

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH	: No. CR-688-2023
	:
vs.	:
	: Post Sentence Motion
KEIRA (KEVIN) BLUNT,	:
Petitioner	:

**ORDER**

The Petitioner filed a Post-sentence Motion on January 13, 2025. Argument on Petitioner's Motion was held on March 4, 2025. Petitioner argued that when the Court imposed its sentence of five (5) to ten (10) years' incarceration in a State Correctional facility, the Court did not give enough weight to Petitioner's mitigating documents presented at sentencing.

***Background***

On December 21, 2009, Keira (Kevin) Blunt (Petitioner) was found guilty of the charges Possession of a Firearm Prohibited<sup>1</sup> a felony of the second degree and Disorderly Conduct, a misdemeanor of the third degree.<sup>2</sup> The jury found that Petitioner brandished a firearm in the front yard of 647 Fifth Avenue while a person not to possess due to a prior conviction, along with pointing it at Petitioner's stepson. On January 30, 2024, this Court sentenced the Petitioner for the Possession of a Firearm Prohibited charge to a five (5) to ten (10) year sentence.

The Court determined at the hearing that the Petitioner had a prior record score of five (5) and the possession of a firearm charge had an OGS of 11, which would place the

---

<sup>1</sup> 18 Pa. C.S.A. §6105(a)(1).

<sup>2</sup> 18 Pa. C.S.A. §5503(a)(4).

standard range on the firearms charge at 72-90 months and the standard range of RS-6 for the disorderly conduct. However, since the statutory maximum for the firearms charge is 10 years, despite the guidelines range, the most the Court could impose was the 5-10 year sentence to be served in an SCI. The Court made a finding of guilt without further penalty on the charge of Disorderly Conduct.<sup>3</sup> Petitioner filed neither a post sentence motion nor appeal to the Superior Court. His sentence became final after 30 days or on February 29, 2024.

Petitioner filed documents<sup>4</sup> that the Court treated as a Post Conviction Relief Act (PCRA) petition. On September 10, 2024 this Court appointed Howard Gold, Esquire to represent Petitioner and directed Gold to file either an amended PCRA petition or a *Turner/Finley* no merit letter. Petitioner stated in his petition that he wanted his counsel to appeal his sentence but his counsel did not. After a PCRA conference, without objection by the Commonwealth, this Court reinstated both the Petitioner's right to file a Post Sentence Motion and a direct appeal. On January 13, 2025, Petitioner filed a Post-Sentence Motion with the single issue of whether the Court failed to consider mitigation in imposing its sentence of five (5) to ten (10) years.

### ***Discussion***

Petitioner contends that the court failed to consider the mitigating documents presented at his sentencing hearing. Sentencing has been found to be within the sound discretion of the trial court judge. *Commonwealth v. Allen*, 24 A.3d 1058, 1065 (Pa. Super. 2011). The court had the benefit of a presentence investigation report prior to sentencing and

---

<sup>3</sup> The Court also imposed an additional sentence of 188 days on the parole violation caused by the Defendant's conviction on the firearms charge. That sentence was not the subject of the PCRA.

<sup>4</sup> The documents were a pro se petition for reconsideration of sentence nunc pro tunc and a motion for extension of time to file perfect appeal.

considered all relevant factors in fashioning its sentence.

“When imposing a sentence, the sentencing court must consider the factors set out in 42 Pa.C.S.A. § 9721(b), that is, the protection of the public, gravity of offense in relation to impact on victim and community, and rehabilitative needs of the defendant....”

*Commonwealth v. Fullin*, 892 A.2d 843, 847 (Pa. Super. 2006) (citation omitted). In a challenge to a judge’s sentence, the defendant “must establish, by reference to the record, that the sentencing court ignored or misapplied the law, exercised its judgment for reasons of partiality, prejudice, bias or ill will, or arrived at a manifestly unreasonable decision.”

*Commonwealth v. Conti*, 198 A.3d 1169, 1176 (Pa. Super. 2018). Therefore, this Court must review the record as a whole to determine what the sentencing court chose to consider in both the facts of the case and the character of the defendant.

Where the sentencing court is informed by a presentence investigation report (“PSI”), it is presumed that the sentencing court was aware of relevant information regarding the defendant’s character and weighed those considerations and the appropriate sentencing factors. *Commonwealth v. Harper*, 273 A.3d 1089, 1097-1098 (Pa. Super. 2022); *Commonwealth v. Hill*, 210 A.3d 1104, 1117 (Pa. Super. 2019). “[W]here the court has been so informed, its discretion should not be disturbed.” *Harper*, 273 A.3d at 1098. “Further, where a sentence is within the standard range of the guidelines, Pennsylvania law views the sentence as appropriate under the Sentencing Code. *Hill*, *id* (citing *Commonwealth v. Moury*, 992 A.3d 162, 171 (Pa. Super. 2010)).

