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Criminal Justice Update - March 2023

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Criminal Justice Update - March 2023

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
 - US Supreme Court (no updates this month)
 - PA Supreme Court: Criminal Law & Procedure
 - PA Superior Court: Criminal Law & Procedure

Keywords

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Disciplines

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



CRIMINAL JUSTICE UPDATE



A monthly newsletter produced by the ACBF Fellow at Gettysburg College

March 2023

Keep up to date with developments in criminal law, criminal procedure, and victims' rights 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 2 – Setting New Time Limitations and Qualified Immunity Requirements for Bringing Civil & Criminal Action

Final Passage in the House, March 7, 2023

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2023&sind=0&body=H&type=B&bn=2>

House Bill 2 would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to “further provide limitations of time for minors, inmates, and the insane in cases of civil action.” The Bill would further “provide exceptions to sovereign immunity and for exceptions to governmental immunity in cases of sexual abuse.”

Updates from the Courts

U.S. Supreme Court

**No New Updates this Month*

PA Supreme Court

UNITED STATES OF AMERICA v. DONTEZ PERRIN

FILED: March 21, 2023

<https://www.pacourts.us/assets/opinions/Supreme/out/J-42-2022mo%20-%20105470575216124093.pdf?cb=1>

“In this appeal by allowance, we are tasked with determining whether the trial court erred in refusing to accept a proposed stipulation as to witness credibility in the context of a post-sentence motion for a new trial. As we determine that the trial court was well within its right to reject the proposed stipulation, we affirm its denial of Appellant’s motion.”

PA Superior Court

(Reporting only cases with precedential value)

Criminal Law & Procedure

GEORGE ROGERS v. LLYOD THOMAS, HAYDEN THOMAS, AND/OR THE OUTDOORSMAN INC.

FILED: March 2, 2023

<https://www.pacourts.us/assets/opinions/Superior/out/J-E03006-21o%20-%20105451538214310641.pdf?cb=1>

“Appellants George Rogers, Administrator of the Estate of Joshua Rogers (the “Rogers Estate”), and Suzette Benet, Administrator of the Estate of J-E03006-21 J-E03007-21 - 2 - Gilberto Alvarez (the “Alvarez Estate”), appeal from the November 21, 2018 judgments entered against them in the Court of Common Pleas of Susquehanna County (“trial court”) following a multi-day jury trial in these wrongful death and survival actions. Upon review, we affirm.”

COMMONWEALTH OF PENNSYLVANIA v. ISIAH CHRISTIAN ADORNO

FILED: March 3, 2023

<https://www.pacourts.us/assets/opinions/Superior/out/J-A27017-22o%20-%20105453422214481377.pdf?cb=1>

“The Commonwealth appeals from the order granting Isaiah Christian Adorno’s motion to suppress. It maintains that probable cause existed to search Adorno’s home. We reverse and remand for further proceedings.”

COMMONWEALTH OF PENNSYLVANIA v. WILLIAM ALBERT ROBERTS

FILED: March 6, 2023

<https://www.pacourts.us/assets/opinions/Superior/out/J-S01026-23o%20-%20105454570214584477.pdf?cb=1>

“Willam Albert Roberts appeals from the judgment of sentence imposing five to ten years’ incarceration after a jury convicted him of two counts of failing to comply with the registration requirements of the Sex Offender Registration and Notification Act (“SORNA”), 42 Pa.C.S.A. §§ 9799.51- 9799.75. Because a SORNA registrant violates by knowing that he failed to report, regardless of his subjective view of the duration of the underlying reporting obligation, we affirm.”

COMMONWEALTH OF PENNSYLVANIA v. ERIK CHARLES LAWRENCE

FILED: March 15, 2023

<https://www.pacourts.us/assets/opinions/Superior/out/J-S06037-23o%20-%20105465167215635740.pdf?cb=1>

“Appellant Erik Charles Lawrence appeals the judgment of sentence entered by the Court of Common Pleas of Huntingdon County after Appellant pleaded guilty to Driving While Operating Privilege is Suspended or Revoked DUI Related (3rd offense) (hereinafter, “DWS”) and False Identification to a Law Enforcement Officer. We affirm.”

