




3-2024

Criminal Justice Update - March 2024

Delaney Rabenold
Gettysburg College, rabede01@gettysburg.edu

Follow this and additional works at: <https://cupola.gettysburg.edu/cjupdates>

 Part of the [Criminology and Criminal Justice Commons](#), and the [Public Affairs, Public Policy and Public Administration Commons](#)

Share feedback about the accessibility of this item.

Recommended Citation

Rabenold, Delaney, "Criminal Justice Update - March 2024" (2024). *Criminal Justice Updates*. 43.
<https://cupola.gettysburg.edu/cjupdates/43>

This is the author's version of the work. This publication appears in Gettysburg College's institutional repository by permission of the copyright owner for personal use, not for redistribution. Cupola permanent link:
<https://cupola.gettysburg.edu/cjupdates/43>

This open access newsletter is brought to you by The Cupola: Scholarship at Gettysburg College. It has been accepted for inclusion by an authorized administrator of The Cupola. For more information, please contact cupola@gettysburg.edu.

Criminal Justice Update - March 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: Criminal Law & Procedure
- 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

March 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

Senate Bill 1120

Decided: March 19, 2024

“An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in bonds and recognizances, providing for bail of persons posing threat to public safety.”

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?sYear=2023&sInd=0&body=S&type=B&bn=1120>

Senate Bill 819

Decided: March 20, 2024

“An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in burglary and other criminal intrusion, providing for offenses relating to critical infrastructure facilities; and imposing penalties.”

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?sYear=2023&sInd=0&body=S&type=B&bn=819>

Senate Bill 1021

Decided: March 19, 2024

“An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in burglary and other criminal intrusion, further providing for the offense of criminal trespass; and, in offenses against the family, further providing for the offense of endangering welfare of children.”

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?sYear=2023&sInd=0&body=S&type=B&bn=1021>

House Bill 416

Decided: March 26, 2024

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

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?sYear=2023&sInd=0&body=H&type=B&bn=416>

Updates from the Courts

U.S. Supreme Court

PULSIFER v. UNITED STATES

Decided: March 15, 2024

“After pleading guilty to distributing at least 50 grams of methamphetamine, petitioner Mark Pulsifer faced a mandatory minimum sentence of 15 years in prison. At sentencing, he sought to take advantage of the “safety valve” provision of federal sentencing law, which allows a sentencing court to disregard the statutory minimum if a defendant meets five criteria. Among those is the requirement, set out in Paragraph (f)(1), that the sentencing court find that—

(1) the defendant does not have—

(A) more than 4 criminal history points, excluding any criminal history points resulting from a 1-point offense, as determined under the sentencing guidelines;

(B) a prior 3-point offense, as determined under the sentencing guidelines; and

(C) a prior 2-point violent offense, as determined under the sentencing guidelines.

The Government argued that Pulsifer could not satisfy that requirement because he had two prior three-point offenses totaling six criminal history points. In the Government’s view, each of those prior offenses disqualified him under Subparagraph B and the six total points disqualified him under Subparagraph A. But Pulsifer claimed he remained eligible. He pointed out that his criminal record lacked a two-point violent offense, as specified in Subparagraph C. And in his view, only the combination of the items listed in the subparagraphs could prevent him from getting safety-valve relief. The District Court agreed with the Government, and the Eighth Circuit affirmed.

https://www.supremecourt.gov/opinions/23pdf/22-340_p86a.pdf

PA Supreme Court

In the Interest of: A Child in Costudy

Filed: March 21, 2024

“I agree with the majority that Pennsylvania Rule of Juvenile Court Procedure 512(D) lists the particular factual findings and conclusions of law the juvenile court must enter into the record.

