NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
SAMIR WOMACK-DAVIS	:	
Appellant	:	No. 253 EDA 2026

Appeal from the Judgment of Sentence Entered December 18, 2025
In the Court of Common Pleas of Philadelphia County
Criminal Division at No(s): CP-51-CR-0007481-2023

BEFORE: LAZARUS, P.J., PANELLA, P.J.E., and STEVENS, P.J.E.*

MEMORANDUM BY PANELLA, P.J.E.: **FILED NOVEMBER 20, 2026**

Samir Womack-Davis appeals from the judgment of sentence entered by the Philadelphia County Court of Common Pleas on December 18, 2025, following a bifurcated waiver trial. On appeal, Womack-Davis argues his waiver of a jury trial was not voluntary, knowing and intelligent. Womack-Davis further argues the court erred in denying his motion for judgment of acquittal. After careful review, we affirm.

On August 4, 2023, Womack-Davis was arrested and charged with involuntary manslaughter, homicide by vehicle while DUI, two counts of DUI: gen imp/inc of driving safely—1st Offense, recklessly endangering another person ("REAP"), careless driving, DUI: high rate of alcohol—1st offense, DUI:

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* Former Justice specially assigned to the Superior Court.

controlled substance or metabolite—1st offense, DUI: controlled substance—combination alcohol/drugs—1st offense, and DUI, minor—1st offense. These charges stemmed from a car crash in Philadelphia, Pennsylvania, that resulted in the death of Ian Lemos. The trial court summarized the facts of this matter, including those stipulated by the parties, as well as the testimony taken at trial, as follows:

> On June 7, 2023, shortly before 11:30 PM, eighteen-year-old (18) [] Womack-Davis was driving a 2004 Jeep Liberty SUV southbound on US 1 and Roosevelt Blvd. [Womack-Davis] had one (1) passenger in the car, seventeen-year-old (17) [] Lemos, who was seated as a front passenger without a seatbelt. There were no observed defects in the roadway when the crash occurred. It was nighttime and the weather was fair.
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> The Jeep was traveling in the right lane and drove off the ramp on the left side. It then passed through the utility road area and flipped down the elevated grassy embankment, during which [] Lemos was ejected. [Womack-Davis] was found inside the crashed vehicle when it came to a stop. Witnesses driving on 1-76 saw the Jeep flipping and called 911 but none saw how or why it left the road.
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> Trooper Nikolas Lattanzio ("Trooper Lattanzio") was among the first to respond. He observed [Womack-Davis] lying approximately fifteen (15) feet from the Jeep, conscious and groaning. The passenger, [] Lemos, was lying unconscious approximately twenty (20) feet away in the opposite direction. Trooper Lattanzio spoke briefly with [Womack-Davis] at the scene, when he denied consuming alcohol that night and indicated that his car was cut off by another vehicle. However, Trooper Lattanzio smelled alcohol on [Davis]'s breath.
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> [] Lemos was pronounced dead later that evening at Penn Presbyterian Hospital. Dr. Lindsay Simon of the Medical Examiner's Office determined that his cause of death was multiple blunt impact injuries and ruled the manner of death accidental. [Davis] was examined at the same hospital and his blood alcohol concentration ("BAC") tested at 162 mg/DL. Additional blood

samples from a second draw were submitted to DrugScan Medical and Forensic Toxicology.

Testimony

Richard Cohn, M.D. ("Dr. Cohn") testified as an expert in forensic toxicology and pharmacology. He verified two separate analyses of [Womack-Davis]'s blood samples. The significant findings are as follows: [1] a BAC of .118%; [2] eight (8) nanograms of Delta-9-THC per ml of blood (the active component of marijuana); and [3] thirty-five (35) nanograms of 9-Carboxy-THC per ml of blood (the inactive component of marijuana). Dr. Cohn determined that [Womack-Davis]'s BAC would have been .15% at the time of the crash, requiring consumption of at least seven (7) alcoholic beverages. This amount was inconsistent with a prior statement by [Womack-Davis] that he consumed one glass of red wine before the accident. The levels of alcohol and marijuana in [Womack-Davis]'s system exceeded the legal limit for operating a motor vehicle and would have impaired his ability to perform safety-sensitive tasks.

