

COMMONWEALTH OF PENNSYLVANIA : PHILADELPHIA COUNTY  
 : COURT OF COMMON PLEAS  
 v. : TRIAL DIVISION  
 :  
 STEVEN TAYLOR : NO. 9712-1149

OPINION

RICHARD B. KLEIN, J.

DATE: September 27, 2000

Steven Taylor was convicted of two separate robberies at the same store and possession of instruments of a crime. He was given a total of twelve and one-half to twenty five years in prison, concurrent to an eight and one-quarter to twenty-five year sentence he was serving for a Delaware County robbery.

His only argument on appeal comes from the admission of testimony concerning the Delaware County sentencing. At the sentencing in Philadelphia, he was especially contrite and apologized profusely to the victims who were present. The District Attorney, to rebut his apparent contrition, called the Assistant District Attorney from Delaware County who was at the sentencing there. His testimony was that Taylor showed the same kind of contrition when he spoke at his sentencing there, but became totally disruptive and had to be restrained after he received his sentence. This evidence was properly admitted only to rebut the impression that Taylor was truly repentant for his crime. From the Delaware County sentencing, it appears his repentance only lasts until he gets his sentence. The details follow.

Steven Taylor robbed the Natural Goodness Store at 20th and

Walnut Streets in Center City Philadelphia twice within two weeks, on December 6, 1997 and December 18, 1997. During the first robbery, he said, "Have you ever experienced death? ... I want all the money, right away, open the register ... Where's the rest, I want the rest...You have ten seconds or I'll kill everyone..." "I'm coming back in five minutes, don't move or I'll kill anyone." He did not display a weapon, but the victims complied.

The second time, Taylor said, "I'm armed and I'm dangerous, I'm wanted for murder, and I want f'ing money...I've got a f'ing gun, I'll kill you...I know there's more f'ing money, go get it..." He said he would be back and "I will f'ing kill you." He said that several times. However, as he ran from the store, people said, "Stop him, stop him, robber" A uniformed security guard started chasing him, and another non-uniformed security guard tackled him. The second security guard handcuffed him and the police came and arrested him.

Obviously, this is a serious case, in which there were two separate robberies of different people. Two of the employees were so frightened that they quit their jobs and their lives were disrupted.

The defendant at his sentencing before me on August 19, 1998, expressed great remorse (N.T. August 19 1998, pp. 11-16). Among other things, he said, among other things:

- he was sorry for what he did from the deepest, deepest part in him;

- he hopes that one day he can see the store owner so she can see the kind of person he really is, where he can be helpful to her;
- he was sorry the male victim (who was in the courtroom) in fear, and wished him the best of luck in his future endeavors;
- drugs were responsible for what he did;
- he would never forget the wrong that he did;
- he just wishes he could erase that year from his life; and
- the district attorney is going to make him out to be a person he isn't.

The defendant knew that the assistant district attorney was going to point to his conduct in Delaware County and tried to blunt that. The defense counsel tried to admit that there was an outburst when he got a twenty-five year sentence in Delaware County.

I responded that while it might be reasonable to lose control after such a large sentence, I needed to know exactly what happened to be able to see whether or not it was relevant. It could rebut his claim that he was remorseful and all this was out of character for him because of drugs. Whether or not the defendant is truly contrite is a relevant factor in sentencing.

Counsel were unable to stipulate to exactly what happened, so the next day, Michael R. Galantino, a Delaware County Assistant District Attorney, came in to testify. He brought the notes of testimony from the Delaware County sentencing hearing.

Mr. Galantino testified that Taylor was convicted of robbing a 35-year old Payless Shoe Store cashier with a fake gun. During jury selection, Taylor said that the trial was "organized slavery," and ultimately was ordered removed by the judge. He kept interrupting the police when the testified, saying they were lying and were abusing him. He was warned not to do that, and they readied a video room in the event he had to be removed from the courtroom again.

At sentencing, Taylor apologized for his behavior, said his emotions got the best of him, and his emotions got control of him. He was very apologetic, remorseful and deferential. As soon as the sentencing took place, which was relatively severe (eight to twenty-five years), Taylor changed. He told the judge he was not fit to be a judge. He kept interrupting the judge and was told to sit down. He had to be removed from the courtroom twice. when he came back, the judge ordered him gagged. He yelled into the microphone through the duct tape over his mouth, and the judge had to have the sheriffs pull him back from the microphone so he could put his reasons for the sentence on the record. The summary is that Taylor was originally contrite and apologetic, as he was before me, but was the exact opposite after sentencing.

I refused motions to strike the testimony of Assistant District Attorney Galantino for two reasons.

First, he described in detail the Delaware County robbery, which was not contained in the presentence report. The nature of

prior offences are properly taken into consideration.

Secondly, when talking about time needed for rehabilitation, Taylor's true remorse and contrition is relevant. His actions in Delaware County after a *mea culpa* statement similar to the one he gave to me does indicate whether I can accept his apologize as sincere.

Moreover, there is no real argument that the sentence is excessive, and, very frankly, the Delaware County outburst did not alter the sentence I gave him. The practical effect of the sentence is merely to give Taylor an extra 4-1/2 to 9 years on top of the Delaware County sentence for two other robberies. If he were sentenced to that term consecutively to the Delaware County sentence, it would be within the guidelines in any event.

Since the sentence in Delaware County came after the commission of these crimes, the defendants prior record score was only a "3", although these crimes merit a "10". The standard range is 43 to 54 months. Therefore, if Taylor received a sentence on each of the two robberies consecutively, the standard range would be 108 months, or nine years, close to the twelve and a half-years he received without considering the fact that this was a concurrent sentence. Also, there could be an additional sentence for the knife he had on his possession when he was arrested. If the Delaware County robbery were taken into consideration, while it did not count for the guidelines, it relates to Taylor's character, dangerousness, and possibility for rehabilitation that would justify a sentence outside the

guidelines.

Therefore, the complaint that the Delaware County sentencing hearing should not have been considered is without merit, since it related both to the nature of the Delaware County robbery and the sincerity of Taylor's apology to me. Under all the circumstances, the sentence was not excessive. The reasons stated for appeal should be rejected.

BY THE COURT,

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R. B. Klein, J.

DATE: September 27, 2000