Specifically, the Rule provides:

D. Court’s Findings. The court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 515. On the record in open court, the court shall state:

(1) its disposition;

(2) the reasons for its disposition;

(3) the terms, conditions, and limitations of the disposition; and

(4) if the juvenile is removed from the home:

(a) the name or type of any agency or institution that shall provide care, treatment, supervision, or rehabilitation of the juvenile;

(b) its findings and conclusions of law that formed the basis of its decision consistent with 42 Pa.C.S. §§6301 and 6352, including why the court found that the out-of-home placement ordered is the least restrictive type of placement that is consistent with the protection of the public and best suited to the juvenile’s treatment, supervision, rehabilitation, and welfare; and

(c) the provision of educational services for the juvenile pursuant to Rule 148;

(5) whether any evaluations, tests, counseling, or treatments are necessary;

(6) any findings necessary to ensure the stability and appropriateness of the juvenile’s education, and when appropriate, the court shall appoint an educational decision maker pursuant to Rule 147; and

(7) any findings necessary to identify, monitor, and address the juvenile’s needs concerning health care and disability, if any, and if parental consent cannot be obtained, authorize evaluations and treatment needed.”

<https://www.pacourts.us/assets/opinions/Supreme/out/J-41B-2023co%20-%20105874033259675223.pdf?cb=2>

Commonwealth of Pennsylvania v. Ronnie Lehman

Filed: March 21, 2024

“As a condition of his parole, Ronnie Lehman resided at a community corrections facility in Pittsburgh known as the Renewal Center. In Pennsylvania, it is long-settled that community corrections facilities are neither prisons nor “prison-like.” 1 Under our Parole Code, Lehman was considered to be “at liberty on parole.” 2 After Lehman overdosed at the Renewal Center, the Commonwealth charged and ultimately convicted him of the crime of “possession of controlled substance by inmate.” 3 “Inmate” is defined by statute to include offenders “committed to” community corrections facilities.”

<https://www.pacourts.us/assets/opinions/Supreme/out/J-37-2023do%20-%20105873800259534940.pdf?cb=1>

PA Superior Court

(Reporting only cases with precedential value)

Commonwealth of Pennsylvania v. Emire Salem Rosendary

Filed: March 19, 2024

“Emire Salem Rosendary (“Rosendary”) appeals from the judgment of sentence entered following his jury convictions for one count each of robbery, aggravated assault, terroristic threats, possessing an instrument of crime, and reckless endangerment. 1 After careful review, we affirm”

<https://www.pacourts.us/assets/opinions/Superior/out/J-S09039-23o%20-%20105871786259285571.pdf?cb=1>

Commonwealth of Pennsylvania v. William Schofield

Filed: March 19, 2024

“William Schofield appeals from the judgment of sentence imposed after a jury found him guilty of multiple sex offenses. He challenges the trial court’s denial of his motion to exclude expert testimony from the forensic interviewer and claims that the verdict was against the weight of the evidence. Upon review, we affirm.”

<https://www.pacourts.us/assets/opinions/Superior/out/J-A25027-23o%20-%20105871651259273049.pdf?cb=1>

Commonwealth of Pennsylvania v. Hector Manuel Rivera

Filed: March 15, 2024

“Hector Manuel Rivera (“Rivera”) appeals from the judgment of sentence entered by the Berks County Court of Common Pleas (“trial court”) after a jury convicted him of multiple counts each of trafficking in individuals, conspiracy to commit trafficking in individuals, involuntary servitude, conspiracy to commit involuntary servitude, prostitution and related offenses, conspiracy to commit prostitution and related offenses, criminal use of a communication facility, and delivery of a controlled substance. 1 Before this Court, Rivera challenges the admission at trial of expert testimony under section 5920 of the Pennsylvania Judicial Code, 2 relating to the behavior of sexual violence victims, and discretionary aspects of his sentence. Because we conclude that the trial court properly permitted the expert testimony at issue under section 5920, and because Rivera failed to properly preserve his sentencing claim, we affirm his judgment of sentence.”

<https://www.pacourts.us/assets/opinions/Superior/out/J-S03038-24o%20-%20105868542258987149.pdf?cb=1>

Commonwealth of Pennsylvania v. Derrick Floyd

Filed: March 13, 2024

“The Commonwealth/Appellant appeals from the order entered January 11, 2023, in the Court of Common Pleas of Philadelphia County granting a suppression motion in favor of Defendant/Appellee, Derrick Floyd. After a careful review, we reverse.”

