NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
JULIUS GREER	:	
Appellant	:	No. 2766 EDA 2025

Appeal from the Judgment of Sentence Entered July 15, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at No(s): CP-51-CR-0008283-2023

BEFORE: OLSON, J., STABILE, J., and KUNSELMAN, J.

MEMORANDUM BY OLSON, J.: **FILED NOVEMBER 18, 2026**

Appellant, Julius Greer, appeals from the judgment of sentence entered July 15, 2025 in the Court of Common Pleas for Philadelphia County, as made final by the denial of his post-sentence motion on October 24, 2025. We affirm.

Appellant entered open guilty pleas on November 12, 2024 to aggravated assault, 18 Pa.C.S.A. § 2702(a)(1), contempt for violation of a protection from abuse order, 23 Pa.C.S.A. § 6114, and possessing instruments of crime, 18 Pa.C.S.A. § 907. During the plea colloquy, the Commonwealth placed the following facts on the record as the basis for Appellant's guilty pleas:

> [The victim] would have testified that she and [Appellant] are common law married, and that in November -- on November 18, 2022, she took out a [three-year] protection from abuse order against [Appellant]. [The victim] would have testified that on

> [January] 11, 2023, she was going to pick up her children [along] West Luzerne Street in Philadelphia. She was going to pick up her kids from their father's home which is not [Appellant]. As she got in the neighborhood she noticed that [Appellant's] car was driving around, and she became nervous that [Appellant] might be present in the neighborhood. … [S]he is walking down the street, [Appellant] approaches her. He turns the corner [at] West Luzerne Street. He turns the corner and he has maybe a two-second conversation with the complainant, and then he takes a knife and stabs her in the chest. He stabs her -- it is in her left chest, her right neck. And as she turns to run away, he stabs her in the back. He then flees after he stabs her. And she runs in the opposite direction. …
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> She is admitted to Temple Hospital on that same day, January 11, 2023. She is treated for trauma to her esophagus. There is a hole in her esophagus that needs to be repaired from surgery. She is also treated for thyroid rupture, and she is treated for injury to her chest and her back. She is in the hospital from January 11, 2023, until January 25, 2023. She is then readmitted again on January 28, 2023, until February 1, 2023. She had to have her esophagus repaired and a flap put in, which she will have to have reevaluated by surgeons for the rest of her life.

N.T., 11/12/2025, at 35-38.

On March 14, 2025, Appellant received concurrent sentences of 10 to 20 years' incarceration for aggravated assault and two and one-half to five years' incarceration for possessing instruments of crime. N.T., 3/14/2025, at 51-53. He received no further penalty for contempt. ***Id.*** Appellant's aggregate sentence was 10 to 20 years. Appellant filed a post-sentence motion on March 24, 2025, challenging the calculation of his prior record score. The sentencing court granted Appellant's motion and vacated his sentence on April 14, 2025. On July 15, 2025, Appellant was resentenced to eight to 20 years' incarceration for aggravated assault, one to two years'

incarceration for possessing instruments of crime, and no further penalty for contempt. His sentences ran concurrently, for an aggregate of eight to 20 years' incarceration.

Appellant filed a post-sentence motion on July 25, 2025, challenging his newly-imposed sentence as excessive due to improper application of the sentencing guidelines, failure to state adequate reasons supporting the sentence, and failure to adequately examine Appellant's background, character, and rehabilitative needs. Appellant's Post-Sentence Motion at 2-3; ***see also*** Appellant's Supplemental Post-Sentence Motion at 1. The sentencing court denied Appellant's motion on October 24, 2025, making his July 15, 2025 judgment of sentence final. This appeal followed.[1]

Appellant raises the following issues on appeal:

> 1. Did the trial court err and abuse its discretion in applying two sentence enhancements stemming from the same factor in violation of 204 Pa. Code § 303.9(a)(3)(ii)?
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> 2. Did the trial court abuse its discretion by incorporating the presentence investigation report at sentencing without addressing allegations of inaccuracies contained therein and by failing to either make factual findings or supplement the record with accurate evidence, thus failing to consider all required statutory factors at sentencing?

Appellant's Brief at 3. Appellant's challenges go to the discretionary aspects of his sentence. ***See Commonwealth v. Rhoades***, 8 A.3d 912, 915 (Pa.

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[1] Appellant filed his concise statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(b) on November 21, 2025. The sentencing court followed, on December 15, 2025, with its opinion pursuant to Rule 1925(a).