At sentencing, trial counsel presented both the written and spoken testimony of a local reverend who had worked with Petitioner. Sentencing Transcript, 1/30/2024 at 6. Reverend Chapman testified that she knew Petitioner and his wife through counseling. *Id.*

She testified that there were some serious issues that Petitioner needed to work on and hoped that he would be able to receive the treatment he needed. *Id.* at 7. She thought that she had seen some progress but that she would be there to support Petitioner and his wife when she could. *Id.* Trial Counsel also asked the court to consider a sentence with a mental health component to help Petitioner address his drug abuse and mental health issues. *Id.* at 8.

Petitioner also spoke on his own behalf. He apologized to the community and the family. He then indicated that he never had any opportunities for treatment; he was just put in jails and institutions since even before he was 18 years old. He wanted a chance at treatment courts. He also noted that he was on steroids that were messing with his mind and he wanted the chance to find the right doctors and treatment programs to help with his medicine and his mental health. *Id.* at 8-9.

The Commonwealth presented statements from the minor victim's aunt as the child's mother was Petitioner's wife. The aunt described the trauma that the child suffered and how Petitioner and his conduct tore the family apart. The aunt asserted that Petitioner lacked accountability as at trial he denied that it was him on the video. *Id.* at 9-11.

The Commonwealth argued for a sentence of five to ten years' incarceration on the firearm offense. It asserted that Petitioner had prior opportunities for rehabilitation and did not take advantage of those opportunities. He went to Pyramid but he was removed for behavioral issues. After he was released from there, he was involved in a stabbing incident that was reduced to a plea to simple assault because the victim left the country. The Commonwealth also argued that Petitioner continued to engage in the same type of assaultive behavior. Given his ample prior opportunities for rehabilitation, the impact of the crime on the victims and the protection of the public, anything less than a statutory maximum sentence

would not be appropriate in this case. The Commonwealth also noted Petitioner's inmate attire at the time of sentencing suggested that he had been disruptive at the jail. *Id* at 12-13.

In this case, the Court finds that it properly weighed and considered all of the relevant factors in fashioning Petitioner's sentence. Section 9721(b) states in relevant part:

In selecting from the alternatives set forth in subsection (a), the court shall follow the general principle that the sentence imposed should call for total confinement that is consistent with section 9725 (relating to total confinement) and the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the defendant. The court shall also consider any guidelines for sentencing and resentencing adopted by the Pennsylvania Commission on Sentencing and taking effect under section 2155 (relating to publication of guidelines for sentencing, resentencing and parole, risk assessment instrument and recommitment ranges following revocation).

42 Pa. C.S.A. §9721(b). Section 9725 states:

The court shall impose a sentence of total confinement if, having regard to the nature and circumstances of the crime and the history, character, and condition of the defendant, it is of the opinion that the total confinement of the defendant is necessary because:

- (1) there is undue risk that during a period of probation or partial confinement the defendant will commit another crime;
- (2) the defendant is in need of correctional treatment that can be provided most effectively by his commitment to an institution; or
- (3) a lesser sentence will depreciate the seriousness of the crime of the defendant.

42 Pa. C.S.A. §9725.

The Court has considered all of the factors set forth in 42 Pa. C.S.A. § 9721(b). The Court reviewed the PSI and discussed parts of it on the record. *Id.* at 2-5. The Court noted that Petitioner had a risk/needs assessment score of 35 which was a high level and that there were several areas of risk/needs of which the highest one was criminal attitudes and behaviors. Petitioner also had behavioral issues as a child which resulted in re-homing through detention centers, group homes, and other hospitals. Petitioner was expelled from

school for fighting and had been on his own since he was 17 years of age. The Court noted that the standard guideline range for the minimum sentence was 72-90 months for the firearm offense (because the firearm was loaded) and RS-6 for disorderly conduct.