<https://www.pacourts.us/assets/opinions/Superior/out/J-S02044-24o%20-%20105865460258696275.pdf?cb=1>

Commonwealth of Pennsylvania v. Ricky G. Vance

Filed: March 8, 2024

“The majority opinion astutely disposes of this appeal, and I join in its affirmance. I write separately to explain my slightly different approach to some issues. Regarding the Google GPS

location data, I agree with the majority that under *Commonwealth v. Wallace*, 289 A.3d 894, 908 (Pa. 2022), Vance’s hearsay argument lacks merit. I also find Vance’s Confrontation Clause challenge likewise meritless. See Vance’s Br. at 4, 29-32. As in *Wallace*, the GPS data was not the statement of a person but rather the product of the operation of a computer. *Id.* at 904-05. There therefore was no human declarant to subject to “confrontation,” since, as the Supreme Court pithily stated in *Wallace*, “a machine cannot be cross-examined.” *Id.* at 907.”

<https://www.pacourts.us/assets/opinions/Superior/out/I-A26008-23co%20-%20105860652258227622.pdf?cb=1>

Commonwealth of Pennsylvania v. Michael C. Lissmore

Filed: March 7, 2024

“The Commonwealth appeals from the order granting the motion to suppress filed by Appellee Michael C. Lissmore. We reverse and remand for further proceedings.”

<https://www.pacourts.us/assets/opinions/Superior/out/I-A29004-23o%20-%20105859092258067245.pdf?cb=1>

Appeal of: The Herald Standard-Uniontown Newspapers, Inc, Mon Valley Independent, and Observer Reporter

Filed: March 6, 2024

“Presently before us is the appeal of Appellants, The Herald Standard Uniontown Newspapers, Inc., Mon Valley Independent, and Observer Reporter from the trial court’s order of December 14, 2022, denying their petition to intervene and unseal arrest warrant information that had been sealed pursuant to Pa.R.Crim.P. 513.1.1 As explained in more detail below, we issued an order on February 8, 2022, affirming in part and reversing in part the trial court’s sealing order. Specifically, we reversed the order insofar as it denied Appellants’ petition to intervene and insofar as it sealed the public dockets. We affirmed the trial court’s order insofar as it sealed other arrest warrant information. Given the sensitivity of the Commonwealth’s ongoing investigation, we awaited the expiration of the sealing order prior to issuing this opinion in support of the order.”

<https://www.pacourts.us/assets/opinions/Superior/out/I-S99001-23o%20-%20105857260257906234.pdf?cb=1>

Commonwealth of Pennsylvania v. Alberto Rivera, Jr.

Filed: March 4, 2024

“Alberto Rivera, Jr. appeals from the judgment of sentence entered after he was convicted of persons not to possess firearms, firearms not to be carried without a license, and possession of a small amount of marijuana. 1 He challenges the denial of his motion to suppress evidence. We affirm.”

<https://www.pacourts.us/assets/opinions/Superior/out/I-S01022-24o%20-%20105854308257592035.pdf?cb=1>

Commonwealth of Pennsylvania v. Emmanuel Morrbel

Filed: March 1, 2024

“Emmanuel Morrbel appeals from the judgment of sentence imposed following his conviction of ten counts of sale or transfer of firearms. Morrbel claims the trial court imposed a manifestly excessive sentence. We affirm.”

<https://www.pacourts.us/assets/opinions/Superior/out/I-S01009-24o%20-%20105852379257051777.pdf?cb=1>

Commonwealth of Pennsylvania v. Darren Lawrence

Filed: March 27, 2024

“Appellant Darren Lawrence appeals from the judgment of sentence imposed following his conviction of one count of rape of a child, ten counts of involuntary deviate sexual intercourse (IDSI) with a child, five counts of aggravated indecent assault of a child, and one count each of indecent assault of a person less than thirteen years of age, endangering the welfare of children (EWOC), and sexual abuse of children-photographing, videotaping, depicting on computer or filming sexual acts.1 On appeal, Appellant raises multiple claims concerning the hearing on the Commonwealth’s motion in limine, the sufficiency of the evidence, his designation as a sexually violent predator (SVP), the trial court’s evidentiary rulings, and the discretionary aspects of his sentence. After careful review, we affirm.”