Super. 2010) ("Because [Appellant] claims that his sentence is excessive, he does not challenge its legality; rather, he challenges its discretionary aspects."); ***Commonwealth v. Rosario***, 305 A.3d 961, *2 (Pa. Super. 2023) (non-precedential decision) ("This Court has held that a challenge to the application of the [deadly weapon enhancement] implicates the discretionary aspects of sentencing.") (citations omitted); ***Commonwealth v. Bynum***, 362 A.3d 802, *2 (Pa. Super. 2026) (non-precedential decision) ("claim that court failed to consider [sentencing factors listed in 42 Pa.C.S.A. § 9721(b)] pertain[s] to discretionary aspects of sentencing") (citations omitted).

There is no absolute right to appeal the discretionary aspects of a sentence. ***See*** 42 Pa.C.S.A. § 9781(b). To permit a discretionary sentencing challenge to proceed, we must determine whether Appellant has satisfied the following four-part test: 1) whether Appellant filed a timely notice of appeal; 2) whether the issue was properly preserved at sentencing or in a motion to reconsider and modify sentence; 3) whether Appellant's brief contains a fatal defect; and 4) whether there is a substantial question that the sentence appealed from is not appropriate under the Sentencing Code. ***See Commonwealth v. Kearns***, 332 A.3d 1267, *12 (Pa. Super. 2024) (non-precedential decision), *citing* ***Commonwealth v. Cook***, 941 A.2d 7, 11 (Pa. Super. 2007). As detailed above, Appellant filed a timely notice of appeal and properly preserved the issues in a timely post-sentence motion. ***See*** Pa.R.A.P. 902, 903; Pa.R.Crim.P. 720. Additionally, Appellant's brief complies

with the dictates of Pa.R.A.P. 2119(f) and is therefore free from any fatal defect.

To raise a substantial question, an appellant must advance "a plausible argument that his sentence is either inconsistent with a particular provision of the Sentencing Code or contrary to the fundamental norms underlying the sentencing process." ***Commonwealth v. Mouzon***, 812 A.2d 617, 622 (Pa. 2002) (citations omitted). To determine whether a claim raises a substantial question, this Court only considers Appellant's Rule 2119(f) statement of reasons relied upon for allowance of appeal. ***Id.*** at 621-622. Appellant first raises a claim that the sentencing court miscalculated his sentencing guidelines range. "A claim that the sentencing court misapplied the sentencing guidelines presents a substantial question." ***Cook***, 941 A.2d at 11; ***see also Rhoades***, 8 A.3d at 916 (collecting cases which conclude that the application of the deadly weapon enhancement presents a substantial question). Appellant's first issue therefore raises a substantial question.

Appellant also claims that the sentencing court abused its discretion in failing to address his assertion that the presentence investigation report (PSI) contained inaccuracies. As a result, according to Appellant, the record was unclear as to what information in the PSI was accepted as true and what information the trial court relied upon in fixing Appellant's sentence. ***See*** Appellant's Brief at 12. Appellant therefore reasons that the record does not establish that the sentencing court relied upon accurate information or

considered the relevant statutory factors as required by 42 Pa.C.S.A. § 9721(b). "Failure to consider the statutory factors [laid out in Section 9721(b) as the sentencing court did here], raises a substantial question." Appellant's Brief at 12, *citing* ***Commonwealth v. Riggs***, 63 A.3d 780, 786 (Pa. Super. 2012).

"[P]rior decisions from this Court [addressing] whether a substantial question has been raised by claims [asserting] that the sentencing court 'failed to consider' or 'failed to adequately consider' sentencing factors [have] been less than a model of clarity and consistency." ***Commonwealth v. Reid***, 323 A.3d 26, 30 (Pa. Super. 2026). There is consensus, however, that a substantial question will be found where such claims are raised in conjunction with a general allegation of excessiveness or excessiveness owing to the imposition of consecutive sentences. ***See id*.** Though Appellant's Rule 2119(f) statement failed to link its sentencing factors argument to the imposition of an excessive sentence, his argument uses the required language. Appellant alleges that the imposition of a statutory maximum sentence was excessive because the sentencing court failed to consider relevant sentencing factors, particularly those that favored mitigation. ***See*** Appellant's Brief at 28. Since Appellant has asserted that his punishment fails to comply with a provision of the Sentencing Code, we conclude that he has raised a substantial question. We therefore move to the merits of Appellant's claims.

Review of sentencing decisions proceeds according to the following standard:

> Sentencing is a matter vested in the sound discretion of the [trial court], and a sentence will not be disturbed on appeal absent a manifest abuse of discretion. In this context, an abuse of discretion is not shown merely by an error in judgment. Rather, the appellant must establish, by reference to the record, that the [trial] court ignored or misapplied the law, exercised its judgment for reasons of partiality, prejudice, bias[,] or ill[-]will, or arrived at a manifestly unreasonable decision.

