

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA

IN THE SUPERIOR COURT OF
PENNSYLVANIA

Appellee

v.

RICHARD WOODWARD

Appellant

No. 812 WDA 2012

Appeal from the Judgment of Sentence December 15, 2011
In the Court of Common Pleas of Allegheny County
Criminal Division at No(s): CP-02-CR-0012298-2010

BEFORE: GANTMAN, J., OTT, J., and FITZGERALD, J.*

MEMORANDUM BY GANTMAN, J.: FILED: June 3, 2013

Appellant, Richard Woodward, appeals from the judgment of sentence entered in the Allegheny County Court of Common Pleas, following his jury trial convictions for second degree murder, robbery, burglary, carrying a firearm without a license, recklessly endangering another person ("REAP"), and criminal conspiracy.¹ We affirm.

In its opinion, the trial court fully and correctly sets forth the relevant facts and procedural history of this case. Therefore, we have no reason to restate them. We add only that the court sentenced Appellant on December 15, 2011, to a mandatory term of life imprisonment without the possibility of

¹ 18 Pa.C.S.A. §§ 2502(b), 3701, 3502, 6106, 2705, and 903, respectively.

*Former Justice specially assigned to the Superior Court.

parole. On December 19, 2011, Appellant filed post-sentence motions, which the court denied on April 20, 2012. On May 17, 2012, Appellant filed a timely notice of appeal. The trial court ordered Appellant to file a concise statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(b), and Appellant complied.

Appellant raises the following issues for our review:

WHETHER THE EVIDENCE IN THIS MATTER WAS LEGALLY INSUFFICIENT TO SUSTAIN A CONVICTION OF THE CHARGES.

WHETHER THE EVIDENCE IN THIS MATTER WAS AGAINST THE WEIGHT OF THE EVIDENCE.

WHETHER THE TRIAL COURT ERRED IN DISMISSING APPELLANT'S POST-SENTENCE MOTIONS WITHOUT A HEARING.

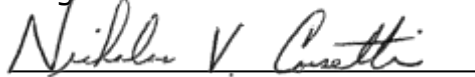
(Appellant's Brief at 5).

After a thorough review of the record, the briefs of the parties, the applicable law, and the reasoned opinion of the Honorable Donna Jo McDaniel, we conclude Appellant's issues merit no relief. (**See** Trial Court Opinion, filed July 24, 2012, at 2-6) (finding: **(1)** Appellant agreed with cohorts to rob Victim's house of drugs and money; Appellant broke into Victim's home with cohorts, searched home for drugs and money, and acted as lookout with automatic rifle; during subsequent shootout with police, Victim was killed and Victim's friend was injured; therefore, evidence was sufficient to support Appellant's convictions for second degree murder, robbery, burglary, possession of firearm without a license, REAP, and

conspiracy; moreover, Appellant's flight during shootout did not constitute "withdrawal" from conspiracy; **(2)** given evidence of record, verdict was appropriate and did not shock one's sense of justice; **(3)** hearing on Appellant's post-sentence motion was within court's discretion, per Pa.R.Crim.P. 720(B)(2)(b); court declined to hold hearing on Appellant's post-sentence motion due to patent lack of merit). Accordingly, we affirm on the basis of the trial court's opinion.

Judgment of sentence affirmed.

Judgment Entered.

A handwritten signature in cursive script, reading "Nicholas V. Casatti", is written over a horizontal line.

Deputy Prothonotary

Date: June 3, 2013