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Criminal Justice Update - January 2022

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Criminal Justice Update - January 2022

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.

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- Updates from the PA Legislature
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Keywords

Criminal Justice Update, Adams County Bar Foundation, ACBF

Disciplines

Criminology | Public Affairs, Public Policy and Public Administration | Public Policy



CRIMINAL JUSTICE UPDATE



A monthly newsletter produced by the ACBA Fellow at Gettysburg College

January 2022

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

Comments or questions?
Contact Autumn Chassie at
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Updates from PA Governor's Office

Criminal Law & Procedure

Women In Reentry: Clemency, Expungement, and Clean Slate

Panel from January 5, 2022

<https://www.governor.pa.gov/newsroom/first-lady-wolf-discusses-clemency-expungement-and-clean-slate-for-women-with-criminal-records/>

"There is greater interest in criminal justice right now than any time in recent memory, and we must make sure that women are not left out of this vital conversation," said Pacheco.

"When people are shackled by their criminal records, entire families suffer. Our commitment to reducing the collateral consequences of criminal records through the pardon process is one that has the potential to change the life outcomes of entire generations, and it is work that we can and must all do together as a statewide community."

Updates from the PA Legislature

Criminal Law & Procedure

House Bill 930 – NAMUS Legislation

Final Passage in the Senate, January 24, 2022

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=H&type=B&bn=930>

House Bill 930 would amend Titles 18 (Crimes and Offenses) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes to "require investigating law enforcement agencies to collect DNA samples in missing persons cases from either the personal artifacts of the missing person or from close biological relatives and deliver these DNA samples to PSP for submission to NAMUS. Similarly, this legislation will

also require law enforcement agencies to collect DNA samples from unidentified decedents and deliver the samples to PSP for submission to NAMUS.”

House Bill 2072 – CHIP Legislation

Final Passage in the House, January 26, 2022

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=H&type=B&bn=207>

House Bill 2072 is an Act “to allow monies in the Coronavirus State Fiscal Recovery Fund to be appropriated to make the delinquent CHIP members current with premium payments at a certain date in the future.”

House Bill 2143 - Continuing County Prison Board Status after Change in County Designation

Re-committed to APPROPRIATIONS, January 26, 2022

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=H&type=B&bn=2143>

House Bill 2143 would amend Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes to “add 2-A class counties to the current procedures that are used for 3rd through 8th class counties, thus allowing them to continue to use their current county prison board after the transition.”

Updates from the Courts

U.S. Supreme Court

HEMPHILL V. NEW YORK

DECIDED: January 20, 2022

https://www.supremecourt.gov/opinions/21pdf/20-637_new_6khn.pdf

“The Confrontation Clause requires that the reliability and veracity of the evidence against a criminal defendant be tested by cross-examination, not determined by a trial court. The trial court’s admission of uncontroverted testimonial hearsay over Hemphill’s objection, on the view that it was reasonably necessary to correct Hemphill’s misleading argument, violated that fundamental guarantee. The judgment of the New York Court of Appeals is reversed, and the case is remanded for further proceedings not inconsistent with this opinion.”

PA Supreme Court

*No new updates this month

PA Superior Court

(Reporting only cases with precedential value)

Criminal Law & Procedure

COMMONWEALTH OF PENNSYLVANIA v. JOEL MARTINEZ SANTIAGO

FILED: January 20, 2022

<https://www.pacourts.us/assets/opinions/Superior/out/J-A22006-21o%20-%20105019994159361142.pdf?cb=1>

“The MDJ in this case lacked jurisdiction to convert Appellant’s preliminary hearing into a guilty plea proceeding. Moreover, this Court has held that “the re-filing of the criminal complaint against [a defendant] without first challenging [the MDJ’s erroneous adjudication] did not violate the principles of double jeopardy or compulsory joinder.” Id. at 940. Thus, Appellant’s fourth issue lacks merit. Based upon the foregoing analysis, we will affirm the order denying Appellant’s motion to dismiss. On remand, we direct the trial court to vacate Appellant’s January 28, 2020 judgment of sentence as void ab initio. Order affirmed. Case remanded with instructions. Jurisdiction relinquished.”

COMMONWEALTH OF PENNSYLVANIA v. ROBERT ANTHONY MILLER

FILED: January 24, 2022

<https://www.pacourts.us/assets/opinions/Superior/out/J-S34008-21o%20-%20105023168160622838.pdf?cb=1>

“Instantly, as explained above, Officer Navarro was not authorized to act as the Commonwealth’s designee when he withdrew the felony charge and agreed to Appellant’s guilty plea. Thus, Appellant’s plea was a legal nullity and jeopardy did not attach. Accordingly, we find that the trial court did not violate the double jeopardy clause of the United States and Pennsylvania Constitutions. Order affirmed.”

COMMONWEALTH OF PENNSYLVANIA v. JAMES MANASSEH GILBERT

FILED: January 25, 2022

<https://www.pacourts.us/assets/opinions/Superior/out/J-S27035-21o%20-%20105025224160782700.pdf?cb=1>

“We find no merit in Appellant’s argument regarding the evidence of his summary harassment conviction. To the extent Appellant challenges the trial court’s ruling on his motion in limine seeking to exclude evidence of a prior bad act under Rule of Evidence 404(b), he prevailed before the trial court and the trial court ruled that the Commonwealth could not introduce the conviction. Furthermore, to the extent Appellant challenges Ms. Lobaugh’s brief discussion of the June 2018 incident during her trial testimony, Appellant failed to object and therefore he waived his claim. N.T., 11/4/19, at 50-51. Finally, to the extent Appellant argues that he was compelled to address his conviction during his testimony, the record contradicts his claim because the Commonwealth, in compliance with the trial court’s pre-trial ruling, did not initially elicit evidence related to the conviction. As we find that none of Appellant’s appellate issues merit relief, we affirm the judgment of sentence.”

SANDRA DINARDO A/K/A SANDRA. AFFATATO v. CHRISTIAN KOHLER, M.D.

FILED: January 26, 2022

<https://www.pacourts.us/assets/opinions/Superior/out/J-A15018-21o%20-%20105026792160918743.pdf?cb=1>

“Accordingly, we affirm the portion of the order sustaining the Medical Defendants’ demurrers to Mother’s claims for indemnification and attorney fees, and we reverse the portion of the order overruling the Medical Defendants’ demurrer to Mother’s claims for compensatory damages. The combined effect of these decisions is to compel dismissal of the amended complaint in its entirety due to Mother’s failure to state a valid claim for any type of monetary relief. Order affirmed in part and reversed in part. Amended complaint dismissed in its entirety. Jurisdiction relinquished.”

COMMONWEALTH OF PENNSYLVANIA v. THADDEUS CRUMBLY

FILED: January 26, 2022

<https://www.pacourts.us/assets/opinions/Superior/out/J-S36033-20o%20-%20105026703160912570.pdf?cb=1>

“The equal unavailability of the witness to both Crumbley and the Commonwealth was a proper basis for the denial of a missing witness instruction. Trial counsel, therefore, could not have been ineffective in failing to object to the ruling, and the layered claim of PCRA counsel’s ineffectiveness has no merit. See Burkett, 5 A.3d at 1270 (“If [trial counsel] was effective, then subsequent counsel cannot be deemed ineffective for failing to raise the underlying issue.”). Order affirmed.”

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