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## Criminal Justice Update - July 2022

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## Criminal Justice Update - July 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
- Updates from the Courts
  - U.S. Supreme Court (No new updates this month)
  - PA Supreme Court
  - PA Superior Court

### Keywords

Criminal Justice Update, Adams County Bar Foundation, ACBF

### Disciplines

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



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# CRIMINAL JUSTICE UPDATE



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

*July 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

### **HB 2464 – Establishing Standing for Victims of Crime**

**DECIDED: July 6, 2022**

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&slnd=0&body=H&type=B&bn=2464>

House Bill 2464 amends “the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, in preliminary provisions, further providing for definitions; in crime victims, further providing for rights, for responsibilities of victims of crime under basic bill of rights, for responsibilities of State and local law enforcement agencies, for responsibilities of prosecutor's office, for responsibilities of department, local correctional facilities and board and for responsibilities of juvenile probation office and providing for legal standing; in administration, further providing for office, for powers and duties of victim advocate and for powers and duties of Office of Victims' Services; in compensation, further providing for persons eligible for compensation, providing for counseling services for victims of sexual abuse and further providing for filing of claims for compensation, for minimum allowable claim, for determination of claims, for emergency awards, for awards and for confidentiality of records; in services, further providing for eligibility of victims; in financial matters, further providing for costs and for costs for offender supervision programs; in enforcement, further providing for subrogation and for

revictimization relief; transferring money from the Crime Victim's Compensation Fund; providing for applicability; and making a related repeal.”

## **HB 975 – Protecting Elders and Other Care-Dependent Adults from**

### **Sexual Assault**

**DECIDED: July 6, 2022**

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&slnd=0&body=H&type=B&bn=975>

House Bill 2464 amends “Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in assault, further providing for definitions; and, in sexual offenses, further providing for the offense of institutional sexual assault.”

## **HB 2032 – Safer Pennsylvania Act**

**DECIDED: July 8, 2022**

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&slnd=0&body=H&type=B&bn=2032>

The Safer Pennsylvania Act includes six pieces of legislation that will “protect victims of crime and improve public safety outcomes for all our Commonwealth residents. Please join me in co-sponsoring them.”

## **HB 146 – Markie’s Law (Former HB1855)**

**July 8, 2022**

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&slnd=0&body=H&type=B&bn=146>

House Bill 146 “will postpone consideration of a violent inmate’s parole until an additional 24 months following the inmate’s minimum release date for each conviction for a violent offense while incarcerated. In addition, my legislation will postpone consideration of an inmate’s parole an additional 12 months if the inmate attempts to escape, smuggles contraband, or retaliates or intimidates witnesses while incarcerated.”

## **Updates from the Courts**

### **U.S. Supreme Court**

\*No new updates this month

### **PA Supreme Court**

## COMMONWEALTH OF PENNSYLVANIA v. RYAN POWNALL

DECIDED: July 20, 2022

<https://www.pacourts.us/assets/opinions/Supreme/out/J-76-2021mo%20-%20105212486191918482.pdf?cb=1>

“We recognize the DAO’s fervent desire to put the troubling and recurring issue of police shootings in the spotlight. We agree the issue warrants serious examination, by every facet of government as well as those outside of it. But the proper forum for that debate is not an interlocutory appeal of a pretrial motion challenging a suggested jury instruction that might not even be applicable. Accordingly, we affirm the Superior Court’s order quashing the DAO’s unauthorized interlocutory appeal.”

Concurring Opinion (Justice Dougherty): <https://www.pacourts.us/assets/opinions/Supreme/out/J-76-2021co%20-%20105212486191918833.pdf?cb=1>

Dissenting Opinion (Justice Wecht): <https://www.pacourts.us/assets/opinions/Supreme/out/J-76-2021do%20-%20105212486191919072.pdf?cb=1>

## COMMONWEALTH OF PENNSYLVANIA v. AKIM SHARIF JONES-WILLIAMS

DECIDED: July 20, 2022

<https://www.pacourts.us/assets/opinions/Supreme/out/J-41-2022mo%20-%20105212027191877455.pdf?cb=1>

“While we affirm the Superior Court’s ultimate disposition reversing the trial court’s order denying suppression, vacating Appellee’s judgment of sentence, and remanding for a new trial; we vacate the portion of the Superior Court’s holding deeming Section 3755 unconstitutional.”

