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## Criminal Justice Update - March 2022

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## Criminal Justice Update - March 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.

### Contents:

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

### Keywords

Criminal Justice Update, Adams County Bar Foundation, ACBF

### Disciplines

Criminology | Public Administration | Public Affairs | Public Policy



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# CRIMINAL JUSTICE UPDATE



*A monthly newsletter produced by the ACBA Fellow at Gettysburg College*

**March 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

\*No new updates this month

## Updates from the PA Legislature

\*No new updates this month

## Updates from the Courts

### U.S. Supreme Court

**UNITED STATES v. TSARNAEV**

**DECIDED: March 4, 2022**

[https://www.supremecourt.gov/opinions/21pdf/20-443\\_new\\_2d8f.pdf](https://www.supremecourt.gov/opinions/21pdf/20-443_new_2d8f.pdf)

“Dzhokhar Tsarnaev committed heinous crimes. The Sixth Amendment nonetheless guaranteed him a fair trial before an impartial jury. He received one. The judgment of the United States Court of Appeals for the First Circuit is reversed.”

**WOODEN v. UNITED STATES**

**DECIDED: March 7, 2022**

[https://www.supremecourt.gov/opinions/21pdf/20-5279\\_new\\_h315.pdf](https://www.supremecourt.gov/opinions/21pdf/20-5279_new_h315.pdf)

“Wooden’s ten burglary convictions were for offenses committed on a single occasion. They therefore count only once under ACCA. We reverse the judgement of the Sixth Circuit and remand the case for further proceedings consistent 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. COLE HERRING**

**FILED: March 7, 2022**

<https://www.pacourts.us/assets/opinions/Superior/out/J-S04037-22o.pdf?cb=2>

“We conclude that the prosecution presented overwhelming evidence of Appellant’s guilt as the sole perpetrator of the murder that any prejudicial effect of the trial court’s decision to deny Appellant’s motion in limine was so insignificant by comparison that the error could not have contributed to the verdict. Accordingly, we affirm the judgment of sentence.”

#### **COMMONWEALTH OF PENNSYLVANIA v. DANA ROMER JACKSON**

**FILED: March 8, 2022**

<https://www.pacourts.us/assets/opinions/Superior/out/J-A02002-22o%20-%20105071050164840364.pdf?cb=1>

“As such, because Section 1543(b)(1)(ii) does not provide for a maximum term of incarceration, it is unconstitutionally vague and inoperable for the same reasons expressed in Eid. Hence, we agree with the trial court’s assessment that Appellant’s sentence is illegal. Accordingly, consistent with the Supreme Court’s resolution in Eid, we affirm Appellant’s conviction and the imposition of the \$1,000.00 fine but vacate the house arrest portion of his sentence and remand for additional proceedings.”

#### **COMMONWEALTH OF PENNSYLVANIA v. JULIO FUENTES**

**FILED: March 9, 2022**

<https://www.pacourts.us/assets/opinions/Superior/out/J-S27039-21o%20-%20105072080164929551.pdf?cb=1>

“Accordingly, in finding validity to Fuentes’s final argument, while we affirm Fuente’s convictions, we vacate Fuentes’s judgment of sentence and remand for the court to determine what credit, if any, Fuentes is due as a result of his time spent in custody awaiting trial on these present convictions and to thereafter resentence accordingly.”

## **COMMONWEALTH OF PENNSYLVANIA v. SCOTT ALLEN SCHROAT**

**FILED: March 15, 2022**

<https://www.pacourts.us/assets/opinions/Superior/out/J-S49030-20o%20-%20105078734165461182.pdf?cb=1>

“In total, the court’s opinion reflects a lack of consideration for Appellant’s youth, history, and rehabilitative needs in favor of an inordinate focus on the heinous act he committed as a minor. Appellant presented significant, uncontroverted evidence that he has matured and made steps toward rehabilitation while in prison. Yet, in the sentencing court’s view, Appellant has made no progress because he committed murder in 1992. This view directly contradicts the Supreme Court’s edict that “children who commit even heinous crimes are capable of change” *Montgomery*, 577 U.S. at 212, is manifestly unreasonable, and an abuse of discretion. We, thus, vacate Appellant’s sentence and remand for resentencing.”

## **COMMONWEALTH OF PENNSYLVANIA v. VYANTE ANTON GREEN**

**FILED: March 16, 2022**

<https://www.pacourts.us/assets/opinions/Superior/out/J-A03005-22o%20-%20105079945165596357.pdf?cb=1>

“Based on the evidence presented at trial, an “unreasonable belief” voluntary manslaughter jury instruction was appropriate and the trial court’s refusal to provide that instruction prejudiced Appellant. Therefore, the refusal to instruct on voluntary manslaughter constitutes reversible error. *Sandusky*, 77 A.3d at 667. Judgment of sentence vacated. Case remanded for a new trial.”

