "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." **Id.**

The threshold inquiry with admission of evidence is whether the evidence is relevant. Evidence is relevant if it logically tends to establish a material fact in the case, tends to make a fact at issue more or less probable, or supports a reasonable inference or

presumption regarding the existence of a material fact. In addition, evidence is only admissible where the probative value of the evidence outweighs its prejudicial impact.

Commonwealth v. Antidormi, 84 A.3d 736, 750 (Pa.Super. 2014) (citations and internal quotation marks omitted), ***appeal denied***, 95 A.3d 275 (Pa. 2014); ***see also*** Pa.R.E. 401(a), (b).

Upon review, we discern no error on the part of the trial court in allowing the aforementioned audio portion of the video to be admitted into evidence. As recognized by the trial court, the challenged video – when taken as a whole – was relevant to establish Appellant’s specific intent to kill the victim necessary for first-degree murder, and was not so overly prejudicial or inflammatory so as to heighten the passion of the jury nor cloud its objective assessment of the evidence. ***See Commonwealth v. Kouma***, 53 A.3d 760, 770 (Pa.Super. 2012) (stating, “[e]xclusion [of evidence] is limited to evidence so prejudicial that it would inflame the jury to make a decision based on something other than the legal propositions relevant to the case.”); ***Commonwealth v. Funk***, 29 A.3d 28, 33 (Pa.Super. 2011) (***en banc***) (defining inflammatory evidence as “so gruesome it would tend to cloud the jury’s objective assessment of the guilt or innocence of the defendant.”), ***appeal denied***, 29 A.3d 28 (Pa. 2012). Notably, the challenged portion of the video in question was less than one-minute in length, did not depict blood or gore, and was of low quality. ***See*** notes of testimony, 11/7/24 at 23-25; notes of testimony, 11/13/24 at 129-130, 139-141; Exhibit C-22-C. We find

that the record supports the trial court's assessment that "the probative value found in showing that the decedent was shot by someone, far outweighed any prejudice that could arise from the screams in the video." Trial court opinion, 12/4/25 at 8. Accordingly, Appellant's first claim of trial court error must fail.

II. Expert Testimony

Appellant next argues that the trial court abused its discretion in allowing Philadelphia Police Homicide Detective Robert Daly to testify "as an expert witness in social media analysis as well as street vernacular and colloquialisms." Appellant's brief at 19.

Expert testimony is admissible if it concerns a subject beyond the knowledge, information, or skill possessed by the average layperson, as phenomena and situations that are matters of common knowledge may not be the subject of expert testimony. Pa.R.E. 702.

[I]n cases involving the admission of expert testimony . . . the admission of expert testimony is a matter left largely to the discretion of the trial court, and its rulings thereon will not be reversed absent an abuse of discretion. An expert's testimony is admissible when it is based on facts of record and will not cause confusion or prejudice.

Commonwealth v. Huggins, 68 A.3d 962, 966 (Pa.Super. 2013) (citation omitted), ***appeal denied***, 80 A.3d 775 (Pa. 2013).

"[T]he standard for qualifying as an expert is a liberal one and the witness need only have any reasonable pretension to specialized knowledge on the subject matter under investigation and the weight to be given to the

expert's testimony is for the factfinder.” ***Commonwealth v. Jones***, 240 A.3d 881, 890 (Pa. 2020) (citation and internal quotation marks omitted). “[E]xpertise, whether acquired as a result of formal education or by experience, is expertise.” ***Id.*** (citation omitted).

Upon review, we discern no abuse of discretion on the part of the trial court in qualifying Detective Daly as an expert in the “analysis of social media” and “street vernacular and colloquialisms.” ***See*** notes of testimony, 11/13/24 at 126. Our review of the record establishes that Detective Daly possessed specialized knowledge beyond the average layperson to assist the jury in understanding the vernacular terms within the text messages introduced at trial. Specifically, Detective Daly testified that he has over 23 years’ experience in the Philadelphia Police Department, and has been qualified as an expert in analysis of social media and street vernacular and colloquialisms numerous times. ***Id.*** at 115-118. Detective Daly also testified that he has conducted multiple investigations involving the interpretation of vernacular terminology used by Philadelphia criminals. ***Id.*** at 121-125, 152-153, 177. Detective Daly further opined that during the course of those investigations, he has reviewed thousands of pages of electronic messages gathered from suspects’ phones and social media accounts and had familiarized himself with the terminology, acronyms, and jargon used by criminals in Philadelphia. ***Id.***

This Court has long upheld the use of police expert testimony to assist the jury in deciphering terminology and jargon used by defendants engaging

in criminal activity. **See, e.g., Commonwealth v. Kinard**, 95 A.3d 279, 288-289 (Pa.Super. 2014) (permitting expert police testimony to clarify the meaning and intent of jargon and coded language used in drug transactions); **Commonwealth v. Powell**, 171 A.3d 294, 307 (Pa.Super. 2017) (upholding the admission of expert police testimony regarding “coded language associated with street culture.”), **appeal denied**, 183 A.3d 975 (Pa. 2018). Based on the foregoing, Appellant’s claim of trial court error must fail.