Concurring and Dissenting Opinion (Justice Wecht): <https://www.pacourts.us/assets/opinions/Supreme/out/J-41-2022cdo%20-%20105212027191877018.pdf?cb=1>

### PA Superior Court

*(Reporting only cases with precedential value)*

### Criminal Law & Procedure

IN THE INTEREST OF: K.G.

FILED: July 7, 2022

<https://www.pacourts.us/assets/opinions/Superior/out/J-A13006-22o%20-%20105199447190724788.pdf?cb=1>

“We note that the trial court erred by adjudicating Appellant delinquent without hearing evidence as to whether Appellant needed treatment, supervision, or rehabilitation. Instead, the trial court merely inquired about the status of other open criminal matters related to Appellant and, immediately thereafter, adjudicated Appellant delinquent in this case. Ultimately, in its subsequent opinion, the trial court determined that “[i]n light of [Appellant’s] prior admission for drug possession and an open matter in Delaware County, [the trial court believed that [Appellant] was in need of treatment, supervision and rehabilitation.” record makes clear that the trial court only examined Appellant’s criminal history, did not hear evidence about treatment, supervision, or rehabilitation before adjudicating Appellant

delinquent, and failed to follow the Rules of Juvenile Procedure as detailed above. More specifically, the trial court did not receive additional evidence pertaining to amenability to treatment, supervision, or detention, failed to advise Appellant of his post-dispositional rights, and failed to enter its reasons for its findings and conclusions of law into the record. Such actions were erroneous and, as a result, Appellant is entitled to relief for this additional reason.”

#### **COMMONWEALTH OF PENNSYLVANIA V. JASON WARUNEK**

**FILED: July 12, 2022**

<https://www.pacourts.us/assets/opinions/Superior/out/J-S21033-22o%20-%20105204850191196982.pdf?cb=1>

“We find this case to be indistinguishable from Cooper. As in that case, the record does not establish that Warunek’s criminal conduct in leaving the scene of the accident is what caused the victim’s injuries. The lack of evidence establishing that requisite causal connection between the admitted criminal conduct and the victim’s injuries, therefore, precluded the trial court from imposing restitution against Warunek. Thus, the restitution provisions in the judgment of sentence cannot stand.”

#### **IN THE INTEREST OF: C.K.M.**

**FILED: July 15, 2022**

<https://www.pacourts.us/assets/opinions/Superior/out/J-A07011-22o%20-%20105209043191612976.pdf?cb=1>

“Our review of the record and relevant legal authority reveals that the juvenile court did not abuse its discretion when it concluded that the time limitation imposed in Section 6353(a) only applied to Appellant’s initial commitment, rather than his total commitment, and denied Appellant’s motion for release.”

#### **COMMONWEALTH OF PENNSYLVANIA V. MARY HEYBOER (ESTATE OF MARY OLINDE HEYBOER)**

**FILED: July 26, 2022**

<https://www.pacourts.us/assets/opinions/Superior/out/J-A11020-22o%20-%20105220125192532110.pdf?cb=1>

“We conclude that the trial court erred and manifestly abused its discretion by further denying Appellant’s motion to abate charges. Because it was impossible for Appellant to be present at trial, to conduct further proceedings in her absence would be a violation of her rights under the Pennsylvania Constitution and under Rule 602(A). Therefore, we remand with instruction for the charges against Appellant to be abated. (The difficulties attendant to the retrial of a defendant who is unable to be present to defend himself due to death requires a remand to the trial court for the entry of an order of abatement upon record certification of appellant's death).”

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