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Criminal Justice Update - September 2021

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Criminal Justice Update - September 2021

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: Criminal Law & Procedure
- Updates from the Courts
 - U.S. Supreme Court: Criminal Law & Procedure (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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Comments

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CRIMINAL JUSTICE UPDATE



A monthly newsletter produced by the ACBA Fellow at Gettysburg College

September 2021

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

Comments or questions?
Contact Patrick Mahoney at
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Updates from PA Governor's Office

**No new updates this month*

Updates from the PA Legislature

Criminal Law & Procedure

House Bill 184 – “Introducing Sentencing Enhancements for Individuals Found Guilty of Causing or Aiding Suicide: “Shawn’s Law”

Final Passage in the House, September 21, 2021

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2021&ind=0&body=H&type=B&bn=184>

House Bill 184 would amend Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes “to provide that the Pennsylvania Commission on Sentencing shall create a sentencing enhancement for any individual found guilty of Causing or Aiding Suicide when the victim is under 18 years of age or has an intellectual disability.”

Updates from the Courts

U.S. Supreme Court

**No new updates this month*

PA Supreme Court

Criminal Law & Procedure

COMMONWEALTH OF PENNSYLVANIA v. THOMAS AUGUST RABOIN

DECIDED: September 7, 2021

<https://www.pacourts.us/assets/opinions/Supreme/out/J-104-2020mo%20-%20104885955145798083.pdf?cb=1>

“In this appeal by allowance, we consider whether the Commonwealth was permitted to introduce nearly all of a child sexual assault victim’s forensic interview in rebuttal pursuant to Pennsylvania Rule of Evidence 106. See Pa.R.E. 106 (“If a party introduces all or part of a writing or recorded statement, an adverse party may require the introduction, at that time, of any other part – or any other writing or recorded statement – that in fairness ought to be considered at the same time.”). We conclude that introduction of the interview on this basis was improper and remand for the Superior Court to consider, as the trial court initially concluded, whether the interview was nonetheless admissible as a prior consistent statement under Pa.R.A.P. 613(c). 1, 2 We therefore reverse and remand to the Superior Court for further consideration.”

K.N.B. v. M.D.

DECIDED: September 22, 2021

<https://www.pacourts.us/assets/opinions/Supreme/out/J-13-2021mo%20-%20104901240147120208.pdf?cb=1>

“The main question in this appeal is whether a petition seeking a protective order under the Protection of Victims of Sexual Violence or Intimidation Act (“PVSVIA”)¹ is subject to the two-year statute of limitations governing certain enumerated civil actions or the six-year catch-all statute of limitations that applies to non-enumerated actions. Because we conclude that the six-year limitations period applies, we affirm.”

COMMONWEALTH OF PENNSYLVANIA v. ALBERT E. REID

DECIDED: September 22, 2021

<https://www.pacourts.us/assets/opinions/Supreme/out/J-117-2020%20mo%20784%20CAP.pdf?cb=1>

“This is a direct appeal from an order dismissing a petition filed pursuant to the Post Conviction Relief Act (“PCRA”), 42 Pa.C.S. §§ 9541-9546. Appellant Albert E. Reid (“Appellant”), who is sentenced to death, presents the Court with a multitude of issues.¹ We affirm the order in all respects, save one. Respectfully, the PCRA court did not provide its rationale for rejecting the fact-intensive issue relating to Appellant’s competency to proceed to trial and represent himself and prior counsels’ alleged ineffectiveness for failing to pursue the issue. Consequently, we remand the matter to the PCRA court solely to issue a supplemental opinion addressing its reasons for denying relief on these claims.”

PA Superior Court

(Reporting only cases with precedential value)

Criminal Law & Procedure

COMMONWEALTH OF PENNSYLVANIA v. GRIFFIN CAMPBELL

FILED: September 1, 2021

<https://www.pacourts.us/assets/opinions/Superior/out/J-A05026-21o%20-%20104882360145394502.pdf?cb=1>

“Appellant Griffin Campbell appeals from the order denying his timely first petition for relief under the Post Conviction Relief Act (PCRA) without a hearing. Appellant argues that the PCRA court erred in rejecting his claims that trial counsel was ineffective based on counsel’s alleged conflicts of interests and his failure to object during the Commonwealth’s closing arguments. We affirm.”

IN THE INTEREST OF: C.B., K.B., & A.B., THREE MINORS, THE APPEAL OF: A.B., FATHER

IN THE INTEREST OF: C.B., K.B., & A.B., THREE MINORS, THE APPEAL OF: S.B., MOTHER

Filed: September 23, 2021

<https://www.pacourts.us/assets/opinions/Superior/out/J-E01004-21o%20-%20104903310147294321.pdf?cb=1>

“A.B. (Father) appeals from the trial court’s orders adjudicating his three minor children, C.B. (born 1/16), and twins, K.B. and A.B. (born 5/19), dependent. S.B. (Mother) also appeals from the same orders adjudicating those minor children dependent, as well as an order adjudicating her other child, Y.C. (born 9/10), dependent. The court also entered an order finding that K.B. suffered child abuse. Here, medical testimony established that five-month-old K.B. suffered injuries that were the result of non-accidental trauma that occurred while Father and Mother (collectively, Parents) were responsible for K.B.’s welfare. Moreover, neither Father nor Mother could provide an explanation of how the injuries occurred. Under these facts, the court applied the evidentiary presumption found at 23 Pa.C.S.A. § 6381(d), which establishes a prima facie case of abuse by the persons who were responsible for the child when the abuse occurred. Because Mother and Father failed to rebut that presumption, we are constrained to affirm the orders.”

COMMONWEALTH OF PENNSYLVANIA v. ANTOIN TYRELL NICHOLSON

FILED: September 27, 2021

<https://www.pacourts.us/assets/opinions/Superior/out/J-S19011-21o%20-%20104905610147515037.pdf?cb=1>

“The Commonwealth of Pennsylvania appeals from an order of the Court of Common Pleas of Beaver County (suppression court) granting Antoin Tyrell Nicholson’s (Nicholson) dispositive motion to suppress evidence obtained from a search of his home. Following a hearing on the motion, the suppression court ruled that the evidence was obtained pursuant to an invalid warrant which had been erroneously granted by the Magisterial District Judge. The Commonwealth argues in its appeal that the suppression

court erred in finding that the warrant was not supported by probable cause. Finding no merit in these appellate claims, we affirm.”

COMMONWEALTH OF PENNSYLVANIA V. LISA DANEA HARRINGTON

FILED: September 29, 2021

<https://www.pacourts.us/assets/opinions/Superior/out/J-S24008-21o.pdf?cb=1>

“Appellant, Lisa Danea Harrington, appeals from the September 24, 2020 Judgments of Sentence entered in the Westmoreland County Court of Common Pleas¹ following her conviction of four counts of Hindering Apprehension or Prosecution and one count each of Firearms Not to be Carried Without a License and Tampering With or Fabricating Physical Evidence.² Appellant challenges two evidentiary rulings by the trial court. After careful review, we affirm.”

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