## **COMMONWEALTH OF PENNSYLVANIA v. MAXWELL DAVID EDGIN**

**FILED: March 22, 2022**

<https://www.pacourts.us/assets/opinions/Superior/out/J-A12002-21o%20-%20105086503166165972.pdf?cb=1>

“We conclude that the trial court erred in denying Appellant’s motion to suppress all evidence of wrongdoing procured by the unlawful entry into his home. We therefore vacate the judgment of sentence and remand for further proceedings consistent with this opinion.”

## **COMMONWEALTH OF PENNSYLVANIA v. PARRIS LAVON HARPER**

**FILED: March 28, 2022**

<https://www.pacourts.us/assets/opinions/Superior/out/J-S29010-21o%20-%20105092778166706207.pdf?cb=1>

“We conclude the reasons the trial court offered for the sentence imposed were more than sufficient to conclude that the court properly considered all relevant factors in fashioning Harper’s sentence. Also, because the trial court had been fully informed and relied upon the presentence report, we conclude the trial court did not abuse its discretion in creating the instant sentence. Accordingly, Harper’s claim that the trial court failed to consider the appropriate factors in imposing the sentence lacks merit. Judgment of sentence affirmed.”

## **COMMONWEALTH OF PENNSYLVANIA v. GEORGE WILLIAMS**

**FILED: March 28, 2022**

<https://www.pacourts.us/assets/opinions/Superior/out/J-A03007-22o%20-%20105092312166658944.pdf?cb=1>

“In summary, we vacate and remand for a new trial because the trial court abused its discretion by permitting Getz to provide expert testimony on redirect on “under-disclosure” by child victims without first qualifying Getz as an expert. We discern no abuse of discretion in the trial court’s denial of Appellant’s request for a prompt complaint charge.”

**COMMONWEALTH OF PENNSYLVANIA v. DAVID RYAN BATES**

**FILED: March 29, 2022**

<https://www.pacourts.us/assets/opinions/Superior/out/J-S07007-22o%20-%20105094524166846126.pdf?cb=1>

“On February 21, 2020, Appellant filed a timely, pro se, first PCRA petition at Docket Number 3421-2016 and both the PCRA court and this Court erroneously allowed Appellant to litigate the entirety of the petition pro se. Given our failures, Appellant’s Current PCRA Petition “may not be treated as an untimely second petition.” Instead, pursuant to our Supreme Court’s precedent and in view of Appellant’s prior uncounseled and erroneously dismissed PCRA petition, Appellant’s Current PCRA Petition must be considered a timely, first petition under the PCRA. We thus vacate the PCRA court’s order and remand the matter for further proceedings.”

**COMMONWEALTH OF PENNSYLVANIA v. WILLIAM JAMES HARDY**

**FILED: March 30, 2022**

<https://www.pacourts.us/assets/opinions/Superior/out/J-A06005-22o%20-%20105095538166931308.pdf?cb=1>

“Accordingly, after careful consideration and review, we discern no error in the trial court’s factual findings and legal conclusions. We thus affirm the denial of Appellant’s petition seeking post-conviction DNA testing, and deny Appellant’s petition for remand.”

**COMMONWEALTH OF PENNSYLVANIA v. JUNITO VELEZ**

**FILED: March 31, 2022**

<https://www.pacourts.us/assets/opinions/Superior/out/J-S37012-21o%20-%20105097043167096885.pdf?cb=1>

“We also briefly address the claim Velez has tacked on to the end of his brief that appears to allege his sentence was also unreasonable because the sentencing court misstated the aggravated range minimum sentence for aggravated assault as 55 months to 76 months of incarceration, when the correct range is actually 54 months to 66 months of incarceration. This, according to Velez, “made the sentence seem less extreme than it actually was.” However, as the Commonwealth points out, this claim is waived because it was not included in either Velez’s Rule 1925(b) statement or his Rule 2119(f) statement. The argument is also not included in the summary of the argument section of Velez’s brief, as required by our Rules of Appellate Procedure. As such, this belated claim, like his other claims, offers Velez no basis for relief.”

**COMMONWEALTH OF PENNSYLVANIA v. TYREEK WILSON**

**FILED: March 31, 2022**

<https://www.pacourts.us/assets/opinions/Superior/out/J-S09036-22o%20-%20105096879167088287.pdf?cb=1>

“As there is no merit to Appellant’s claim that the trial court’s instruction was erroneous, counsel cannot be deemed ineffective for failing to raise a meritless claim. Further, Appellant did not attempt to argue that he was in any way prejudiced by the trial court’s instruction. As a result, we discern no error in the PCRA court's denial of this request for relief. Accordingly, for the foregoing reasons, we affirm the PCRA court’s order dismissing the petition in this case.”

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