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Criminal Justice Update - February 2024

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

February 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

MCELRATH v. GEORGIA

Decided: February 21, 2024

“After petitioner Damian McElrath killed his mother, the State of Georgia charged him with three crimes related to her death: malice murder, felony murder, and aggravated assault. At trial, the jury returned a split verdict against McElrath: “not guilty by reason of insanity” with respect to malice-murder, and “guilty but mentally ill” as to the other counts. On appeal, the Supreme Court of Georgia determined that the jury’s “guilty but mentally ill” verdict for felony murder was “repugnant” to the jury’s “not guilty by reason of insanity” verdict for malice murder under Georgia law, because the verdicts “required affirmative findings of different mental states that could not exist at the same time.”

Held: The jury’s verdict that McElrath was not guilty of malice murder by reason of insanity constituted an acquittal for double jeopardy purposes notwithstanding any inconsistency with the jury’s other verdicts”

https://www.supremecourt.gov/opinions/23pdf/22-721_kjfl.pdf

PA Supreme Court

Commonwealth of Pennsylvania v. Daniel D. Chisebwe

Filed: February 21, 2024

“In this discretionary appeal, we consider whether the evidence was sufficient to support Daniel Chisebwe’s summary convictions of violating two provisions of the Motor Vehicle Code: 75 Pa.C.S. §1511 (Carrying and exhibiting driver’s license on demand), and 75 Pa.C.S. §1311 (Registration card to be signed and exhibited on demand). The evidence established Chisebwe repeatedly refused numerous police requests to produce his driver’s license and registration card after he was stopped for speeding. He did not exhibit the requested documents until approximately twenty-five minutes into the traffic stop, when the police were poised to remove him from his car and take him to the police station. Under these circumstances, we hold the evidence was sufficient to support the convictions, and accordingly affirm the order of the Superior Court.”

<https://www.pacourts.us/assets/opinions/Supreme/out/I-66A-D-2023mo.pdf?cb=1>

PA Superior Court

(Reporting only cases with precedential value)

Commonwealth of Pennsylvania v. John M. Sears

Filed: February 20, 2024

“The Commonwealth of Pennsylvania appeals from the order entered on October 5, 2022, which denied the Commonwealth’s petition for a writ of certiorari to the Municipal Court of Philadelphia. In this appeal, the Commonwealth claims that the lower courts erred when they suppressed the results of a breathalyzer test, showing that the defendant, John M. Sears (“the Defendant”), had a blood alcohol content (“BAC”) of 0.144 percent. We vacate and remand.”

<https://www.pacourts.us/assets/opinions/Superior/out/I-A28009-23o%20-%20105839744255818228.pdf?cb=1>

Commonwealth of Pennsylvania v. Hozay Angelo Royal

Filed: February 20, 2024

“Hozay Angelo Royal (“Royal”) appeals from the judgment of sentence following his jury convictions for retail theft.¹ We affirm in part, vacate the order of restitution, and remand for a limited resentencing.”

<https://www.pacourts.us/assets/opinions/Superior/out/J-S27043-22o%20-%20105839741255817210.pdf?cb=1>

Commonwealth of Pennsylvania v. Moises Garcia

Filed: February 27, 2024

“Moises Garcia appeals from his judgment of sentence after he was convicted of drug trafficking crimes.¹ He challenges the partial denial of his motion to suppress evidence and the denial of his motion for bond pending appeal. We affirm.”

<https://www.pacourts.us/assets/opinions/Superior/out/J-A29026-23o%20-%20105848452256626213.pdf?cb=1>