

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
JOSEPH WILLIAMS	:	
	:	
	:	
Appellant	:	No. 1824 EDA 2019

Appeal from the Judgment of Sentence Entered May 3, 2019
In the Court of Common Pleas of Bucks County Criminal Division at
No(s): CP-09-CR-0004366-2018

BEFORE: BENDER, P.J.E., LAZARUS, J., and STEVENS, P.J.E.*

MEMORANDUM BY LAZARUS, J.:

FILED DECEMBER 28, 2020

Joseph Williams appeals from the judgment of sentence, entered in the Court of Common Pleas of Bucks County, following his convictions by a jury of two counts of first-degree murder¹ and one count each of criminal attempt to commit homicide,² firearms not to be carried without a license,³ recklessly

* Former Justice specially assigned to the Superior Court.

¹ 18 Pa.C.S.A. § 2501(a).

² 18 Pa.C.S.A. § 901.

³ 18 Pa.C.S.A. § 6106(a)(1).

endangering another person (REAP),⁴ possessing an instrument of crime (PIC),⁵ and tampering with or fabricating physical evidence.⁶

Williams' convictions stem from his role in the shooting deaths of Tommy Ballard and Zyisean McDuffie outside of April Coleman's home, 914 Elmhurst Avenue, in Bristol, Pennsylvania, on May 4, 2018. On that date, Coleman hosted a party for her two children who planned to attend their high school prom later that evening. Several family friends were present, including Williams, Gary Goddard, Jr.,⁷ Tajon Skelton, Rayshaun James, and Sincere McNeil. These individuals were all gathered around Coleman's Chrysler Pacifica, which was parked on her front lawn area. At one point, James and Williams walked away together—outside the view of area pole cameras—so that James could discreetly give Williams a firearm, which Williams placed into his waistband. **See** N.T. Jury Trial, 3/12/19, at 178-80. Shortly thereafter, McDuffie arrived at the Coleman residence, approached the group at the Chrysler Pacifica, and shook hands only with Williams. Williams then asked

⁴ 18 Pa.C.S.A. § 2705.

⁵ 18 Pa.C.S.A. § 907(a).

⁶ 18 Pa.C.S.A. § 4910.

⁷ At trial, Gary Nathaniel Goddard, Jr., was sometimes referred to as "Static" or "Little Gary." For clarity, we refer to him exclusively as "Goddard, Jr." Goddard, Jr., is the son of Gary Goddard, who is Williams' co-defendant, and who was charged separately in connection with the same shooting incident. We consider Gary Goddard's appeal separately at ***Commonwealth v. Goddard***, 2097 EDA 2019.

why McDuffie did not acknowledge the others, at which point McDuffie stated that he “didn’t mess with none of [them]” and called them all “bitch.” *Id.* at 190. At the end of the verbal confrontation, McDuffie left, stating he would return soon.

When McDuffie returned about forty-five minutes to an hour later, he was accompanied by Ballard, Jahmier Wilson, and Jackie Valentine; Williams and Wilson then walked away together to have a private conversation. Within the larger group, still standing around the Chrysler Pacifica, an argument ensued amongst Goddard, Jr., McNeil, McDuffie, and Ballard. McDuffie punched Goddard, Jr., in the face, and within moments, Williams removed the firearm from his waistband and began firing it at Wilson, who was running away from him. N.T. Jury Trial, 3/15/19, at 110-14; N.T. Jury Trial, 3/18/19, at 170-73. Although Williams fired repeatedly at Wilson, Wilson was not injured, but McDuffie and Ballard were struck. Ballard collapsed in the front yard of 911 Elmhurst Avenue and McDuffie was struck but still standing in the driveway of 916 Elmhurst Avenue.

Gary Goddard then appeared, walking down Weston Avenue, with his hand raised and wielding a firearm. N.T. Jury Trial, 3/13/19, at 281-84. Standing in front of 916 Elmhurst Avenue, Goddard fired in the direction of the homes, and then at McDuffie, whose legs gave out from under him after the shots were fired. N.T. Jury Trial, 3/18/19, at 67-68. Goddard stood over McDuffie and discharged his firearm, lodging a bullet in McDuffie’s head just

above the hairline. N.T. Jury Trial, 3/13/19, at 288; N.T. Jury Trial, 3/18/19, at 117-22, 226-29.

Williams, Skelton, and James fled the scene of the shooting towards Skelton's home, located at 816 Winder Drive. After only a short time, Lemuel Skelton, Skelton's father, became aware of the shooting, and directed Williams and James to leave his residence. Before leaving, Williams took Tajon Skelton's white polo shirt. When police arrived at the Skelton residence, officers found Williams' abandoned red shirt in a trashcan as a result of a consensual search.

While conducting a search in the area of the shooting, police observed Williams running shirtless through a wooded brush area with James. Officers overheard Williams tell James, "Don't worry about it; you didn't do nothing wrong." N.T. Jury Trial, 3/7/19, at 168-69. Upon being discovered by the officers, Williams stated to the police, "Sir, please put me in handcuffs. I don't want to die." *Id.* at 170-71. Police found Tajon Skelton's white polo shirt in Williams' pants pocket.

The officers subsequently reviewed video footage from pole cameras near the scene of the shooting. In the footage, police observed Williams, James, and Skelton running away from the shooting down Winder Drive. Williams was wearing a red shirt as he fled the scene. The three fleeing individuals entered the backyard of 703 Winder Drive, remained off-camera for one minute and thirty seconds while in the yard, and reemerged on camera travelling further down Winder Drive. The footage of Williams running shows

his hands located around his belt area prior to entering the rear yard of 703 Winder Drive, but after leaving, his hands were no longer in his belt area. Police were dispatched to that address, where the owner of the property consented to a search. Police noticed a grill, which was completely covered in dirt and grime, except for the left handle. After searching the grill, police recovered a Rossi .38 Special revolver sticking out of the back near the propane tank. All five of the revolver's cartridges were spent, and it contained shell casings. Skelton confirmed through testimony at trial that Williams was the only one who approached the grill when the three individuals were in the rear yard of 703 Winder Drive. **See** N.T. Jury Trial, 3/8/19, at 171-73.

Other testimony revealed that Goddard, Jr., chased Wilson from the scene of the shooting, gun in hand and pointed forward with his arm fully extended. **See** N.T. Jury Trial, 3/15/19, at 38-41; **see also** N.T. Jury Trial, 3/18/19, at 223-25.

When police arrived at the scene, Officer Michael Sarciewicz first found Ballard, who was still able to talk and move, lying in the grass at 911 Elmhurst Avenue. A crowd then directed the officer to McDuffie, who was unresponsive, located in front of 916 Elmhurst Avenue. The officer observed bleeding and several gunshot wounds on McDuffie, and commenced cardiopulmonary resuscitation (CPR). McDuffie and Ballard were both transported to Frankford-Torresdale Hospital, where McDuffie was pronounced dead on arrival, and Ballard pronounced dead shortly after arrival.

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