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Criminal Justice Update - February 2021

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Abstract

The Criminal Justice Update is a monthly newsletter created by the Adams County Bar Foundation Fellow providing updates in criminal justice policy coming from Pennsylvania's courts and legislature as well as the US Supreme Court.

Contents:

- Updates from PA Governor's Office (no updates this month)
- Updates from the PA Legislature
- Updates from the Courts
 - U.S. Supreme Court (no updates this month)
 - PA Supreme Court: Criminal Law & Procedure
 - PA Superior Court: Criminal Law & Procedure

Keywords

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Disciplines

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CRIMINAL JUSTICE UPDATE



A monthly newsletter produced by the ACBA Fellow at
Gettysburg College

February 2021

Keep up to date with developments in criminal law, criminal procedure, and victims issues via this monthly newsletter.

Comments or questions?
Contact Haley Shultz at
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Updates from PA Governor's Office

**No updates this month*

Updates from the PA Legislature

Criminal Law & Procedure

Senate Bill 81—Expert Witnesses in Domestic Violence and Human Trafficking Cases

Final passage, Feb. 3, 2021 [Senate]

<https://www.legis.state.pa.us/CFDOCS/billInfo/billInfo.cfm?year=2021&slnd=o&body=S&type=B&bn=81>

This bill will “amend the Judicial Code to permit the Commonwealth to call expert witnesses in cases of domestic violence and human trafficking in order to explain victim behavior.”

Updates from the Courts

U.S. Supreme Court

**No updates this month*

PA Supreme Court

Criminal Law & Procedure

J.F. v. DEPARTMENT OF HUMAN SERVICES

DECIDED: February 17, 2021

<http://www.pacourts.us/assets/opinions/Supreme/out/J-48-2020mo%20-%20104689937127731600.pdf?cb=1>

“This appeal involves a founded report of child abuse, in which the “founded” designation resulted from the identified perpetrator’s entry into an accelerated rehabilitative disposition (ARD) program with regard to criminal charges initiated for the same incident, as is authorized by the Child Protective Service Law (CPSL), 23 Pa.C.S. §§6301-6387. We granted discretionary review to determine whether such a perpetrator, seeking to challenge the founded report, is entitled an administrative hearing. For the following reasons, we affirm the Commonwealth Court’s decision granting an administrative hearing.”

PA Superior Court

(Reporting only cases with precedential value)

Criminal Law & Procedure

IN RE: PRIVATE COMPLAINT FILED BY LUAY AJAJ IN THE SUPERIOR COURT OF PENNSYLVANIA

APPEAL BY: COMMONWEALTH OF PENNSYLVANIA

FILED: February 25, 2021

<http://www.pacourts.us/assets/opinions/Superior/out/J-A27003-200%20-%20104699345128489591.pdf?cb=1>

"The Commonwealth appeals from the October 31, 2019 order entered in the Court of Common Pleas of Montgomery County overturning the Commonwealth's disapproval of a private complaint filed by Luay Ajaj ("Ajaj"). Ajaj filed the private complaint seeking charges against his wife ("Mother") for violations of 18 Pa.C.S.A. § 2904(a) (interference with custody of children) and § 2909(a) (concealment of whereabouts of a child). The Commonwealth disapproved the complaint, initially citing "evidentiary issues." However, at the time of the hearing on the matter, the Commonwealth argued "policy considerations." The Commonwealth asserts the trial court abused its discretion by overturning the disapproval. Following review, we affirm."

COMMONWEALTH OF PENNSYLVANIA v. KEITH EDWARD GROOMS

FILED: February 24, 2021

<http://www.pacourts.us/assets/opinions/Superior/out/J-A22032-200%20-%20104698090128344797.pdf?cb=1>

"Appellant Keith Edward Grooms appeals from the December 9, 2019 judgment of sentence entered in the Court of Common Pleas of Dauphin County ("trial court"), following a stipulated bench trial. Appellant was convicted of criminal use of communication facility, possession with intent to deliver ("PWID") a controlled substance (cocaine), possession of a controlled substance (methamphetamine), possession of small amount of marijuana, and possession of drug paraphernalia. Upon careful review, we vacate the judgment of sentence, reverse the suppression order, and remand this matter to the trial court."

