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## Criminal Justice Update - December 2023

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

December 2023



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

Comments or questions?  
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## Updates from PA Governor's Office

**\*No new updates this month**

## Updates from PA Legislature

### Criminal Law and Procedure

#### **House Bill 1278**

**Last Action:** December 14, 2023

“An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in wiretapping and electronic surveillance, further providing for definitions and for exceptions to prohibition of interception and disclosure of communications, providing for public access and for Department of Corrections retention policy and further providing for expiration of chapter.”

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2023&sind=0&body=H&type=B&bn=1278>

#### **Senate Bill 596**

**Last Action:** December 14, 2023

“n Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in theft and related offenses, further providing for the offense of organized retail theft; and establishing the Office of Deputy Attorney General for Organized Retail Crime Theft.”

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2023&sind=0&body=S&type=B&bn=596>

#### **Senate Bill 527**

**Last Action:** December 14, 2023

“An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in theft and related offenses, further providing for the offense of theft of mail.”

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2023&sind=0&body=S&type=B&bn=527>

## **House Bill 1278**

**Last Action:** December 14, 2023

“An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in wiretapping and electronic surveillance, further providing for definitions and for exceptions to prohibition of interception and disclosure of communications, providing for public access and for Department of Corrections retention policy and further providing for expiration of chapter.”

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?sYear=2023&sInd=0&body=H&type=B&bn=1278>

## **Senate Bill 44**

**Last Action:** November 28, 2023

“An Act amending Titles 18 (Crimes and Offenses) and 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in human trafficking, further providing for definitions, for the offense of trafficking in individuals and for the offense of patronizing a victim of sexual servitude; in minors, further providing for unlawful contact with minor; and, in domestic and sexual violence victim address confidentiality, further providing for definitions and for persons eligible to apply.”

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2023&sind=0&body=S&type=B&bn=44>

## **House Bill 689**

**Last Action:** December 14, 2023

“An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in criminal history record information, further providing for definitions, for general regulations, for expungement, for petition for limited access, for clean slate limited access, for exceptions, for effects of expunged records and records subject to limited access and for employer immunity from liability.”

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2023&sind=0&body=H&type=B&bn=689>

## **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)

### **Commonwealth of Pennsylvania v. Elliott Morrison Crenshaw Jr. & Ray**

#### **McBride**

**Filed:** December 1, 2023

“These unrelated appeals by Elliott Morrison Crenshaw, Jr., and Kevin Ray McBride (collectively “Appellants”) were taken from their respective judgments of sentence imposed after they were convicted pursuant to 18 Pa.C.S. § 4915.2(1)(a) for failing to comply with the provisions of Subchapter I of Pennsylvania’s Sexual Offender Registration and Notification Act (“SORNA”), 42 Pa.C.S. §§ 9799.51-9799.75.1 Both appeals present the same legal issue: whether Appellants’ convictions pursuant to the North Carolina statute proscribing taking indecent liberties with children obligated them to register under Subchapter I of SORNA. Following careful review of the implicated statutes in light of the applicable law, we are constrained to hold that Appellants had no duty to register in Pennsylvania. Accordingly, we vacate their judgments of sentence, reverse their convictions, and discharge them.”

<https://www.pacourts.us/assets/opinions/Superior/out/I-A02020-23o%20-%20105756355247954734.pdf?cb=1>

### **Commonwealth of Pennsylvania v. Brock E. Moore**

**Filed:** December 1, 2023

“Appellant Brock E. Moore appeals the judgment of sentence entered by the Court of Common Pleas of Bradford County after Appellant pled guilty to Sexual Abuse of Children, Corruption of Minors, and Failure to Comply with Registration Requirements. Appellant claims the trial court erred in refusing to allow him to withdraw his guilty plea and in deeming him to be a sexually violent predator (SVP). We affirm. Appellant was initially charged in connection with allegations that he had inappropriate sexual contact with a juvenile male. He

was also charged with failing to register a Snapchat handle that he used to contact minors. As Appellant was previously convicted of a sexual offense in New York in 2014, Appellant was required to register all social media handles.”