Corporal Vincent Scardilli ("Corporal Scardilli"), an expert in collision analysis, reconstructed the scene of the crash. His photographs of the crash site included an open container of Taylor Port wine on the car floor, as well as two plastic baggies and a metal container commonly used to store marijuana in the debris area. Corporal Scardilli also testified that the collision's impact displaced a rock in the area where the Jeep left the highway. After confirming [Womack-Davis]'s vehicle had no relevant mechanical issues, he determined that a combination of the following caused the fatal crash: (1) the alcohol and marijuana in [Womack-Davis]'s system; (2) [Womack-Davis] overcompensating the left curve by applying an improper steering input, and (3) [Lemos]'s failure to wear a seatbelt.

The testimony of the defense expert in collision reconstruction, Robert Lynch ("Mr. Lynch"), contradicted Corporal Scardilli's report. Using a critical speed yaw analysis, Mr. Lynch determined the Jeep was traveling around the curve at approximately fifty-seven (57) miles per hour and that speed was not a contributing factor in the vehicle leaving the roadway. He could not definitively conclude what caused the left veer but noted an intervening vehicle was plausible based on [Womack-Davis]'s account, though there was no evidence of brake marks, only those from steering.

> However, Corporal Scardilli's testimony challenged the analysis of the defense expert, citing the full section on yawing from "The Fundamentals of Traffic Crash Reconstruction." He indicated that during a critical speed yaw, the rear wheels track outside the front wheels and create a pattern evidenced by two distinct sets of tire marks. Only one set of tire marks was found at the scene, negating Mr. Lynch's theory. Further, Mr. Lynch improperly based his calculations on data not gathered at the scene.
>
> Even assuming the Jeep was in a critical speed yaw, both experts agreed that this type of steering is a maximum performance maneuver, meaning the vehicle would have been traveling too fast for roadway conditions. They also agreed the Jeep was driven in the right lane, though [Womack-Davis] indicated he was traveling in the left lane, dispelling the accuracy of his statements.

Trial Court Opinion, 4/14/26, at 2-5 (record citations omitted).

On September 4-5, 2025, a bifurcated waiver trial was held. Prior to trial, the Commonwealth agreed to *nolle pros* the second count for DUI: gen imp/inc of driving safely—1st Offense. Womack-Davis then entered a non-negotiated guilty plea to the remainder of the DUI charges. The parties then proceeded with a bench trial on the remaining charges.

After the Commonwealth rested, Womack-Davis entered an oral motion for judgment of acquittal on the homicide by vehicle while DUI charge, arguing the Commonwealth had not proven, beyond a reasonable doubt, that Womack-Davis's intoxication was the cause of the crash that led to Lemos's death. ***See*** N.T., 9/4/25, at 122-23. Defense counsel pointed out that in Corporal Scardilli's expert report, after he listed 3 factors that he found contributed to Lemos's death—(1) Womack-Davis overcompensating the left curve, (2) Lemos not wearing a seat belt, and (3) Womack-Davis driving while

under the influence—he thereafter concluded: "Through my training and experience, one of these conditions could have been enough to cause a crash." ***Id.*** at 123-24. Defense counsel argued that Corporal Scardilli never testified that the crash was caused by Womack-Davis being intoxicated since Corporal Scardilli testified that he stood by the above conclusions in his report. ***See id.*** at 124. Finally, defense counsel argued the only evidence to look at was that Womack-Davis stated to the troopers right after the accident that he was cut off and lost control, since that evidence was un-rebutted. ***See id.*** at 124-25.

The Commonwealth explained that Dr. Cohn testified that Womack-Davis had a BAC at the time of the crash that rendered him unable to operate a vehicle safely, and that his reaction time and his ability to operate would have been delayed. ***See id.*** at 127. The Commonwealth argued that while it could not say either way whether Womack-Davis was cut off by another vehicle that night, the evidence showed that in any event he was definitely drunk. ***See id.*** at 130. The Commonwealth concluded that, "[e]ven if a vehicle cut him off or came in front of him, he did not have the ability to appropriately react in that time period and to safely drive that vehicle because of his intoxication, and that's why he went off the road, he has that causation that he's guilty." ***Id.***

After hearing argument from both parties, and noting its consideration of the testimony and evidence, the court denied the judgment of acquittal, finding the Commonwealth presented sufficient information for a fact-finder

to consider the pending charge. ***See id.*** at 130-31. The defense then presented its case.

Based on the testimony and evidence, as summarized above, the court found Womack-Davis guilty of involuntary manslaughter, homicide by vehicle while DUI, REAP, and careless driving.