COMMONWEALTH OF PENNSYLVANIA v. BRENDAN J. CARTER

FILED: February 23, 2021

<http://www.pacourts.us/assets/opinions/Superior/out/J-M01001-210%20-%20104696820128241434.pdf?cb=1>

"Brendan J. Carter appeals from the October 26, 2020 order denying his motion for bail pending sentencing and appeal. As Appellant failed to follow the now-applicable procedures to invoke this Court's jurisdiction to review the denial of bail, we quash this appeal as interlocutory."

"Williams' second claim on appeal fails. Judgment of sentence affirmed."

COMMONWEALTH OF PENNSYLVANIA v. JODIE S. HUDSON-GREENLY

FILED: February 22, 2021

<http://www.pacourts.us/assets/opinions/Superior/out/J-S01043-210%20-%20104695583128143623.pdf?cb=1>

"Appellant Jodie S. Hudson-Greenly appeals from the Judgment of Sentence of an aggregate term of two (2) years to four (4) years in prison entered in the Court of Common Pleas of Lancaster County on September 23, 2019, following a jury trial on charges that stemmed from the abuse of a minor child. We affirm."

COMMONWEALTH OF PENNSYLVANIA v. STUART YOUNG

FILED: February 19, 2021

<http://www.pacourts.us/assets/opinions/Superior/out/J-S48026-200%20-%20104693636127999964.pdf?cb=1>

"Appellant, Stuart Young, appeals from the order entered in the Philadelphia County Court of Common Pleas, which dismissed as untimely his first petition brought pursuant to the Post Conviction Relief Act ("PCRA"). We affirm."

COMMONWEALTH OF PENNSYLVANIA v. HAKIEM FELDER

FILED: February 17, 2021

<http://www.pacourts.us/assets/opinions/Superior/out/J-S48005-200%20-%20104691712127851054.pdf?cb=1>

“Hakiem Felder appeals from the judgment of sentence imposing three to six years’ incarceration, following his non-jury conviction of three violations of the Uniform Firearms Act. Felder and the Commonwealth believe afterdiscovered evidence necessitates a new trial. However, because the trial court acted within its discretion when it denied the new-trial request, we affirm.”

COMMONWEALTH OF PENNSYLVANIA v. RICHARD SHAW

FILED: February 17, 2021

<http://www.pacourts.us/assets/opinions/Superior/out/J-S51003-200%20-%20104691326127830729.pdf?cb=1>

“Richard Shaw (Appellant) appeals from the judgment of sentence imposed after a jury convicted him of possession of a controlled substance and possession of drug paraphernalia. 1 Appellant argues that the trial court erred in denying his motion to suppress evidence (Motion to suppress) seized from an illegal traffic stop and warrantless search of his vehicle. After careful review, we vacate the judgment of sentence and remand for further proceedings.”

COMMONWEALTH OF PENNSYLVANIA v. DAIYCHELLE ATKINSON

FILED: February 8, 2021

<http://www.pacourts.us/assets/opinions/Superior/out/J-E03001-200%20-%20104682975127183444.pdf?cb=1>

“Daiychelle Atkinson appeals from the trial court’s order denying her motion to dismiss based on the compulsory joinder principles of section 110 of the Crimes Code. 18 Pa.C.S. § 110. This matter is before us on remand from the Supreme Court of Pennsylvania—which granted Atkinson’s petition for allowance of appeal and vacated our prior decision—instructing us to consider the appeal “in light of [its] decision in Commonwealth v. Perfetto, [207 A.3d 812 (Pa. 2019)].” After careful consideration, we affirm.”

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