<https://www.pacourts.us/assets/opinions/Superior/out/J-A23043-23o%20-%20105756462247961455.pdf?cb=1>

## **Commonwealth of Pennsylvania v. Ian Pisarchuk**

**Filed:** December 5, 2023

“Appellant Ian Pisarchuk appeals from the judgments of sentence imposed following his open guilty pleas to sexual abuse of children and related offenses. Appellant challenges the discretionary aspects of his sentences. We affirm. We adopt the trial court’s summary of the facts underlying this matter. See Trial Ct. Op., 4/18/23, at 3-7. Briefly, from 2016 through 2021, Appellant used various pseudonyms on the social media application Snapchat to blackmail adult women and minor girls into sending him sexually explicit photographs and videos of themselves. Appellant threatened to post nude photos of the victims online if they did not comply with his demands. Additionally, Appellant also threatened to kill some victims and threatened to rape the sister of one victim. The ages of the minor victims ranged from twelve to seventeen years old. Police found Appellant’s messages to the victims as well as photos and videos of the victims depicting them nude or engaging in sexual activities. One of Appellant’s adult victims, Lindsey Piccone, disappeared on September 6, 2016, the day after receiving a message from Appellant in which he threatened to ruin her life. Lindsey’s body was found on November 1, 2016, and the cause of death was determined to be suicide. ”

<https://www.pacourts.us/assets/opinions/Superior/out/J-S36021-23o%20-%20105759891248248197.pdf?cb=1>

## **Commonwealth of Pennsylvania v. Donald A. Hagan**

**Filed:** December 6, 2023

“In this consolidated appeal,<sup>1</sup> Appellant, Donald A. Hagan, appeals from the June 30, 2022 order entered in the Court of Common Pleas of Venango County that dismissed a filing originally styled as a petition for writ of habeas corpus. The PCRA court treated Appellant’s submission as a petition filed pursuant to the Post Conviction Relief Act (“PCRA”), 42 Pa.C.S.A. §§ 9541-9546. <sup>2</sup> Following argument, the PCRA court dismissed Appellant’s filing. We affirm.”

<https://www.pacourts.us/assets/opinions/Superior/out/J-S22015-23o%20-%20105761465248414632.pdf?cb=1>

## **Commonwealth of Pennsylvania v. Basile Outlaw**

**Filed:** December 6, 2023

“Basile Outlaw appeals the judgment of sentence imposed for his conviction for direct criminal contempt for Outlaw’s conduct in open court. 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., Contempt Hearing, 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.”

<https://www.pacourts.us/assets/opinions/Superior/out/J-A12039-23o%20-%20105761520248418850.pdf?cb=1>

## **Commonwealth of Pennsylvania v. Justin Anthony Lapenna**

**Filed:** December 8, 2023

“Appellant, Justin Anthony Lapenna, appeals from the judgment of sentence entered April 6, 2023, as made final by the denial of his motion for reconsideration on May 1, 2023, after the trial court found him in violation of his parole. We affirm. We briefly summarize the facts and procedural history of this case as follows. On August 17, 2015, Appellant entered a guilty plea to criminal conspiracy (to commit possession with intent to deliver, “PWID”) and two counts of PWID. 1 That same day, the trial court sentenced Appellant to an aggregate term of 42 to 84 months’ state incarceration, followed by 36 months of probation. Appellant did not file a direct appeal.”

<https://www.pacourts.us/assets/opinions/Superior/out/J-S41027-23o%20-%20105764795248699832.pdf?cb=1>

## **Commonwealth of Pennsylvania v. Riley Grayson Webber**

**Filed:** December 12, 2023

“Riley Grayson Webber, Appellant, appeals from the judgment of sentence of a \$300 fine imposed following his conviction for one count of permitting violation of title, 75 Pa.C.S. § 1575(a), based on Appellant’s allowing an intoxicated minor to drive his vehicle. We agree with Appellant that the Commonwealth presented insufficient evidence and therefore discharge the conviction.”

<https://www.pacourts.us/assets/opinions/Superior/out/J-A18001-23o%20-%20105767775248967371.pdf?cb=1>

## **Commonwealth of Pennsylvania v. Ahmad Nasir**

**Filed:** December 12, 2023

“The Supreme Court’s decision in *Batson v. Kentucky*, 476 U.S. 79 (U.S. 1986), outlawed consideration of racially discriminatory factors in the prosecution’s exercise of its peremptory challenges<sup>1</sup> in empanelling a jury. When challenged in its use of a peremptory challenge, the prosecution must provide a race neutral reason for that challenge. In this case, Nasir contends that the Commonwealth struck prospective black jurors without providing a race neutral reason for doing so. The Commonwealth agrees with that assessment and urges that we vacate the judgment and order a new trial.”

<https://www.pacourts.us/assets/opinions/Superior/out/J-A19037-23do%20-%20105767548248941490.pdf?cb=1>

## **Commonwealth of Pennsylvania v. Mindyn Lynn Marmillion**

**Filed:** December 13, 2023

“Mindyn MarMillion appeals the judgment of sentence imposed by the Bradford County Court of Common Pleas after it found Marmillion guilty of delivery of a controlled substance, possession of a controlled substance, and recklessly endangering another person (“REAP”) following a bench trial. The convictions stemmed from an incident at the Best Western Hotel in Sayre, Pennsylvania on January 10, 2021, which resulted in the death of Ashley Richardson from a drug overdose. Although Marmillion was also charged with several offenses requiring a showing that Marmillion had caused Richardson’s death, including third-degree murder and drug delivery resulting in death, the trial court dismissed those counts at the close of the Commonwealth’s case in chief.”

