

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA,		IN THE SUPERIOR COURT OF PENNSYLVANIA
Appellee		
v.		
JUAN ALBERTO RAMOS,		
Appellant		No. 1536 EDA 2012

Appeal from the Judgment of Sentence of May 7, 2012,
in the Court of Common Pleas of Lehigh County,
Criminal Division at No. CP-39-CR-0000866-2011

BEFORE: OLSON, WECHT and COLVILLE*, JJ.

MEMORANDUM BY COLVILLE, J.:

Filed: February 7, 2013

This is an appeal from judgment of sentence. Appellant raises one issue for our review: a challenge to the discretionary aspects of his sentence. We affirm.

The following law is applicable to this appeal:

Before we reach the merits of this case, we must engage in a four part analysis to determine: (1) whether the appeal is timely; (2) whether Appellant preserved his issues; (3) whether Appellant's brief includes a concise statement of the reasons relied upon for allowance of appeal with respect to the discretionary aspects of sentence; and (4) whether the concise statement raises a substantial question that the sentence is inappropriate under the sentencing code. The third and fourth of these requirements arise because Appellant's attack on his sentence is not an appeal as of right. Rather, he must petition this Court, in his concise statement of reasons, to grant

*Retired Senior Judge assigned to the Superior Court.

consideration of his appeal on the grounds that there is a substantial question. Finally, if the appeal satisfies each of these four requirements, we will then proceed to decide the substantive merits of the case.

. . .

If this Court grants appeal and reviews the sentence, the standard of review is clear: sentencing is vested in the discretion of the trial court, and will not be disturbed absent a manifest abuse of that discretion. An abuse of discretion involves a sentence which was manifestly unreasonable, or which resulted from partiality, prejudice, bias or ill will. It is more than just an error in judgment.

Commonwealth v. Malovich, 903 A.2d 1247, 1250, 1252-53 (Pa. Super. 2006) (citations omitted).

Appellant's anemic concise statement complains that the sentencing court failed to properly consider Appellant's mental health and his heroin addiction. He did not raise these issues before the sentencing court; accordingly, he may not raise them on appeal. Pa.R.A.P. 302(a); ***Malovich***, 903 A.2d at 1251. Thus, he is not entitled to relief.

Judgment of sentence affirmed.

Judge Olson concurs in the result.