At the sentencing hearing the Court discussed the factors that were considered and the specific reasons upon which the Court based its sentence. *See* Sentencing Transcript, 1/30/24, at 14-18. The Court specifically noted Petitioner's anger during the trial and the impact of the crime on the minor victim. Given Petitioner's demeanor and anger during the trial, the Court could not see anything available locally to address his issues. The Court could not make Petitioner eligible for the State Drug Treatment Program, because the Commonwealth was opposed. Furthermore, there would be a negative impact on the public if a dangerous person like Petitioner were put back on the street. In fact, the Court's views about Petitioner's anger issues were only confirmed when he had outbursts after he did not receive the sentence that he desired about he was wronged by failures of the police to respond to his calls and complaints, as well as the anger he expressed towards his attorney. When the Court dictated the sentencing order and encouraged an assessment for mental health conditions including intermittent explosive disorder, Petitioner interrupted and said, "It's called testosterone." The Court did not believe that Petitioner's anger issues and demeanor were solely a result of him taking testosterone when Petitioner has had behavioral issues since childhood.

Although there really was nothing mitigating about this case or Petitioner's history (he had a lengthy criminal record and his prior record score was a 5) or characteristics, the Court could not sentence Petitioner within the standard guideline range due to the min/max rule. Section 9756(b) states that "the court shall impose a minimum

sentence of confinement which shall not exceed one-half of the maximum sentence imposed.” 42 Pa. C.S.A. §9756(b). The firearm offense was graded as a felony of the second degree, which carries a statutory maximum sentence of ten years. 18 Pa. C.S.A. §1103(2). Therefore, the Court could not impose a minimum sentence more than five years or 60 months, which was the minimum sentence imposed. This sentence would have been at the bottom of the mitigated range. There was nothing in this case to justify a sentence below the mitigated range. The only way Petitioner could receive a county treatment court sentence was if the minimum term of incarceration did not exceed twelve months less one day,<sup>5</sup> which was five years below the bottom of the standard range and four years below the bottom of the mitigated range. To impose such a sentence in this case with Petitioner’s criminal history and his anger issues would have been an abuse of discretion and likely would have resulted in a successful appeal by the Commonwealth. In short, Petitioner’s desired sentence was utterly unrealistic under the facts and circumstances of this case.

This Court cannot find that Petitioner has established that this Court either ignored or misapplied the law, exercised judgment out of prejudice, bias or ill will, or was not acting impartially. This Court also finds that in light of the circumstances of the offense that day and the evidence presented, the sentence imposed was not manifestly unreasonable. The sentence imposed by the Court was at the bottom of the mitigated range after all of the information including the testimony of Petitioner, his witness as well as a written statement by the other victim in the case, Petitioner’s wife.

The Court found that the amount of confinement was consistent with the need to

---

<sup>5</sup> To receive a county sentence, the maximum sentence must be less than two years. *See* 42 Pa. C.S.A. §9762(b)(3). Therefore, pursuant to the min/max rule, the minimum for a county sentence cannot exceed one

protect the public from individuals brandishing a gun in that manner along with his past criminal history, the fact that he was on supervision at the time, how serious what he did that day was and the impact on the one victim as was discussed at the time of the hearing. The Court even discussed the fact that the jury did not believe the testimony of Petitioner after observing the video of the incident.

***Conclusion***

Based upon the foregoing, the Court finds no reason upon which to grant Petitioner's Post-Sentence Motion. Pursuant to Pennsylvania Rule of Criminal Procedure 720(B)(4)(a), Petitioner is hereby notified of the following: (a) the right to appeal this Order within thirty (30) days of the date of this Order to the Pennsylvania Superior Court; "(b) the right to assistance of counsel in the preparation of the appeal; (c) the rights, if the defendant is indigent, to appeal in forma pauperis and to proceed with assigned counsel as provided in Rule 122; and (d) the qualified right to bail under Rule 521(B)."

**ORDER**

AND NOW, this 29th day of April, 2025, based upon the foregoing Opinion, it is hereby ORDERED and DIRECTED that the Petitioner's Post Sentence Motion is DENIED.

Pursuant to Pennsylvania Rule of Criminal Procedure 720(B)(4)(a), Petitioner is hereby notified of the following: (a) the right to appeal this Order within thirty (30) days of the date of this Order to the Pennsylvania Superior Court; "(b) the right to assistance of

---

year.



counsel in the preparation of the appeal; (c) the rights, if the defendant is indigent, to appeal in forma pauperis and to proceed with assigned counsel as provided in Rule 122; and (d) the qualified right to bail under Rule 521(B).”

By the Court,

Nancy L. Butts, President Judge

cc: Martin Wade, Esquire (ADA)  
Howard Gold, Esquire  
Keira Blunt, #PE7349  
SCI Cambridge Springs, 451 Fullerton Ave, Cambridge Springs PA 16403  
Jerri Rook