<https://www.pacourts.us/assets/opinions/Superior/out/J-A20002-23o%20-%20105768942249082438.pdf?cb=1>

## **Commonwealth of Pennsylvania v. Alisha Shepard Smith**

**Filed:** December 13, 2023

“Appellant, Alisha Shepard-Smith, appeals from the Order entered July 19, 2022, which denied her motion for return of property. Appellant seeks the return of a firearm and two magazines that police officers seized after her neighbors reported that she had threatened them with the firearm during a dispute over yard work. After careful review, we affirm.”



<https://www.pacourts.us/assets/opinions/Superior/out/I-A21022-23o%20-%20105769176249102703.pdf?cb=1>

## **Commonwealth of Pennsylvania v. Anthony Fletcher**

**Filed:** December 20, 2023

“Anthony Fletcher appeals from the January 6, 2023 aggregate judgment of sentence of 50 to 100 years’ imprisonment, to be followed by 85 years’ probation, imposed after he was found guilty of 174 counts related to the prolonged sexual abuse of his stepdaughter and his possession of child pornography. After careful review, we affirm the judgment of sentence.”

<https://www.pacourts.us/assets/opinions/Superior/out/I-S41035-23o%20-%20105776835249764210.pdf?cb=1>

## **Commonwealth of Pennsylvania v. David Anthony Rosario**

**Filed:** December 27, 2023

“Appellant David Anthony Rosario appeals from the judgment of sentence entered in the Court of Common Pleas of Cumberland County following his conviction by a jury on the charges of aggravated assault (serious bodily injury to an enumerated person), aggravated assault (bodily injury to an enumerated person), and assault by prisoner.<sup>1</sup> After a careful review, we affirm. The relevant facts and procedural history are as follows: On January 5, 2022, the Commonwealth filed an Information charging Appellant, an inmate at SCI-Camp Hill, with the crimes indicated supra. <sup>2</sup> On August 29, 2022, Appellant, who was represented by counsel, proceeded to a jury trial at which the Commonwealth presented the testimony of C.O. Brandon Alexander, Lieutenant Jossuan Rivera, and Corporal Hilary Faust. Appellant testified on his own behalf. ”

<https://www.pacourts.us/assets/opinions/Superior/out/I-S45037-23o%20-%20105782678250230314.pdf?cb=1>

## **Commonwealth of Pennsylvania v. Jermaine Belgrave**

**Filed:** December 28, 2023

“In this case, the Commonwealth called a witness, Baizar, who could not assert his privilege against self-incrimination because he had been immunized, but had informed the Commonwealth that he was still going to refuse to answer any questions if called to testify. There is no dispute that a jury would have likely thought Baizar was associated with the Appellant, given the facts as outlined by the majority. Nonetheless the Commonwealth called him and asked him 18 questions which, as promised, he refused to answer.”

<https://www.pacourts.us/assets/opinions/Superior/out/I-A08003-23do%20-%20105783876250333502.pdf?cb=1>

## **Commonwealth of Pennsylvania v. Jason Thomas Bertothy**

**Filed:** December 28, 2023

“Appellant, Jason Thomas Bertothy, appeals from the judgment of sentence entered by the Court of Common Pleas of Clearfield County after the court, sitting as finder of fact at Appellant’s de novo summary trial for Disorderly Conduct—Unreasonable Noise,<sup>1</sup> found Appellant guilty. We affirm. The relevant facts adduced from Appellant’s summary trial follow. Pennsylvania State Trooper Austin Woolcock testified that on August 28, 2022, at 8:24 p.m., he received a dispatch to the area of 322 and Wallaceton Bigler Highway in Bradford Township, Clearfield County to respond to several complaints of a large explosion occurring on the Bertothy estate. N.T., 2/8/23, at 28, 32, 35. Trooper Woolcock arrived at the scene at approximately 8:30 p.m. and asked several people around a campfire if he could speak to the owner of the property. N.T. at 29. Appellant came out of his house and identified himself as the owner. N.T. at 29. According to Trooper Woolcock, he explained to Appellant that he was seeking the person responsible for causing the explosion, and he asked Appellant, “Who set off the Tannerite?” N.T. at 29. He testified that Appellant, without qualification, took responsibility for it. N.T. at 29.”