On December 18, 2025, the court sentenced Womack-Davis to an aggregate term of 4 to 8 years' incarceration, plus 6 months' reporting probation to run concurrent. No post sentence motions were filed. This timely appeal followed.

Womack-Davis raises the following issues on appeal:

> 1. Whether [Womack-Davis]'s jury trial waiver was voluntary, knowing, and intelligent?
>
> > A. Nowhere on the record is there any indication that he knew the essential ingredients of a jury trial which are necessary to understand the significance of the right he was waiving[.]
> >
> > B. The [trial c]ourt never colloquized [Womack-Davis] on whether he was aware that the jury would be chosen from members of the community, a jury of one's peers.
> >
> > C. [Womack-Davis] was never asked if he understood that he was voluntarily waiving that right, or if he knew the meaning of the word, "voluntary."
> >
> > D. The [trial c]ourt never question[ed] [Womack-Davis] on the content of the written colloquy he signed, except to ask if he signed, read and understood every paragraph, and went over it with his attorney; most if not all of [Womack-Davis]'s responses required only a "yes" or "no" answer.

> 2. Whether the [trial c]ourt erred as a matter of law and abused its discretion when it denied [Womack-Davis]'s Motion for Judgment of Acquittal on the homicide while DUI charge?
>
> > A. Corporal Scardilli[,] who testified as an expert in collision analysis and reconstruction, and who is ACTAR-credited and certified, never testified to [the trial c]ourt with a reasonable degree of scientific certainty that this crash was caused by [] Womack-Davis being intoxicated.

Appellant's Brief, at 7-8.

In his first issue, Womack-Davis challenges the validity of his jury trial waiver. ***See id.*** 7, 17-19. Both the United States and Pennsylvania Constitutions guarantee criminal defendants a right to a trial by jury. ***See*** U.S. Constitution, Amendment VI; Pa. Constitution, Article I, § 6. Under Rule 620 of the Pennsylvania Rules of Criminal Procedure, "the defendant and the attorney for the Commonwealth may waive a jury trial with approval by a judge of the court in which the case is pending, and elect to have the judge try the case without a jury." Pa.R.Crim.P. 620. "The judge shall ascertain from the defendant whether this is a knowing and intelligent waiver, and such colloquy shall appear on the record." ***Id.*** The decision to grant or deny a bench trial is left to the discretion of the trial court. ***See Commonwealth v. Merrick***, 488 A.2d 1, 3 (Pa. Super. 1985).

"To be valid, it is well settled that a jury waiver must be knowing and voluntary, and the accused must be aware of the essential ingredients inherent to a jury trial." ***Commonwealth v. Houck***, 948 A.2d 780, 787 (Pa. 2008) (citations omitted). "[T]he three ingredients are: 1) that the jury be

chosen from members of the community (i.e., a jury of one's peers), 2) that the accused be allowed to participate in the selection of the jury panel, and 3) that the verdict be unanimous." ***Id.*** (citation omitted).

Here, at the start of the first day of trial on September 4, 2025, the court noted that the parties were there for a waiver trial, and indicated to Womack-Davis it wanted to talk with him about his decision to waive or give up his right to a jury trial, and make sure he understood what that entails. ***See*** N.T., 9/4/25, at 5. At the beginning of the oral colloquy, Womack-Davis responded that he had attended school through his first year of community college, affirmed that he read, wrote and understood the English language, and denied that there was anything that would interfere with his ability to understanding what was happening, including that he was not under the influence of any illegal drugs, alcohol, or medications. ***See id.*** at 5-6. The court then held up a written Waiver of Jury Trial Agreement, which Womack-Davis affirmed he reviewed with his counsel. The following pertinent exchange took place regarding the written colloquy:

> THE COURT: Mr. Womack-Davis, I'm holding up the Waiver of Jury Trial Agreement.
>
> Did you review and go through this with your attorney[]?
>
> [Womack-Davis]: Yes.
>
> THE COURT: Did he explain to you what this means?
>
> [Womack-Davis]: Yes.
>
> THE COURT: Is this your signature, Mr. Womack-Davis?

