

NON-PRECEDENTIAL DECISION – SEE SUPERIOR COURT I.O.P 65.37

COMMONWEALTH OF PENNSYLVANIA,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellee	:	
	:	
v.	:	
	:	
JOHN JAMES GOODMAN,	:	
	:	
Appellant	:	No. 1104 EDA 2013

Appeal from the Judgment of Sentence March 21, 2013,
Court of Common Pleas, Monroe County,
Criminal Division at No. CP-45-CR-0000395-2012

BEFORE: GANTMAN, DONOHUE and OLSON, JJ.

MEMORANDUM BY DONOHUE, J.:

FILED DECEMBER 11, 2013

John James Goodman (“Goodman”) appeals from the March 21, 2013 judgment of sentence entered by the Court of Common Pleas, Monroe County. On appeal, Goodman raises a challenge to the discretionary aspects of his sentence. Finding the issue waived, we affirm the judgment of sentence.

Goodman pled guilty to one count of aggravated indecent assault. On March 21, 2013, the sentencing court sentenced him to three to eight years of incarceration – a high-end standard-range sentence. Goodman neither objected to his sentence at the time of sentencing nor did he file a post-sentence motion for reconsideration of his sentence.

Goodman filed a timely notice of appeal, raising the following issue for our review: “Whether the [sentencing] court abused its discretion and

imposed a manifestly unreasonable sentence, based upon factors previously considered by the legislature, upon an individual with a prior record score of zero, without considering mitigating factors and the rehabilitative needs of [Goodman]?” Goodman’s Brief at 4.

As noted above, the issue Goodman raises challenges discretionary aspects of his sentence, which is not appealable as a matter of right. Rather, this Court will only review challenges to the trial court’s sentencing discretion if the appellant satisfies the following four-part test:

- (1) the appellant preserved the issue either by raising it at the time of sentencing or in a post[-]sentence motion;
- (2) the appellant filed a timely notice of appeal;
- (3) the appellant set forth a concise statement of reasons relied upon for the allowance of his appeal pursuant to Pa.R.A.P. 2119(f); and
- (4) the appellant raises a substantial question for our review.

Commonwealth v. Baker, 72 A.3d 652, 662 (Pa. Super. 2013) (citation omitted). “[A] failure to file a motion for reconsideration after failing to object at sentencing [...] operates to waive issues relating to the discretionary aspects of sentencing.” ***Commonwealth v. Reaves***, 592 Pa. 134, 144, 923 A.2d 1119, 1125 (2007).

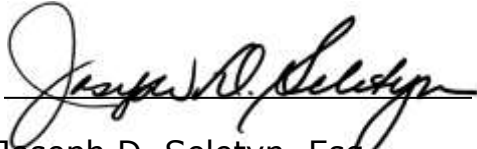
Although Goodman recognizes the prerequisites for reviewing a discretionary sentencing claim (Goodman’s Brief at 8), he does not acknowledge that his failure to raise this issue before the sentencing court either at the time of sentencing or in a post-sentence motion results in

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waiver of the issue raised. As Goodman failed to preserve his discretionary sentencing claim for our review, we are unable to review the issue raised on appeal. We therefore affirm the judgment of sentence.

Judgment of sentence affirmed.

Judgment Entered.

A handwritten signature in black ink, appearing to read "Joseph D. Seletyn", written over a horizontal line.

Joseph D. Seletyn, Esq.
Prothonotary

Date: 12/11/2013