

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
WARREN DARNELL MATTHEWS	:	
	:	
Appellant	:	No. 125 MDA 2020

Appeal from the Judgment of Sentence Entered November 25, 2019
In the Court of Common Pleas of York County
Criminal Division at No(s): CP-67-CR-0001519-2019,

BEFORE: KUNSELMAN, J., McLAUGHLIN, J., and STRASSBURGER, J.*

CONCURRING MEMORANDUM BY STRASSBURGER, J.:

FILED DECEMBER 01, 2020

I join the Majority’s memorandum with the additional comment that, although the law guiding our analysis of weight-of-the-evidence claims applies to jury and non-jury trials, **see** Majority Memorandum at 6, it would be highly incongruous for a trial judge presiding over a non-jury trial to find her own decision shocks her conscience. As in this case, a judge in a non-jury trial has the dual duties of determining the weight and admissibility of evidence. A trial court sitting as fact-finder is unlikely to find, in response to a post-sentence motion, that it reached a verdict contrary to the evidence.

* Retired Senior Judge assigned to the Superior Court.