Commonwealth v. Garcia-Rivera, 983 A.2d 777, 780 (Pa. Super. 2009).

Appellant's first issue is that the sentencing guidelines calculation for his aggravated assault charge counted the same sentencing factor twice. ***See*** Appellant's Brief at 14. The improper application of the sentencing guidelines raises a mixed question of law and fact. ***Commonwealth v. Batts***, 163 A.3d 410, 435-436 (Pa. 2017) (citations omitted). This Court examines the sentencing court's legal conclusions according to a *de novo* standard and plenary scope of review. ***Commonwealth v. Troell***, 290 A.3d 296, 299 (Pa. Super. 2023) (citation omitted). However, we defer to the sentencing court's factual findings as long as they are supported by competent evidence. ***Batts***, 163 A.3d 410 at 436.

"When a court sentences a criminal defendant convicted of a felony and/or misdemeanor, the Guidelines require calculation of both the defendant's offense gravity score and prior record score to arrive at a recommended sentencing range." ***Commonwealth v. Spenny***, 128 A.3d 234, 242 (Pa. Super. 2015) (citation omitted). The Pennsylvania Sentencing

Guidelines assign every crime an offense gravity score. 204 Pa.Code § 303.3(a). Certain offenses are subcategorized; they are assigned multiple offense gravity scores based on additional sentencing factors. 204 Pa.Code § 303.3(a)(b). Aggravated assault is a subcategorized offense, ***see*** 204 Pa.Code § 303.15; thus, the offense gravity score for aggravated assault depends, *inter alia*, on whether severe bodily injury was attempted or caused. ***Id.*** Where severe bodily injury was caused, such as here, the offense gravity score is 11. ***Id.***

Using the sentencing matrix, the offense gravity score is matched with the appropriate prior record score (calculated based on the individual's criminal history) to obtain a sentencing range. An offense gravity score of 11, alongside Appellant's prior record score of four,[2] generates a sentencing range of 60 to 78 months' incarceration. If, however, the sentencing court finds that other relevant enhancements apply, then the correct sentencing range may be increased further. ***See*** 204 Pa.Code § 303.10. One of these enhancements is the deadly weapon enhancement. If an individual is found by the sentencing court to have used a deadly weapon in the commission of their offense, the sentencing range is calculated with a different sentencing matrix. ***Id.*** Using that matrix, the same offense gravity score of 11 and prior record score of

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[2] Appellant and the Commonwealth agreed on Appellant's prior record score at resentencing. N.T., 7/15/2025, at 32. Appellant does not challenge it on appeal.

four yields a sentencing range of 78 to 96 months' incarceration. ***See*** 204 Pa.Code § 303.18.

Appellant argues that the sentencing court relied on the same factor in subcategorizing his offense as it did in applying the deadly weapons enhancement. Appellant's Brief at 15. To support his claim, Appellant points to Section 303.9(a)(3)(ii)(B) of the Sentencing Guidelines, which forbids use of the deadly weapon enhancement "if the enhancement factor is . . . a sentencing factor used to subcategorize the offense, pursuant to [Section] 303.3(b)." 204 Pa.Code § 303.9(a)(3)(ii)(B). Appellant reasons that the use of a knife was the basis on which both the deadly weapon enhancement and the subcategorization into "severe bodily injury caused" were predicated. As such, according to Appellant, the sentencing court misapplied the Sentencing Guidelines.

Contrary to Appellant's contention, however, only the application of the deadly weapon enhancement was based on Appellant's use of a knife. The trial court applied the subcategorization enhancement for Appellant's aggravated assault conviction because of the precise harm inflicted upon the victim - namely, severe bodily injury. This factor does not mention the means used to inflict injury. Instead, the relevant factor is the injury itself. As a result, the application of the deadly weapon enhancement was not based on the same enhancement factor used to subcategorize Appellant's offense. The sentencing court correctly calculated Appellant's sentence under the

Sentencing Guidelines and did not err as a matter of law or abuse its discretion.

Next, Appellant challenges the sentencing court's failure to consider all of the statutory sentencing factors. Appellant's Brief at 21. Appellant first challenges the sentencing court's use of the PSI and argues that, in light of allegations that it contained inaccuracies, the court was required to make factual findings stating which portions of the PSI it accepted and which it did not. ***Id.*** at 24-25. In the absence of those findings, Appellant reasons, it remains unclear which facts the sentencing court relied upon and, therefore, which sentencing factors it considered. ***Id.*** at 26-27. This allowed the sentencing court, according to Appellant, to impose an excessive sentence. ***Id.*** at 28.