<https://www.pacourts.us/assets/opinions/Superior/out/I-S41036-23o%20-%20105784089250350149.pdf?cb=1>

## **Commonwealth of Pennsylvania v. Logan Miller**

**Filed:** December 28, 2023

“The Commonwealth/Appellant appeals from the order entered in the Fayette County Court of Common Pleas on March 2, 2023, granting the Defendant’s motion to suppress the identification of the Defendant by the victim. After a careful review, we reverse. The relevant facts and procedural history are as follows: On June 20, 2022, Zachariah Stephens (hereinafter, “victim”) was in the parking lot of a Community Center in the City of Connellsville when he was approached by the Defendant, Logan Miller. R.R. 8a. The Defendant engaged the victim in a conversation and asked the victim to buy him alcohol. The victim refused and the Defendant informed him that he had a firearm. R.R. 10a. The victim began to walk away from the Defendant when the Defendant struck the victim.”

<https://www.pacourts.us/assets/opinions/Superior/out/I-S41038-23o%20-%20105784057250348070.pdf?cb=1>

## **Commonwealth of Pennsylvania v. Karin Edwards**

**Filed:** December 28, 2023

“Appellant Karin Edwards appeals from the Judgment of Sentence entered by the Lancaster County Court of Common Pleas on December 15, 2022, following her conviction of one count of Prostitution. 1 After careful consideration, we affirm the Judgment of Sentence. On May 14, 2021, Detective Christopher Jones of the East Lampeter Township Police Department received a tip regarding the potential human trafficking of a woman. The woman, later determined to be Appellant, was seen crying at a restaurant near a hotel in an area with a high volume of prostitution. Detective Jones, who had extensive experience investigating prostitution and human trafficking, conducted surveillance of the hotel and determined that Appellant was an occupant. ”

<https://www.pacourts.us/assets/opinions/Superior/out/I-S32008-23o%20-%20105783987250342509.pdf?cb=1>

## **Commonwealth of Pennsylvania v. Jonathan Baumann**

**Filed:** December 28, 2023

“Jonathon Baumann appeals from the judgment of sentence of eleven and one-half to twenty-three months of imprisonment imposed after his threeyear probationary term was revoked. For the reasons that follow, we reverse the revocation order, vacate the June 2022 violation of probation (“VOP”) judgment of sentence, and re-impose Appellant’s January 2021 sentence. On January 21, 2021, Appellant entered negotiated guilty pleas in three consolidated matters. In total, he pled guilty to one count each of unlawful contact with a minor, indecent exposure, and impersonating a public servant, and two counts of luring a child into a motor vehicle. He was sentenced to serve eleven and one-half to twenty-three months of incarceration, followed by three years of county probation. The conditions of his probation mandated that he: stay away from the victims; pay imposed mandatory court costs; register with the Pennsylvania State Police and abide by all Tier II sexual offender requirements; comply with DNA, finger printing, palm printing, and photo requirements; avoid unsupervised contact with minors; and submit to supervision by the Sexual Offender’s Unit. ”

<https://www.pacourts.us/assets/opinions/Superior/out/I-A19008-23o%20-%20105783729250317299.pdf?cb=1>

## **Commonwealth of Pennsylvania v. Ramon Salinas**

**Filed:** December 28, 2023

“Appellant, Ramon Salinas, appeals from the March 8, 2023 Judgment of Sentence entered in the Court of Common Pleas of Pike County following his conviction for Harassment.<sup>1</sup> Appellant challenges the sufficiency and weight of the evidence underlying his conviction.<sup>2</sup> After careful review, we affirm.”

<https://www.pacourts.us/assets/opinions/Superior/out/I-A24022-23o%20-%20105783758250319530.pdf?cb=1>

## **Commonwealth of Pennsylvania v. Robert Redanauer**

**Filed:** December 28, 2023

“The majority holds that the Commonwealth is foreclosed from appealing the orders entered below because it construes them as acquittals. While it is clear that the court purported to enter adjudications of not guilty, it was without the power to do so because the proceeding on July 15, 2021, in my view, unquestionably amounted only to a preliminary hearing. While a rose by any other name may smell as sweet in a Shakespeare play, an order finding a defendant not guilty will not serve as an acquittal for double jeopardy and appellate jurisdiction purposes simply because a court names it thusly. Since I refuse to mechanically apply form over substance so as to give the orders below the power of acquittals when the court lacked the power to acquit Redanauer in the absence of a trial and, where the court, in fact, prevented the Commonwealth from presenting evidence outside the scope of a preliminary hearing, I respectfully dissent.”

<https://www.pacourts.us/assets/opinions/Superior/out/I-E02002-23do%20-%20105783721250316032.pdf?cb=1>