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## Criminal Justice Update - September 2023

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

### 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 newsletter produced by the ACBF Fellow at Gettysburg College

September 2023



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

Comments or questions?  
Contact Delaney Rabenold at [rabede01@gettysburg.edu](mailto:rabede01@gettysburg.edu)

## Updates from PA Governor's Office

**\*No new updates this month**

## Updates from PA Legislature

### Criminal Law and Procedure

**\*No new updates this month**

## Updates from the Courts

### U.S. Supreme Court

**\*No new updates this month**

### PA Supreme Court

## **Discipline Rules Docket**

**Filed:** September 26, 2023

Reaccreditation of the National Board of Trial Advocacy as a certifying organization for civil trial advocacy and criminal trial advocacy

“AND NOW, this 26th day of September 2023, upon consideration of the recommendation of the Pennsylvania Bar Association Review and Certifying Board, the

National Board of Trial Advocacy is hereby reaccredited as a certifying organization for civil trial advocacy and criminal trial advocacy for a period of five years, commencing June 1, 2024.”

<https://www.pacourts.us/assets/opinions/Supreme/out/Order%20Entered%20-%20105682042240460505.pdf?cb=1>

## **Criminal Procedure Rules Docket**

**Filed:** September 11, 2023

[Order Amending Rule 574 of the Pennsylvania rules of criminal procedure](#)

“AND NOW, this 11th day of September, 2023, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a): It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 574 of the Pennsylvania Rules of Criminal Procedure is amended in the attached form. This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2024.”

<https://www.pacourts.us/assets/opinions/Supreme/out/Order%20Entered%20-%20105665654238846362.pdf?cb=1>

### PA Superior Court

(Reporting only cases with precedential value)

## **Commonwealth of Pennsylvania v. Delamarter**

**Filed:** September 6, 2023

“Appellant, Kevin Scott Delamarter, appeals from the judgments of sentence entered in the Mifflin County Court of Common Pleas following his jury conviction of endangering the welfare of a child (EWOC),<sup>1</sup> and his nonjury convictions of driving under the influence of a controlled substance (DUI)<sup>2</sup> and two summary offenses.<sup>3</sup> On appeal, Appellant challenges the weight and sufficiency of the evidence supporting his EWOC conviction.<sup>4</sup> Upon careful review, we affirm.”

<https://www.pacourts.us/assets/opinions/Superior/out/1-S08018-23o%20-%20105660878238061259.pdf?cb=1>

## **Commonwealth of Pennsylvania v. Mclean**

**Filed:** September 7, 2023

“Kelvin McLean appeals nunc pro tunc from his judgment of sentence, entered in the Court of Common Pleas of Dauphin County, after a jury convicted him of one count each of statutory sexual assault,<sup>1</sup> corruption of minors,<sup>2</sup> and unlawful contact with a minor.<sup>3</sup> We conclude the trial court properly denied McLean’s motion to suppress DNA evidence taken pursuant to court order, and, therefore, we affirm his judgment of sentence.”

<https://www.pacourts.us/assets/opinions/Superior/out/1-S24024-23o%20-%20105662252238306594.pdf?cb=1>

## **Commonwealth of Pennsylvania v. Bartic**

**Filed:** September 12, 2023

“In this consolidated appeal,<sup>1</sup> Appellant, Timothy Bartic, appeals from the November 19, 2021 judgments of sentences entered in the Court of Common Pleas of Allegheny County that imposed an aggregate sentence of 1 to 2 years’ incarceration, to be followed by 1 year of probation, after the trial court found Appellant guilty of six instances of indirect criminal contempt. <sup>2</sup> Appellant’s indirect criminal contempt convictions stemmed from his violation of a final protection from abuse (“PFA”) order issued pursuant to the Protection from Abuse Act (“PFAA”), 23 Pa.C.S.A. §§ 6101 to 6122, on six separate occasions. We affirm Appellant’s judgments of sentence but remand this case to allow the trial court to correct a clerical error in the sentencing order at CP-4352 in accordance with this opinion.”

“A final [PFA] order was issued against [Appellant] on November 12, 2020[,] in which he was prohibited from having contact with [the victim] and specifically precluded [] from her residence.” Trial Court Opinion, 10/28/22, at 1. Appellant violated the PFA order on November 25, 2020 (CP-3875), May 4, 2021 (CP-1798), June 30, 2021 (CP-3876), September 1, 2021 (CP-3877), October 12, 2021 (CP-4352), and October 13, 2021 (CP-4351).<sup>3</sup> On November 19, 2021, the trial court found Appellant guilty of six instances of indirect criminal contempt for violating the PFA order on the aforementioned dates. That same day, the trial court sentenced Appellant as detailed supra. On November 29, 2021, Appellant filed a post-sentence motion, requesting the trial court reconsider its sentences. The trial court denied Appellant’s post-sentence motion on December 7, 2021.”

<https://www.pacourts.us/assets/opinions/Superior/out/1-S17022-23o%20-%20105666813238970187.pdf?cb=1>

## Commonwealth of Pennsylvania v. Williams

**Filed:** September 20, 2023

“The Commonwealth appeals from the order denying its motion to refile charges against Nathaniel Williams. It argues it presented sufficient evidence to establish a prima facie case of unsworn falsification to authorities, tampering with or fabricating physical evidence, tampering with public records or information, and obstructing administration of law or other governmental functions. 1 We affirm. In November 2019, the Commonwealth charged Nathaniel Williams, a former Philadelphia Police Detective, with the above-mentioned crimes, which related to allegations that Williams had conducted searches of law enforcement databases using a license plate number and provided information he obtained from the searches to his cousin. In September 2020, the court held the first of the two preliminary hearings that were held in this case, and dismissed all charges. The Commonwealth filed a Notice of Refiling of Criminal Complaint, listing charges of tampering with public records, obstruction of administration of law/other government function, unsworn falsification, tampering with/fabricating physical evidence.<sup>2</sup> The court held a second preliminary hearing that incorporated the testimony from the first and allowed into evidence a transcription of a police interview of Williams and certain phone records. The following is a summary of the evidence from the two hearings.”