> [Womack-Davis]: Yes.
>
> THE COURT: According to the documents that you have read and signed, you agree to waive or give up your right to a jury trial. In the Commonwealth of Pennsylvania, you have an absolute right to a trial by jury. This would entail you and your attorney[] hand-selecting 12 citizens who would listen to the facts and evidence of your case. All 12 of those jurors would have to reach a unanimous or complete agreement that you are guilty in order for you to be convicted of any crimes that are brought against you. That means if just one person on the jury decides you are not guilty, then you could not be convicted in that trial.
>
> However, at this time, you have opted to waive or give up your right to a jury trial. So, instead of allowing 12 people to decide your case, you have determined that you want one person to decide your guilt or innocence, and that one person would be the judge. I am Judge Roxanne Covington, and the judge in this courtroom, 1102. So, I want to confirm that you agree to allow me to decide your case instead of a jury of 12 people.
>
> Is that your understanding?
>
> [Womack-Davis]: Yes, Your Honor.
>
> THE COURT: Okay. You do realize that it's easier for one person to come to an agreement on something in her mind by herself than it is to get 12 people to come together and agree on one thing, correct?
>
> [Womack-Davis]: Yes.
>
> THE COURT: And in spite of that you, you still want one person, who is a judge, to decide your case?
>
> [Womack-Davis]: Yes.

Id. at 6-8. After Womack-Davis thereafter affirmed that no promises or threats had been made to him in exchange for his waiver of a jury trial, and reaffirmed that he wanted a judge to hear his case instead of a jury, the court

concluded that "based upon your statements in response to my questions about waiving or giving up your right to a jury trial, I find [] your decision to do so to be knowing, intelligent, and voluntary." ***Id.*** at 9.

Preliminarily, we note that Womack-Davis did not challenge his jury waiver at any time during the bench trial, or in a post-sentence motion. "Issues not raised in the trial court are waived and cannot be raised for the first time on appeal." Pa.R.A.P. 302(a). Accordingly, Womack-Davis failed to preserve a challenge to the validity of his jury trial waiver.

In any event, based on the above, it is clear Womack-Davis's claims regarding his jury waiver are belied by the record. The court very clearly stated all three essential ingredients inherent to a jury trial. ***See id.*** at 7. We are bewildered to understand how Womack-Davis, who explained to the court that he had attended school through some college, affirmed he read, wrote and understood the English language, and denied any hindrance to him understanding what was happening during the waiver, would either not know the meaning of the word "voluntary," or otherwise need a definition of the word; nor has he provided any reasonable explanation for such a bold claim.

Finally, a written jury waiver colloquy alone, without the benefit of an oral colloquy, is *prima facie* evidence of a valid waiver of a jury trial. ***See Commonwealth v. Mallory***, 941 A.2d 686, 697 (Pa. 2008). Accordingly, the court was not required to question Womack-Davis on the content of the

written colloquy; nevertheless, the court sufficiently questioned him on the important aspects of the colloquy, as cited above.

Based on the record, Womack-Davis waived his challenge to the validity of his jury trial waiver, and even if not waived, the court did not err in finding Womack-Davis's jury trial waiver was voluntary, knowing, and intelligent. His first issue is therefore without merit.

In his second and final issue, Womack-Davis argues the court erred when it denied his motion for judgment of acquittal on the homicide while DUI charge. Specifically, Womack-Davis asserts acquittal should have been granted because Corporal Scardilli never testified "with a reasonable degree of scientific certainty" that this crash was caused by Womack-Davis being intoxicated. ***See*** Appellant's Brief, at 20-21.

A defendant may challenge the sufficiency of the evidence to sustain a conviction in a motion for judgment of acquittal at the close of the Commonwealth's case-in-chief. ***See*** Pa.R.Crim.P. 606(a)(1).

> A motion for judgment of acquittal challenges the sufficiency of the evidence to sustain a conviction on a particular charge, and is granted only in cases in which the Commonwealth has failed to carry its burden regarding that charge. Therefore, in usual circumstances, we apply the following standard of review to sufficiency claims which arise in the context of a motion for judgment of acquittal:
>
> > A claim challenging the sufficiency of the evidence is a question of law. Evidence will be deemed sufficient to support the verdict when it establishes each material element of the crime charged and the commission thereof by the accused, beyond a reasonable doubt. Where the evidence offered to support the verdict is in contradiction to

> the physical facts, in contravention to human experience and the laws of nature, then the evidence is insufficient as a matter of law. When reviewing a sufficiency claim, the court is required to view the evidence in the light most favorable to the verdict winner giving the prosecution the benefit of all reasonable inferences to be drawn from the evidence.

