




12-2022

Criminal Justice Update - December 2022

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Recommended Citation

Mahoney, Patrick, "Criminal Justice Update - December 2022" (2022). *Criminal Justice Updates*. 28.
<https://cupola.gettysburg.edu/cjupdates/28>

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

Keywords

Criminal Justice Update, Adams County Bar Foundation, ACBF

Disciplines

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



CRIMINAL JUSTICE UPDATE



A monthly newsletter produced by the ACBA Fellow at Gettysburg College

December 2022

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

Comments or questions?

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Updates from PA Governor's Office

**No new updates this month*

Updates from the PA Legislature

Criminal Law & Procedure

**No new updates this month*

Updates from the Courts

U.S. Supreme Court

**No new updates this month*

PA Supreme Court

**No new updates this month*

PA Superior Court

(Reporting only cases with precedential value)

Criminal Law & Procedure

COMMONWEALTH OF PENNSYLVANIA v. TRUTH SHYDEE WILSON

FILED: December 9, 2022

<https://www.pacourts.us/assets/opinions/Superior/out/J-A18017-22o%20-%20105366404206089714.pdf?cb=1>

“This case is before us on remand from the Pennsylvania Supreme Court. See Commonwealth v. Wilson, 272 A.3d 446 (Pa. 2022) (remanding for consideration of Commonwealth v. Raboin, 258 A.3d 412 (Pa. 2021), and “to address whether the forensic interview was admissible under the tender years exception to the hearsay rule.”). After careful consideration, and mindful of the Supreme Court’s directive, we affirm.”

COMMONWEALTH OF PENNSYLVANIA v. LEA BULLOCK

FILED: December 9, 2022

<https://www.pacourts.us/assets/opinions/Superior/out/J-S30011-22o%20-%20105366847206133489.pdf?cb=1>

“Appellant, Lea Bullock, appeals from the December 15, 2021 sentence imposing concurrent terms of time served to 23 months of incarceration followed by one year of probation for three counts of endangering the welfare of a child (“EWOC”). We affirm.”

COMMONWEALTH OF PENNSYLVANIA v. AUSTIN EUGENE BANKES

FILED: December 12, 2022

<https://www.pacourts.us/assets/opinions/Superior/out/J-S26020-22o%20-%20105368349206258524.pdf?cb=1>

“Austin Eugene Bankes (Appellant) appeals from the judgment of sentence entered in the Columbia County Court of Common Pleas, following his guilty plea to one count of rape of a child, three counts of rape by forcible compulsion, and two counts of involuntary deviate sexual intercourse (IDSI) by forcible compulsion. The trial court imposed an aggregate sentence of 50 to 140 years’ incarceration. On appeal, Appellant claims the court abused its discretion by imposing a purported de facto life sentence and by failing to consider his mental health condition, need for rehabilitation, and expressed remorse. We affirm.”

COMMONWEALTH OF PENNSYLVANIA v. DWAYNE CUNNINGHAM

FILED: December 13, 2022

<https://www.pacourts.us/assets/opinions/Superior/out/J-A23021-22o%20-%20105369734206365968.pdf?cb=1>

“The Commonwealth appeals from the December 8, 2021, order entered in the Court of Common Pleas of Schuylkill County, which granted the pre-trial omnibus suppression motion filed by Appellee Dwayne Cunningham (“Cunningham”). 1 After a careful review, we reverse the order granting the suppression motion, and we remand for further proceedings consistent with this decision.”

COMMONWEALTH OF PENNSYLVANIA v. ANGEL MARTIN MENDOZA

FILED: December 16, 2022

<https://www.pacourts.us/assets/opinions/Superior/out/J-S35036-22o%20-%20105373884206748903.pdf?cb=1>

“The Commonwealth appeals from the January 10, 2022, order entered in the Court of Common Pleas of York County, which granted the omnibus pretrial nunc pro tunc suppression motion filed by Appellee Angel Martin Mendoza (“Mendoza”). After a careful review, we reverse the order granting the suppression motion, and we remand for further proceedings consistent with this decision.”

COMMONWEALTH OF PENNSYLVANIA v. TIMOTHY H. HAAHS

FILED: December 19, 2022

<https://www.pacourts.us/assets/opinions/Superior/out/J-A26034-22o%20-%20105376009206897574.pdf?cb=1>

“Timothy H. Haahs appeals from the judgment of sentence entered in the Court of Common Pleas of Montgomery County (trial court) after his bench trial conviction for indecent assault without consent under 18 Pa.C.S. § 3126(a)(1). At trial, the Commonwealth presented evidence that Haahs inserted his fingers inside the complainant’s mouth and touched her teeth and tongue, as well as placing his lips and tongue all over her mouth. On appeal, he contends that this was insufficient to prove that he had “indecent contact” with the complainant because the lips and mouth are not “sexual or other intimate parts” of the body for purposes of indecent assault. Recently, though, in *Commonwealth v. Gamby*, 283 A.3d 298 (Pa. filed September 29, 2022), our Supreme Court held that, for purposes of indecent assault, “sexual or other intimate parts” is not limited to only sexual body parts, but includes “a body part that is personal and private, and which the person ordinarily allows to be touched only by people with whom the person has a close personal relationship, and on which is commonly associated with sexual relations or intimacy.” *Id.* at 313-14. Applying these criteria to the facts here, we find there was sufficient evidence for the trial court to convict Haahs of indecent assault without consent. We affirm.”

COMMONWEALTH OF PENNSYLVANIA v. BRENDAN PATRICK YOUNG & DANIEL CASEY

FILED: December 23, 2022

<https://www.pacourts.us/assets/opinions/Superior/out/J-S54002-19o%20-%20105381856207356927.pdf?cb=1>

“The Commonwealth of Pennsylvania has appealed from the order that, inter alia, granted the motion to suppress evidence obtained from the cellular phones of defendants Brendan Patrick Young and Daniel Casey (collectively “Appellees”). We affirm.”

COMMONWEALTH OF PENNSYLVANIA v. RAHEEM STEVENSON

FILED: December 23, 2022

<https://www.pacourts.us/assets/opinions/Superior/out/J-A11001-22o%20-%20105381632207344714.pdf?cb=1>

“Raheem Stevenson appeals from the judgment of sentence of eight to sixteen years of imprisonment followed by ten years of probation that was imposed after a jury convicted him of two counts of robbery and one count each of burglary and criminal conspiracy. We affirm”

COMMONWEALTH OF PENNSYLVANIA v. TONY BOYD JR.

FILED: December 29, 2022

<https://www.pacourts.us/assets/opinions/Superior/out/J-S37040-21o%20-%20105385637207670977.pdf?cb=1>

“The present appeal returns to us following the Pennsylvania Supreme Court's decision in Commonwealth v. Thorne, 276 A.3d 1192 (Pa. 2022), in which the Court held that constitutional challenges to the lifetime registration requirements of Revised Subchapter H of Pennsylvania’s Sexual Offender Registration and Notification Act (SORNA II)¹ implicate the legality of sentencing and, thus, cannot be waived. See Thorne, 276 A.3d at 1194, 1198. ² Consistent with controlling precedent, we remand to the trial court for further proceedings necessary to develop a factual record on the challenges herein presented.”

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