<https://www.pacourts.us/assets/opinions/Superior/out/I-S40014-23o%20-%20105881943260614569.pdf?cb=1>

Commonwealth of Pennsylvania v. Raul Diaz

Filed: March 27, 2024

“Raul Diaz, Appellant, was charged with drug related offenses in the two above-captioned cases. He was most recently resentenced in both cases on June 23, 2022, by the Court of Common Pleas of Philadelphia County (VOP court) after his probation was revoked. Appellant now argues that his current sentence is illegal because at an earlier resentencing for

the same two cases in 2009, the VOP court had anticipatorily revoked his probation before the probationary term had begun. He relies primarily on *Commonwealth v. Simmons*, 262 A.3d 512 (Pa. Super. 2021) (en banc), where we held that the anticipatory revocation of probation is inconsistent with the Sentencing Code. Finding no basis to conclude that *Simmons* affords relief, we affirm.”

<https://www.pacourts.us/assets/opinions/Superior/out/J-S26008-23o%20-%20105881931260613008.pdf?cb=1>

Commonwealth of Pennsylvania v. William Pitt

Filed: March 27, 2024

“William Pitt appeals from the order denying his first petition filed pursuant to the Post Conviction Relief Act (“PCRA”). We affirm. ”

<https://www.pacourts.us/assets/opinions/Superior/out/J-S04009-24o%20-%20105881951260615585.pdf?cb=1>

Commonwealth of Pennsylvania v. Jonathan Anthony McIntyre

Filed: March 25, 2024

“Jonathan McIntyre appeals from his judgment of sentence for person prohibited from possessing a firearm, 18 Pa. C.S.A. § 6105(a)(1), which prohibits a person from possessing a firearm if he has previously been convicted of one of 38 enumerated offenses which makes him ineligible to possess a firearm. In an issue of first impression, McIntyre argues Section 6105 is unconstitutional in the wake of *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1 (2022). In *Bruen*, the majority held that a New York statute, which required applicants to show a special need for a license allowing them to carry a concealed firearm in public, violated the Second and Fourteenth Amendment rights of law-abiding citizens to bear arms for self-defense given that the Second Amendment’s plain text covered the conduct at issue and the statute was not consistent with our Nation’s historical tradition of firearm regulation. We do not agree with McIntyre’s analysis. Instead, we conclude the Chester County Court of Common Pleas properly found that *Bruen* does not compel the conclusion that Section 6105 is unconstitutional”

<https://www.pacourts.us/assets/opinions/Superior/out/J-A01018-24o%20-%20105878489260323162.pdf?cb=1>

Commonwealth of Pennsylvania v. Brody Barrett Kline

Filed: March 25, 2024

“In these consolidated appeals,¹ Brody Barrett Kline appeals from the April 4, 2023 aggregate judgment of sentence of 799 to 1598 months’ imprisonment imposed after a jury found him guilty of involuntary deviate sexual intercourse (“IDSI”) with a child; rape of a child; incest of a minor; indecent exposure; eight counts of corruption of minors; four counts of indecent assault; two counts of aggravated indecent assault; and criminal attempt – indecent assault.² After careful review, we affirm the judgment of sentence.”

<https://www.pacourts.us/assets/opinions/Superior/out/J-S08037-24o%20-%20105878218260302534.pdf?cb=1>

Commonwealth of Pennsylvania v. John William Williams

Filed: March 25, 2024

“Appellant, John William Williams, appeals from the order entered in the Court of Common Pleas of Cumberland County dismissing his first petition under the Post Conviction Relief Act (“PCRA”)¹ after we had vacated the PCRA court’s prior order and remanded with instructions directing it to either appoint counsel or conduct a proper *Grazier*² colloquy before permitting him to proceed pro se. He contends the PCRA court erred when, after it completed the colloquy, it forwent a new evidentiary hearing in favor of relying on the record of his pro se testimony offered at the pre-remand evidentiary hearing. After careful consideration, we affirm.”

<https://www.pacourts.us/assets/opinions/Superior/out/J-S08044-24o%20-%20105878208260301850.pdf?cb=1>

Commonwealth of Pennsylvania v. Scott Lee Sutton

Filed: March 19, 2024

“I concur in the result, but write separately because, in my view, we need not address whether *Harris*¹ requires disclosure of a CI under the facts of this case. I agree with the Majority’s recitation of our standard of review and the applicable standards of law and, thus, do not reiterate them here.”

<https://www.pacourts.us/assets/opinions/Superior/out/J-S45038-23co%20-%20105871801259289702.pdf?cb=1>