Commonwealth v. Stahl, 175 A.3d 301, 303-04 (Pa. Super. 2017) (citations and emphasis omitted). "In applying the above test, we may not weigh the evidence and substitute our judgment for the fact-finder." ***Commonwealth v. Fabian***, 60 A.3d 146, 150-51 (Pa. Super. 2013) (citation omitted).

"A person who unintentionally causes the death of another person as the result of a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) and who is convicted of violating section 3802," is guilty of homicide by vehicle while DUI. 75 Pa.C.S.A. § 3735(a)(1). The offense therefore requires (1) a DUI conviction, and (2) proof that drunk driving caused the death. Womack-Davis only attacks the second element, namely causation.

Womack-Davis argues acquittal was necessary because Corporal Scardilli never testified with a reasonable degree of scientific certainty that the crash was caused by Womack-Davis being intoxicated, and instead only suggested that there was a combination of factors that led to the crash. ***See*** Appellant's Brief, at 20-21. However, as he concedes himself, Womack-Davis's intoxication was among that list of factors.

The Commonwealth presented evidence that Womack-Davis had been driving a vehicle which left the roadway and flipped over, causing a one-vehicle accident. An empty bottle of port wine was found in his car, and it is undisputed that he was intoxicated when he drove. The trauma from the crash killed the car's passenger.

Something made Womack-Davis leave the roadway and the car flip over. There were no mechanical issues or defects in the roadway. One rational conclusion is that his being under the influence is what caused him to drive too fast for roadway conditions and overcompensate the left curve by applying an improper steering input, whether or not that was in response to another vehicle, thereby killing Lemos. Viewing the evidence in the light most favorable to the Commonwealth, it was reasonable for the court to find causation beyond a reasonable doubt.

Womack-Davis cites to ***Commonwealth v. Lenhart,*** 553 A.2d 909 (Pa. 1989) for the proposition that under Section 3735 "a DUI violation must be the cause of death in order to sustain a conviction, not a combination of factors." Appellant's Brief, at 20. Womack-Davis has misinterpreted the holding from ***Lenhart***.

Rather, in ***Lenhart***, our Supreme Court held that "[i]t is not enough to conclude that appellant's intoxication was the most likely cause of the accident and death; causation must be established beyond a reasonable doubt in order to sustain the conviction." ***Id.*** at 912 (emphasis omitted). The ***Lenhart*** Court

made no comment on the proper number of causal factors. Further, the conviction in ***Lenhart*** was based upon speculation about how the collision occurred, as the "common forms of proof such as eyewitness testimony, skid marks, or accident reconstruction expert testimony, were entirely absent" in that case. ***Id.*** at 911.

Conversely, here, the Commonwealth offered the testimony of Corporal Scardilli, an expert in collision analysis, who reconstructed the crash scene, after observing the crash scene in person, and analyzing photographs of the crash scene taken by his team. Corporal Scardilli opined that the cause of Lemos's death was a combination of the following:

> Womack-Davis overcompensating the left curve by applying an improper steering input, which resulted in the vehicle to leave the roadway and overturn. Lemos not being secured properly by a seat belt [which Corporal Scardilli testified was Womack-Davis's responsibility to ensure pursuant to the vehicle code], and Womack-Davis driving while under the influence of ethyl alcohol and marijuana. Through my training and experience, **one of these conditions could have been enough to cause the crash. However, allowing all these conditions to exist simultaneously only compounds the reckless behavior of Womack-Davis, which resulted in the fatal crash**.

N.T., 9/4/25, at 97-98 (emphasis added). Accordingly, Corporal Scardilli did not opine that *only* one of the above factors caused the crash; instead, he clarified that in addition to his findings that any one of them *could have* caused the crash by itself, that in the case at hand, all three factors considered *together* compounded the risk and caused the crash and resulting death.

Based on this testimony, along with the testimony of Dr. Cohn about the effects of alcohol on decision-making and reaction time, the court did not have to base its verdict upon speculation, but certainly could have concluded beyond a reasonable doubt that Womack-Davis's impairment was the direct and substantial cause of the crash and Lemos's death. Accordingly, we conclude that the Commonwealth offered sufficient evidence to sustain Womack-Davis's conviction. This issue is also without merit.

As Womack-Davis is due no relief on his claims on appeal, we affirm the judgment of sentence.

Judgment of sentence affirmed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/20/2026