NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
JORDAN ELIJAH RAMIREZ	:	
Appellant	:	No. 589 MDA 2026

Appeal from the Judgment of Sentence Entered January 30, 2026
In the Court of Common Pleas of Dauphin County Criminal Division at
No(s): CP-22-CR-0000875-2021

BEFORE: BOWES, J., DUBOW, J., and SULLIVAN, J.

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

Appellant, Jordan Elijah Ramirez, appeals from the January 30, 2026 judgment of sentence entered in the Dauphin County Court of Common Pleas. A jury convicted Appellant of Conspiracy to Commit Robbery, Robbery, and Aggravated Assault.[1] On appeal, he challenges the weight of the evidence that he conspired with others to rob the victim. After careful review, we affirm.

We glean the facts and procedural history from the trial court's opinion and the record. On December 18, 2020, Krishna Dahal ("Victim") closed his store and followed his normal procedure of taking home a banker's bag filled with cash. On his way home, he stopped at U.S. Food Mart gas station in Dauphin County, where Appellant and his wife were working. Victim brought

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[1] 18 Pa.C.S. §§ 903; 3701(a)(1)(i); and 2702(a)(1), respectively.

his banker's bag inside the gas station store, and was playing skill games, occasionally feeding cash from the banker's bag into the skill game machine.

Surveillance video showed that ten minutes after Victim arrived, Appellant interacted with two men. Appellant shook hands with one of the men, who was later identified as the person who assaulted and robbed Victim ("Assailant"). The other person was Jeffrey Cumba-Castillo ("Co-Conspirator"), who worked part-time at the gas station.

The video also showed the three men leaving the gas station store. A few minutes later, Appellant and Co-Conspirator returned to the store, and Assailant stayed outside. Appellant then sat down at a skill game near Victim, looked at Victim, and then looked at Co-Conspirator. Co-Conspirator then went outside. Shortly thereafter, Victim left the store, and Assailant beat and robbed him, stealing more than $15,000 in cash from Victim.

Appellant denied that he was part of the conspiracy to rob Victim. He told police that he was in the store during the robbery. He also told the police officers that Victim had slipped and fallen in the parking lot and that when Appellant came outside, Victim was already on the ground. When police began to suspect that Victim had been robbed, Appellant mentioned strangers around the gas station.

Co-Conspirator eventually confessed to participating in the robbery. On October 28, 2025, Appellant proceeded to a jury trial. The Commonwealth presented testimony from Victim, Co-Conspirator, Detective Issac Levine, and two police officers.

Of most relevance to our analysis, Co-Conspirator testified at trial about his, Appellant's, and Assailant's roles in the robbery. In particular, Co-Conspirator testified that Appellant called Co-Conspirator and asked whether Co-Conspirator wanted to rob someone. Co-Conspirator agreed, and drove to the gas station with Assailant. Co-Conspirator did not know initially which person at the skill game machines was their target to rob, but Appellant identified Victim by sitting near him by the skill games. After identifying Victim, Co-Conspirator went outside to relay that information to Assailant.

During cross-examination, Co-Conspirator admitted that he was addicted to heroin on the night of the robbery and needed money for drugs. Co-Conspirator also conceded that he was testifying against Appellant pursuant to the terms of a lenient plea agreement.[2]

Appellant testified in his own defense. Appellant testified that he shook hands with Assailant because he had not seen Assailant in many years. Appellant further testified that he walked around the gas station with Co-Conspirator because Appellant would not be working the following day and was giving Co-Conspirator instructions about working at the store the next day. Appellant further testified that it was purely coincidental that Appellant sat next to Victim at the skill game and then looked at Co-Conspirator.

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[2] Specifically, Co-Conspirator pled guilty to robbery and conspiracy to commit robbery. Before trial, he served 11 ½ to 23 months' incarceration, with eligibility for the work release program, for Robbery. If the Commonwealth was satisfied that Co-Conspirator testified honestly and truthfully against Appellant, Co-Conspirator would serve a concurrent sentence of six years' probation for Conspiracy to Commit Robbery.

Appellant testified that, as he took trash out to the dumpster, he noticed Victim lying on the ground and Assailant standing over him; Assailant was patting Victim down, repeatedly asking Victim, "Are you okay, sir?", and laughing. N.T. Trial, 10/29/25, at 344.

The jury found Appellant guilty of Conspiracy to Commit Robbery, Robbery, and Aggravated Assault. On January 30, 2026, the court sentenced Appellant to six to twelve years' incarceration for Robbery, followed by three years' reporting probation for Conspiracy to Commit Robbery. The court imposed a sentence of five years' probation for Aggravated Assault, to run concurrently with the Robbery sentence.