COMMONWEALTH OF PENNSYLVANIA v. NATHANIEL ROY LEWIS

FILED: March 23, 2023

<https://www.pacourts.us/assets/opinions/Superior/out/J-A28035-22o%20-%20105474591216516144.pdf?cb=1>

“The justice system in America is a distinctive system which requires cooperation among diverse professionals and entities who have, at times, conflicting goals but a united responsibility – a fair and just trial. This case demonstrates how unethical conduct by an attorney disrupts the integrity of the criminal justice system and causes the corruption of the criminal trial process. The Appellant’s original choice for defense counsel, Lauren Wimmer, Esq., engaged in conduct that offended the trial court’s expectations of the ethical and vigorous advocacy required from a member of the Bar of Pennsylvania. Her actions put the wheels in motion for the unfortunate, and regrettable outcome that a new trial is required. This is necessary although we must sympathize with the frustration of the trial court in having

to address this issue and the anger of the prosecution after it learned of her actions. However, as always, it is the application of the law which determines the appropriate appellate decision and not the personal outrage which results from the conduct of counsel.

In this case, Nathaniel Roy Lewis appeals from the judgment of sentence entered after a jury convicted him of two counts of attempted homicide and related crimes arising from an incident where Lewis fired more than 30 rounds from a high-powered semi-automatic rifle at members of the Chester County Emergency Response Team (“CCERT”). Prior to trial, the trial court disqualified Lewis’s chosen counsel based on allegations she had leaked portions of footage from CCERT team leader Detective Paul Trautmann’s body camera to national media and further, had made public statements impugning Detective Trautmann’s credibility on a television broadcast. Lewis contends the trial court violated his Sixth Amendment right to counsel by disqualifying his counsel. We agree, and therefore vacate his judgment of sentence and remand for a new trial.

COMMONWEALTH OF PENNSYLVANIA v. AJANAY WATSON

FILED: March 24, 2023

<https://www.pacourts.us/assets/opinions/Superior/out/J-A02038-23o%20-%20105475716216633251.pdf?cb=1>

Ajanay Watson (Appellant) appeals from the judgment of sentence imposed after the trial court found her guilty of robbery of a motor vehicle, criminal attempt (to commit robbery of a motor vehicle), firearms not to be carried without a license, theft by unlawful taking, simple assault, and fleeing or attempting to elude a police officer. Appellant claims the trial court erred in discrediting her defense that she was legally insane when she committed the crimes. We affirm.

COMMONWEALTH OF PENNSYLVANIA v. COREY LEE MCLENDON

FILED: March 27, 2023

<https://www.pacourts.us/assets/opinions/Superior/out/J-S36006-22o%20-%20105477592216785794.pdf?cb=1>

“Appellant, Corey Lee McLendon, appeals from the November 24, 2021 judgment of sentence imposing 75 to 150 months of incarceration for aggravated assault. We affirm.”

COMMONWEALTH OF PENNSYLVANIA v. BEAU REED

FILED: March 31, 2023

<https://www.pacourts.us/assets/opinions/Superior/out/J-A04002-23o%20-%20105484980217783682.pdf?cb=1>

“Appellant, Beau Reed, appeals from his judgment of sentence of two to five years’ imprisonment for corruption of minors and two counts of indecent assault of a complainant less than sixteen years of age. Appellant argues that the trial court (1) abused its discretion by allowing a text message from Appellant to the minor victim, T.R., into evidence, (2) abused its discretion by denying Appellant’s motion for a mistrial, and (3) erroneously denied Appellant’s motion to dismiss under Pa.R.Crim.P. 600. We affirm.”

COMMONWEALTH OF PENNSYLVANIA v. ERIC BRADLEY DERR

FILED: March 31, 2023

<https://www.pacourts.us/assets/opinions/Superior/out/J-A27025-22o%20-%20105484757217760006.pdf?cb=1>

“The Commonwealth of Pennsylvania appeals from the order granting Eric Bradley Derr’s pretrial petition for a writ of habeas corpus. The Commonwealth argues the court erred in determining it had not presented a prima facie case that Derr had committed Unlawful Use of a Computer and Other Computer Crimes (“Unlawful Use of a Computer”). See 18 Pa.C.S.A. § 7611(a)(2). We reverse.”

IN THE INTEREST OF: R.C.-G., A MINOR

FILED: March 31, 2023

<https://www.pacourts.us/assets/opinions/Superior/out/J-A05006-23o%20-%20105484735217758451.pdf?cb=1>

“R.C.-C. (Father) appeals from the trial court’s order adjudicating his daughter, R.C.-G. (Child) (born 5/08), dependent, finding her to be the victim of child abuse, and concluding that the abuse was due to Father’s failure to act. See 23 Pa.C.S.A. §§ 6303, 6381(d). After careful review, we affirm in part, vacate in part, and remand for further proceedings.

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