

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA

IN THE SUPERIOR COURT OF
PENNSYLVANIA

Appellee

v.

DAQUAN KENNEBREW

Appellant

No. 2109 EDA 2013

Appeal from the Judgment of Sentence June 13, 2013
In the Court of Common Pleas of Bucks County
Criminal Division at No(s): CP-09-CR-0002576-2010

BEFORE: PANELLA, J., LAZARUS, J., and JENKINS, J.

JUDGMENT ORDER BY LAZARUS, J.:

FILED JULY 08, 2014

Daquan Kennebrew appeals from the judgment of sentence entered in the Court of Common Pleas of Bucks County, following the revocation of his probation. After careful review, we affirm.

On July 11, 2010, the court sentenced Kennebrew to one to two years' imprisonment, followed by three years' probation, for his convictions for robbery,¹ aggravated assault,² theft by unlawful taking³ and resisting arrest.⁴ Due to repeated violations of the conditions of his probation, the

¹ 18 Pa.C.S. § 3701.

² 18 Pa.C.S. § 2702.

³ 18 Pa.C.S. § 3921.

⁴ 18 Pa.C.S. § 5104.

court scheduled a violation of probation hearing for June 13, 2013. Following the hearing, the court resentenced Kennebrew to three to six years' incarceration. On appeal, Kennebrew maintains that the revocation sentence imposed by the trial court is excessive.⁵

Kenebrew's claim challenges the discretionary aspects of his sentence. Challenges to discretionary aspects of sentencing are not appealable as of right. ***Commonwealth v. Grimes***, 982 A.2d 559, 565 (Pa. Super. 2009). Such claims may only be raised if the appellant sets forth a concise statement of reasons relied upon for allowance of appeal in his brief. Pa.R.A.P. 2119(f). If the appellant fails to do so, and the appellee objects, the appellate court may not review the case on the merits. ***See Commonwealth v. Kiesel***, 854 A.2d 530 (Pa. Super. 2004) (citing ***Commonwealth v. Tuladziecki***, 522 A.2d 17 (Pa. 1987); ***Commonwealth v. Krum***, 533 A.2d 134 (Pa. Super. 1987)).

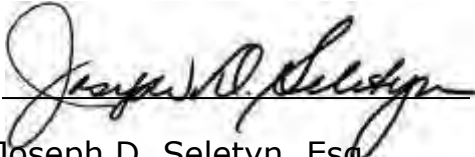
Here, Kennebrew failed to comply with Rule 2119(f), and the Commonwealth objected to the omission. ***See*** Appellee's Brief at 14-15. As such, we are constrained to deny allowance of appeal. ***Kiesel, supra.***

Judgment of sentence affirmed.

⁵ Kennebrew also alleges that the trial court erred in finding that he waived his right to appeal based on his failure to provide transcripts of the proceedings to the trial court. However, this issue is waived because Kennebrew failed to include it in his Pa.R.A.P. 1925(b) statement. ***See Commonwealth v. Castillo***, 888 A.2d 775 (Pa. 2005) (failure to raise issue in 1925(b) statement results in automatic waiver).

J-A15025-14

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: 7/8/2014