Appellant filed timely post-sentence motions. He moved for a new trial, arguing that the verdict was against the weight of the evidence because "the only evidence that [Appellant] participated in a conspiracy came exclusively from . . . [Co-Conspirator]," who had made "prior contradictory statements" and had entered "a very favorable plea agreement." Post-Sentence Motion ¶¶ 11-12. He additionally moved for a modification of his sentence, arguing that the trial court did not fully consider various mitigating factors. ***Id.*** at ¶¶ 16-17.[3]

The trial court denied Appellant's post-sentence motions and this appeal followed. Both Appellant and the trial court complied with Pa.R.A.P. 1925.

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[3] Appellant has not raised a discretionary sentencing issue on appeal.

On appeal, Appellant presents a single question for our review: "Did the lower [c]ourt abuse its discretion in denying [Appellant's] motion for a new trial as against the weight of the evidence?" Appellant's Br. 5. More specifically, Appellant challenges the weight of the evidence supporting the jury's determination that Appellant participated in the conspiracy. ***Id.*** at 20. Appellant argues that any co-conspirator's testimony against him needed to be treated with caution, and he emphasizes that Co-Conspirator was "a self-admitted addict who received a sweetheart deal" for his testimony. ***Id.*** at 21-22.

When considering challenges to the weight of the evidence, we apply the following precepts. "The weight of the evidence is exclusively for the finder of fact, who is free to believe all, none[,] or some of the evidence and to determine the credibility of the witnesses." ***Commonwealth v. Talbert***, 129 A.3d 536, 545 (Pa. Super. 2015) (citation omitted). "Resolving contradictory testimony and questions of credibility are matters for the fact[-]finder." ***Commonwealth v. Hopkins***, 747 A.2d 910, 917 (Pa. Super. 2000). It is well-settled that we cannot substitute our judgment for the fact-finder's judgment. ***Id.*** at 914.

Moreover, appellate review of a weight claim is a review of the trial court's exercise of discretion in denying the weight challenge raised in the post-sentence motion; this court does not review the underlying question of whether the verdict is against the weight of the evidence. ***Talbert***, 129 A.3d at 545-46. "Because the trial judge has had the opportunity to hear and see

the evidence presented, an appellate court will give the gravest consideration to" the trial judge's findings and reasons for determining that a verdict is not against the weight of the evidence. ***Id.*** at 546 (citation omitted). Therefore, a trial court's conclusion that the verdict was not against the weight of the evidence is "[o]ne of the least assailable reasons for . . . denying a new trial[.]" ***Id.*** (citation omitted).

Furthermore, "[i]n order for a defendant to prevail on a challenge to the weight of the evidence, the evidence must be so tenuous, vague[,] and uncertain that the verdict shocks the conscience of the court." ***Id.*** (citation and internal quotation marks omitted). As our Supreme Court has made clear, reversal is appropriate "only where the facts and inferences disclose a palpable abuse of discretion[.]" ***Commonwealth v. Morales***, 91 A.3d 80, 91 (Pa. 2014) (citations and emphasis omitted).

In denying Appellant's post-trial motion based on his challenge to the weight of the evidence regarding the conspiracy conviction, the trial court reasoned that the evidence was such that the jurors could decide whether to credit Co-Conspirator's or Appellant's version of events by considering their testimony and comparing their testimony to videos and photos of Appellant's interactions with Co-Conspirator and Assailant. Trial Ct. Op., 3/12/26, at 6.[4] The trial court concluded that, despite Appellant's impeachment of Co-

[4] Appellant even acknowledges that nothing in those surveillance videos contradicted Co-Conspirator's testimony. ***See*** Appellant's Br. 21 (asserting that **both** Co-Conspirator's and Appellant's testimony "line[] up" with the video evidence).

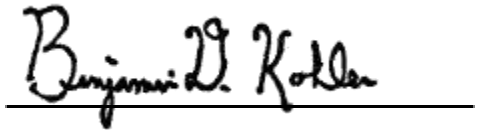
Conspirator's testimony, the jury found Co-Conspirator's testimony to be more credible than Appellant's testimony. Trial Ct. Op. 6-7.

Following our review, we find no abuse of discretion in the trial court's determination that the jury's verdict was not against the weight of the evidence. Appellant essentially asks us to reweigh the evidence and usurp the authority of the jury to determine the credibility of the witnesses. Our review of the record establishes that the evidence, especially the testimony of Co-Conspirator, supports Appellant's conspiracy conviction. The jury chose to credit Co-Conspirator's testimony and reject Appellant's testimony. We cannot and will not disturb this credibility determination or reweigh the evidence. Additionally, the jury's verdict was not so contrary to the evidence that it could shock the conscience of the court.

Accordingly, we discern no abuse of discretion in the trial court's denial of Appellant's weight claim.

Judgment of sentence affirmed.

Judgment Entered.



Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/18/2026