III. Motion for Mistrial

Appellant also argues that the trial court abused its discretion in denying his motion for a mistrial after “the prosecutor played for the jury a portion of an audio recording that the court had excluded as unduly prejudicial[,]” wherein Appellant states during a prison tablet call to the mother of his children that, “I’m the best liar around.” Appellant’s brief at 26.

Our standard of review of a court’s denial of a motion for mistrial is as follows:

A motion for a mistrial is within the discretion of the trial court. A mistrial upon motion of one of the parties 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. It is within the trial court's discretion to determine whether a defendant was prejudiced by the incident that is the basis of a motion for a mistrial. On appeal, our standard of review is whether the trial court abused that discretion.

Commonwealth v. Caldwell, 117 A.3d 763, 774 (Pa.Super. 2015) (citation omitted), **appeal denied**, 126 A.3d 1282 (Pa. 2015).

“A mistrial is an extreme remedy, and will be granted only where the incident upon which the motion is based is of such a nature that its unavoidable effect is to deprive the defendant of a fair trial by preventing the jury from weighing and rendering a true verdict.” **Commonwealth v. Wilson**, 273 A.3d 13, 21 (Pa.Super. 2022) (citation omitted), **appeal denied**, 285 A.3d 324 (Pa. 2022). “A mistrial is not warranted where cautionary instructions are adequate to overcome any prejudice to the defendant, and it is presumed that juries follow the instructions of a trial court to disregard inadmissible evidence.” **Commonwealth v. Reson**, 357 A.3d 198, 202 (Pa.Super. 2026) (citation omitted).

Upon review, we find that Appellant fails to make the requisite demonstration of prejudice from the record, as it is clear that the portion of the call that was excluded by the trial court was done because it was deemed unnecessary and repetitive in nature, as Appellant was reiterating what he had said few minutes prior about his ability to lie. **See** notes of testimony, 11/13/24 at 171-174. Moreover, the trial court offered to issue a cautionary instruction to the jury about what they had heard, but Appellant’s counsel declined. **Id.** With its factual predicate thus belied, we deem Appellant’s mistrial claim without merit.

IV. Motion *in Limine* & Hearsay Testimony

Lastly, Appellant argues that the trial court abused its discretion in denying his motion ***in limine*** to preclude the Commonwealth from introducing

a hearsay statement by Sirron Jackson⁵ overheard on a doorbell surveillance video that “[Appellant] Mark just pulled up.” Appellant’s brief at 29; **see also** notes of testimony, 11/13/24 at 138. We disagree.

Hearsay is defined as “a statement that the declarant does not make while testifying at the current trial or hearing[, offered] in evidence to prove the truth of the matter asserted in the statement.” Pa.R.E. 801(c) (numeration omitted). Hearsay is generally inadmissible at trial unless it falls into an exception to the hearsay rule. **See** Pa.R.E. 802. Rule 803 contains several recognized exceptions to the hearsay rule, including the present sense impression exception:

The following are not excluded by the rule against hearsay, regardless of whether the declarant is available as a witness:

(1) Present Sense Impression. A statement describing or explaining an event or condition, made while or immediately after the declarant perceived it. When the declarant is unidentified, the proponent shall show by independent corroborating evidence that the declarant actually perceived the event or condition.

Pa.R.E. 803(1).

This Court has recognized that “the trustworthiness of [present sense impressions] depends upon the timing of the statement,” and not whether the declarant was excited or otherwise emotionally affected by the event

⁵ At trial, Sirron Jackson was unavailable to testify as she had tragically passed away from cancer.

perceived. ***Commonwealth v. Gray***, 867 A.2d 560, 571 (Pa.Super. 2005) (citation omitted), ***appeal denied***, 879 A.2d 781 (Pa. 2005). “In addition, the present sense impression does not require that the comments be made to another person also present at the scene, but may be made over the telephone[,]” or seemingly some other electronic communications device. ***Commonwealth v. Cunningham***, 805 A.2d 566, 573 (Pa.Super. 2002) (citation omitted), ***appeal denied***, 820 A.2d 703 (Pa. 2003).

Instantly, we discern no abuse of discretion on the part of the trial court in permitting the Commonwealth to introduce Jackson’s statement under the present sense impression exception to the hearsay rule. As the trial court properly noted in its opinion, “[t]he video showed that [Jackson], over the phone, said ‘[Appellant] Mark just pulled up,’ **at the exact same time** that Appellant was arriving.” Trial court opinion, 12/4/25 at 7 (emphasis added). “To qualify under the present sense impression to the hearsay rule, the out-of-court statement must describe or explain an event or condition made while the declarant was perceiving the event or condition,” as was clearly the case here. ***Gray***, 867 A.2d at 571 (citation omitted). Accordingly, Appellant’s final claim of trial court error must fail.

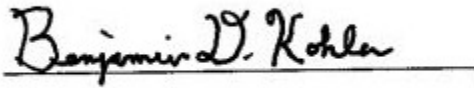
For all the foregoing reasons, we affirm the trial court’s January 31, 2025 judgment of sentence.

Judgment of sentence affirmed.

Judge Bowes joins.

Judge Olson concurs in the result.

Judgment Entered.

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

Benjamin D. Kohler, Esq.
Prothonotary

Date: 10/28/2026