<https://www.pacourts.us/assets/opinions/Superior/out/J-E01004-23o%20-%20105676584239888293.pdf?cb=1>

## Commonwealth of Pennsylvania v. Outlaw

**Filed:** September 20, 2023

“Basile Outlaw appeals the judgment of sentence imposed for his conviction for direct criminal contempt. 1 He challenges the sufficiency of the evidence. We affirm. Outlaw attended a hearing on a motion to suppress, on June 16, 2022, as a spectator. As the judge finished announcing her findings on the motion, Outlaw stood up and yelled, “The judge is a cocksucker.” N.T., 6/16/22, at 10. 2 Outlaw left the courtroom, and the deputy sheriff went to look for him. Outlaw later voluntarily returned, and the sheriff placed him in custody. Id. at 10-11. The court held a brief hearing the same day during which it obtained the deputy sheriff’s sworn testimony. Id. at 6, 11. The deputy testified that after the court made its decision on the suppression motion, Outlaw “got up and said, the judge is a cocksucker.” Id. at 6. Outlaw replied that he did not say “the judge,’ specifically.” Id. The court then took a brief

recess to obtain counsel for Outlaw. Id. at 8. When the proceeding resumed, the court placed a summary of the facts on the record and said it would be holding a contempt hearing. Id. at 10-11. Outlaw’s counsel stated that she “concede[d] this contempt, the direct contempt, under Commonwealth v. Moody.” 4 Id. The court then continued the contempt hearing and set Outlaw’s bail at \$75,000. Id. at 11-12.”

<https://www.pacourts.us/assets/opinions/Superior/out/J-A12039-23o%20-%20105676604239889777.pdf?cb=1>

## **Commonwealth of Pennsylvania v. Lamont Sloan**

**Filed:** September 21, 2023

“Appellant Terrance Lamont Sloan appeals from the judgment of sentence entered in the Court of Common Pleas of Westmoreland County following his conviction at a non-jury bench trial on the charges of driving while under the influence of a controlled substance (“DUI”)-impaired ability first offense, possession of a controlled substance (marijuana), possession of drug paraphernalia, exceeding the maximum speed limit by 33 mph, and careless driving. 1 After a careful review, we affirm. The relevant facts and procedural history are as follows: Appellant was arrested and charged with various drug and traffic offenses, including DUI. Appellant filed a counseled pre-trial omnibus motion seeking to suppress the statements made by Appellant, as well as the evidence seized by the police, stemming from the stop of his motor vehicle on August 1, 2021. On May 9, 2022, Appellant, represented by counsel, proceeded to an evidentiary hearing on his motion to suppress.”

<https://www.pacourts.us/assets/opinions/Superior/out/J-S28035-23o%20-%20105677579240011640.pdf?cb=1>

## **Commonwealth of Pennsylvania v. Evans**

**Filed:** September 22, 2023

Appellant Marquice Dupree Evans appeals from the September 6, 2022, order entered in the Court of Common Pleas of Erie County, which denied his first petition filed under the Post Conviction Relief Act (“PCRA”), 42 Pa.C.S.A. §§ 9541-9546, following an evidentiary hearing. After a careful review, we affirm.

<https://www.pacourts.us/assets/opinions/Superior/out/J-S28043-23o%20-%20105679089240178838.pdf?cb=1>

## **In the Interest of: D.J.K., A minor**

**Filed:** September 26, 2023

D.J.K., a juvenile, appeals from the November 7, 2022 dispositional order entered in the Court of Common Pleas of Berks County, following an adjudication of delinquency on charges of sexual assault and indecent assault. Following our careful review, we affirm the dispositional order in this clear case of credibility issues.

<https://www.pacourts.us/assets/opinions/Superior/out/I-S24038-23o%20-%20105682035240458889.pdf?cb=1>

## **Commonwealth of Pennsylvania v. Torres**

**Filed:** September 27, 2023

Luis Gabriel Torres, Jr., appeals from the judgment of sentence, entered in the Court of Common Pleas of Lancaster County, following his convictions of one count each of rape of a child<sup>1</sup> and aggravated indecent assault of a child,<sup>2</sup> and three counts each of involuntary deviate sexual intercourse with a child (IDSI),<sup>3</sup> indecent assault of a person less than thirteen years of age,<sup>4</sup> and unlawful contact with a minor-sexual offenses.<sup>5</sup> Upon review, we affirm. Between June 2008 and March 2011, Torres, his mother, and four of his younger half-siblings were living with maternal grandmother in a residence located at 16 Parkside Avenue in Lancaster Township. Throughout this period, Torres sexually abused three of his younger half-siblings, his half-sister D.A.L.(f) and his half-brothers D.A.L.(m) and D.D.L. At the time of the offenses, all three children were between the ages of two-and-a-half and six years old, and Torres was between the ages of 13 to 15. Torres was often left in charge of his younger half-siblings because their mother was working sixteen hours a day to support their family.

<https://www.pacourts.us/assets/opinions/Superior/out/I-A13023-23o%20-%20105683261240590979.pdf?cb=1>