According to this Court:

> The balancing of the sentencing factors is the sole province of the sentencing court, which has the opportunity to observe the defendant and all witnesses firsthand. In conducting appellate review, this Court cannot reweigh sentencing factors and impose judgment in place of the sentencing court where the lower court was fully aware of all mitigating factors.

Commonwealth v. Lawrence, 313 A.3d 265, 286 (Pa. Super. 2024) (internal citations, quotations, and original brackets omitted); ***see also Commonwealth v. Macias***, 968 A.2d 773, 778 (Pa. Super. 2009) (citation omitted) ("The sentencing court merely chose not to give the mitigating factors as much weight as Appellant would have liked and decided that the facts did not warrant imposition of a sentence lower than the standard range.

We cannot re-weigh the sentencing factors and impose our judgment in the place of the sentencing court."). On appellate review, we consider:

> (1) The nature and circumstances of the offense and the history and characteristics of the defendant.
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> (2) The opportunity of the sentencing court to observe the defendant, including any presentence investigation.
>
> (3) The findings upon which the sentence was based.
>
> (4) The guidelines promulgated by the commission.

42 Pa.C.S.A. § 9781(d). Moreover, when a defendant is sentenced within the standard sentencing guidelines range for each offense, this Court shall vacate the sentence only in "circumstances where the application of the guidelines would be clearly unreasonable." 42 Pa.C.S.A. § 9781(c)(2). In imposing sentence, the sentencing court must weigh "the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the defendant." 42 Pa.C.S.A. § 9721(b).

Here, Appellant's minimum sentence of eight years was within the standard guidelines range of six and one half to eight years. 204 Pa.Code § 303.15. As such, vacatur is only permissible where the sentence was clearly unreasonable. Appellant's sentence, however, is not clearly unreasonable; it was imposed pursuant to an on-the-record weighing of all required sentencing factors and the sentencing court had ample opportunity to observe Appellant and considered only undisputed facts.

The sentencing court stated, several times, that it had not relied at sentencing, and would not rely at resentencing, on the disputed PSI. N.T., 7/15/2025, at 9, 23-24.[3] The sentencing court also made numerous findings regarding the credibility of the information in the mitigation report submitted by trial counsel and the mitigation testimony presented at sentencing. For example, the sentencing court indicated skepticism regarding the mitigating factor of substance abuse because Appellant never voluntarily sought assistance. ***Id.*** at 17, 19-20. It expressed a similar skepticism with regard to Appellant's childhood trauma and mental illness. ***Id.*** at 20. The sentencing court questioned the veracity of statements documenting Appellant's work history. ***Id.*** at 16, 51-52. Moreover, it concluded that Appellant's work history, truthful or not, was insufficient to alleviate its concerns about protecting the public. ***Id.*** at 53.

In making its credibility determination and weighing the evidence, the sentencing court made it abundantly clear that it relied upon its own impression of Appellant, obtained through its observations of him throughout the proceedings and from his numerous violations of the PFA. ***Id.*** at 56. Its disregard for the presented mitigation factors was not a refusal to consider those factors, as Appellant argues, but a determination that they did not

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[3] However, the sentencing court did use the PSI for the prior record score and Appellant's past convictions, ***see*** N.T., 7/15/2025, at 24, neither of which Appellant alleged were inaccurate. ***See*** Appellant's Brief at 21-22.

outweigh the aggravating factors. The sentencing court noted a pattern of control and power over the victim, the violent nature of the attacks on the victim, the repeated violations of the PFA, and daily violations of its no contact order. Sentencing Court Opinion, 7/15/2025, at 21. These concerns reflect its consideration of the requisite sentencing factors—protection of the public, impact on the victim, and Appellant's rehabilitative needs. ***See*** 42 Pa.C.S.A. § 9721(b). As discussed above, the sentencing court's assessment of relevant sentencing factors should not be disturbed on appellate review. ***See Lawrence***, 313 A.3d at 286. As long as the sentencing court was aware of the relevant information regarding mitigating factors, which the record conclusively establishes it was, we can discern no abuse of discretion in the sentence imposed.

In sum, we conclude that the sentencing court correctly construed and applied the sentencing guidelines, made well-supported findings of fact, and properly considered all relevant statutory sentencing factors. Because the sentencing court relied on Appellant's uncontested history of repeated and escalating patterns of violence directed toward the victim, the court did not abuse its discretion in weighing the protection of society and the impact of the offense on the victim more heavily than Appellant's need for, and amenability to, rehabilitation. Appellant received a standard-range sentence under the Sentencing Guidelines. Hence, his punishment was not clearly

unreasonable. As such, we perceive no reason to disturb the sentencing court's determination.

Judgment of sentence affirmed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/18/2026