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Criminal Justice Update - January 2024

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Criminal Justice Update - January 2024

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

January 2024



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

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

Commonwealth of Pennsylvania v. Nazeer Taylor

Filed: January 29, 2024

“The Majority holds that the juvenile court’s consideration of Taylor’s refusal to admit wrongdoing during the certification process for criminal offenses committed as a juvenile in violation of the Fifth Amendment right to be free from compulsory selfincrimination amounts to structural error. Majority Op. at 1-2. I disagree. In my view, this type of constitutional violation is subject to harmless error

review and was, indeed, harmless in this case. Though I would not reach the question of remedies based on my finding of harmless error, assuming that the error is structural, I disagree with the Majority’s decision to discharge Taylor. I therefore dissent” -Justice Mundy

<https://www.pacourts.us/assets/opinions/Supreme/out/I-83-2022do%20-%20105814916253359048.pdf?cb=1>

PA Superior Court

(Reporting only cases with precedential value)

Commonwealth of Pennsylvania v. Francisco Bueno

Filed: January 3, 2024

“Appellant, Francisco Bueno, appeals from the judgment of sentence entered in the Court of Common Pleas of Berks County following his conviction at a bench trial on the charges of statutory sexual assault (four to eight years older) and indecent assault of a person less than sixteen years old.1 After a careful review, we affirm.”

<https://www.pacourts.us/assets/opinions/Superior/out/I-S45036-23o%20-%20105788115250764399.pdf?cb=1>

Commonwealth of Pennsylvania v. Christopher Ray Lamont

Filed: January 9, 2024

“Christopher Ray Lamont (“Lamont”) appeals from the judgment of sentence entered following his jury convictions for two counts of indecent assault of a child, and one count each of aggravated indecent assault of a child, corruption of minors, and indecent exposure. 1 After careful review, we affirm in part, vacate in part, and remand for resentencing.”

<https://www.pacourts.us/assets/opinions/Superior/out/I-S27035-23o%20-%20105795055251422167.pdf?cb=1>

Commonwealth of Pennsylvania v. James Michael Saylor

Filed: January 18, 2024

“James Saylor appeals the York County Court of Common Pleas’ order denying his petition filed pursuant to the Post Conviction Relief Act (“PCRA”), 42 Pa. C.S.A. §§ 9541-9546, following a hearing. Saylor argues the PCRA court erred by finding his trial counsel was not

ineffective in the way counsel handled the request for self-defense instructions at Saylor’s jury trial. The trial court eventually refused to give instructions on self-defense. In particular, Saylor asserts counsel was ineffective for: failing to object to the court’s references to a preponderance of the evidence standard when denying his request to charge the jury on self-defense; failing to provide the court with the statutory definition of “criminal activity” in support of his request that the court give a castle doctrine instruction; and failing to object to the instructions the court ultimately gave to the jury which did not include self-defense instructions. In making these claims, Saylor repeatedly emphasizes that a video capturing the fatal shooting underlying his convictions, which was played at trial and at the PCRA hearing, provided evidence from which the jury could have determined he acted in self-defense and therefore supported the giving of a self-defense charge. As we conclude the PCRA court did not err in finding Saylor failed to establish counsel was ineffective, we affirm.”

<https://www.pacourts.us/assets/opinions/Superior/out/J-S35013-23o%20-%20105804912252307885.pdf?cb=1>

Commonwealth of Pennsylvania v. Christopher James Strouse

Filed: January 18, 2024

“Christopher James Strouse (“Strouse”) appeals from the judgment of sentence imposed after he pleaded guilty to fleeing or attempting to elude a police officer.¹ We affirm in part and vacate in part. In December 2021, police in Pike County arrested and charged Strouse with fleeing or attempting to elude a police officer and related offenses. At the time of his arrest, Strouse was on probation in Bucks, Montgomery, and Philadelphia Counties. Additionally, Strouse had an outstanding bench warrant in Florida.”

<https://www.pacourts.us/assets/opinions/Superior/out/J-A14034-23o%20-%20105804688252290784.pdf?cb=1>

Commonwealth of Pennsylvania v. James Lawrence

Filed: January 22, 2024

“James Lawrence appeals from the order that dismissed his petition filed pursuant to the Post Conviction Relief Act (“PCRA”) for lack of merit. We vacate the order and remand for further proceedings. This case has an extensive history predating these PCRA proceedings that need not be recounted in full herein. In short, Appellant was convicted of third-degree murder and carrying a firearm without a license and was sentenced to an aggregate term of seventeen to thirty-four years of imprisonment. His direct appeal, in which he challenged the weight of the

evidence, merited no relief. See *Commonwealth v. Lawrence*, 158 A.3d 183 (Pa.Super. 2016) (unpublished memorandum), appeal denied, 166 A.3d 1212 (Pa. 2017).”

<https://www.pacourts.us/assets/opinions/Superior/out/1-A29012-23o%20-%20105807569252561716.pdf?cb=1>

Commonwealth of Pennsylvania v. Angel Luis Merced

Filed: January 22, 2024

“Angel Luis Merced appeals the aggregate judgment of sentence of thirtysix to seventy-two years of imprisonment following his convictions for multiple counts of involuntary deviate sexual intercourse (“IDSI”) and related sexual offenses. After review, we vacate the sentencing order and remand for resentencing. We glean the following background from the certified record. At case number 5625 of 2019, Appellant was charged with numerous sex crimes pertaining to minor victims K.P., A.P., and S.P. According to the criminal information, the acts were alleged to have occurred between January 2007 and January 2019, though the testimony at trial bore out that the acts took place from 2007 through the summer of 2009. Counts five, six, and seven were for corruption of minors entailing a course of conduct, a felony of the third degree, in violation of 18 Pa.C.S. § 6301(a)(1)(ii). This provision first became effective on December 6, 2010, nearly four years after Appellant’s conduct began and approximately a year after it ceased.”

<https://www.pacourts.us/assets/opinions/Superior/out/1-S45004-23o%20-%20105807475252554502.pdf?cb=1>

Commonwealth of Pennsylvania v. Floyd Watson

Filed: January 29, 2024

“Floyd Watson (“Watson”) appeals from the judgment of sentence entered following his jury convictions for one count of rape, fourteen counts of involuntary deviate sexual intercourse (“IDSI”), fourteen counts of IDSI of a person less than sixteen years of age, fourteen counts of sexual assault, thirteen counts of aggravated indecent assault, thirteen counts of aggravated indecent assault of a person less than sixteen years of age, one count of endangering the welfare of a child, one count of corruption of minors, thirteen counts of indecent assault, of a person less than sixteen years of age, and fourteen counts of statutory sexual assault. 1 After careful review, we are constrained to dismiss the appeal.”

<https://www.pacourts.us/assets/opinions/Superior/out/1-S09037-23o%20-%20105815975253452364.pdf?cb=1>

Commonwealth of Pennsylvania v. Patrick Michael Falcey, Jr.

Filed: January 29, 2024

“Patrick Michael Falcey, Jr. appeals from the judgment of sentence of two and one-half to five years of incarceration imposed after the trial court found him in violation of his probation. Appellant’s counsel, Stuart Wilder, Esquire has filed a petition to withdraw as counsel and brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *Commonwealth v. Santiago*, 978 A.2d 349 (Pa. 2009). Upon review, we deny counsel’s petition to withdraw and remand for further proceedings consistent with this opinion.”

<https://www.pacourts.us/assets/opinions/Superior/out/I-S42008-23o%20-%20105816451253500449.pdf?cb=1>