

Criminal Law Update 2013

Sentencing-Merger-Burglary/Criminal Trespass

- Burglary and criminal trespass do not merge for sentencing purposes. Com. v. Lawrence Quintua, 56 A3d. 399 (PaSuper 2013)

Evidence-Witness Identification-By Nickname/Evidence-Photographs

- Commonwealth v. Williams, 58 A.3d 79 (Pa. Super. 2012)
- The Superior Court affirmed the defendant's conviction for second-degree murder. The Court upheld the trial court's decision to allow reference to his nickname, "Killa," as relevant for identification since a key witness knew him only by that name. The Court upheld the admission of photos of the defendant with a firearm similar but not identical to the murder weapon to show he had access to such weapons.

Criminal Procedure-Summary Appeal

- Commonwealth v. Akinsanmi, 55 A.3d 539 (Pa. Super. 2012)
- Trial Court dismissed appellant's summary appeal of a parking violation due to her failure to appear at the de novo trial. Appellant challenged the sufficiency of the evidence without addressing her absence other than to claim in a final sentence in her argument that she was unable to make it back from a research conference.

Criminal Procedure-Summary Appeal

Superior Court observed that a dismissal is appropriate where a defendant doesn't appear for the de novo trial and fails to provide an excuse, but that a new trial should be granted where good cause for the absence is shown. Court determined that appellant's failure to attend the hearing without explaining why she didn't seek a continuance when she had a scheduling conflict did not constitute good cause, an involuntary absence or an unforeseen circumstance. Thus, dismissal was proper

Criminal Procedure-Reopening Case for Additional Testimony

- Commonwealth v. Baldwin, 58 A.3d 754, (Pa. 2012)
- In interview with police, appellant admitted he had attacked his roommate, first hitting him with a claw hammer and then stabbing him in the neck and head. He then dismembered the body and buried it in a shallow grave. During trial, appellant waived his right to testify following a colloquy. The next day, at the conclusion of the evidentiary phase but before closing arguments, appellant, without giving a reason, changed his mind and said he wanted to testify. The court refused his request and appellant argued on appeal that the court had abused its discretion in doing so.

Criminal Procedure-Reopening Case for Additional Testimony

Superior Court determined that the trial court didn't abuse its discretion because appellant had waived this right after a colloquy and a sufficient discussion with his attorney, and he had given no reason at all for changing his mind.

Criminal Procedure-Reopening Case for Additional Testimony

Issue before Supreme Court-whether test used in U.S. v. Peterson, 233 F.3d 101 (1st Cir 2000), when a defendant seeks to testify after the close of evidence is an unconstitutional burden on the right to testify on one's own behalf. Appellant argued abuse of discretion should be the applicable standard rather than the additional requirements of Peterson, i.e., balancing the value of the proposed testimony against the potential for prejudice.

Criminal Procedure-Reopening Case for Additional Testimony

Supreme Court disagreed with appellant's belief that adoption of Peterson would amount to a new and more burdensome standard for defendants. In finding Superior Court's reliance on Peterson to be proper, Court agreed that its factors, such as the timing of the request to reopen, the nature of the testimony, the reason for failing to present it during the case-in-chief, are all aspects automatically considered by the trial court in deciding to reopen a case. Based on the record, the Court affirmed Superior Court's determination that the trial court did not abuse its discretion in refusing appellant's request to reopen the record for his testimony.

Sentencing-Mandatory Minimums- Applicability

Commonwealth v. Turner, 58 A.3d 845 (Pa. Super 2012)

Police found heroin while executing a search warrant on the residence where the inmate was staying. Approximately an arm's length from where he was standing next to a bed, a gun was found hanging from one of the bedposts in a holster. The inmate was charged with gun and drug offenses

Sentencing-Mandatory Minimums- Applicability

- He eventually entered a guilty plea to possession of a controlled substance and possession of a controlled substance with intent to deliver (PWID), and the Commonwealth entered a nolle prosequi as to the remaining charges. Due to the inmate's possession of a firearm during the PWID offense, he was sentenced to imprisonment that included a mandatory minimum sentence of five years under 42 Pa.C.S. § 9712.1 (a). The inmate sought PCRA relief. The petition was denied without a hearing.

Sentencing-Mandatory Minimums- Applicability

On appeal the Superior Court noted the trial court did not penalize the inmate because of the charges that had been nol prossed. Rather it made a factual, record-based finding the inmate possessed a gun while committing PWID, properly applying 9712.1(a).

Sentencing-Merger-Receiving Stolen Property and Chop Shop Act Violation

- Commonwealth v. Nero, 58 A.3d. 802 (Pa. Super 2012)
- The Superior Court affirmed the denial of the defendant's PCRA Petition. The Court ruled that the sentence was not illegal since the chop shop act violations and receiving stolen property offense did not merge. The Court found no Brady violation where the Commonwealth expressed support for the codefendant's nunc pro tunc motion to reduce sentence after he testified against the defendant-there was no evidence of an agreement prior to his testimony.

Search and Seizure-Expectation of Privacy-Driveway

- Commonwealth v. Simmen, 58 A3d. 811 (Pa. Super 2012)
- The Superior Court affirmed the denial of the defendant's motion to suppress where police followed a trail of engine fluid from a crash scene to the defendant's driveway. The Court ruled the defendant had no reasonable expectation of privacy in his driveway which was visible from the roadway and accessible to the general public. The Court ruled that the police entry into the defendant's home was lawful due to the consent of an authorized third party (his wife). The Court ruled that the police had probable cause to arrest the defendant for DUI without conducting field sobriety tests due to the hit and run crash, his admission to drinking, and the observations (smelling of alcohol and blood shot eyes).

Sentencing-Restitution

- Commonwealth v. Burwell, 58 A.3d 790 (Pa. Super 2012)
- Superior Court held that based on language of 18 Pa.C.S.A. § 1106, which intends to provide full compensation for losses incurred as a result of a defendant's criminal conduct, trial court properly ordered appellant, who was convicted of aggravated assault, to pay restitution directly to victim in an amount that was supported by the record.

Search & Seizure-Investigative Detention

- Commonwealth v. Caban/Commonwealth v. Veras, 60 A.3d 120 (Pa. Super 2012)
- The Superior Court affirmed the defendants' convictions for drug offenses based on evidence discovered following a traffic stop. The Court found that the traffic stop escalated from a mere encounter to an investigatory detention when the officer told the driver Caban (passenger) to "hold tight". The detention was justified by reasonable suspicion of unlawful activity where Caban and Veras (driver) were in a vehicle belonging to a third party (Caban's father), Veras was acting nervous, the two gave inconsistent answers to basic questions about their destination, and they had numerous items used to mask scents. The Court ruled that Caban's consent to search the vehicle was valid and not coerced where the officer told him that he could either consent or remain detained until a drug sniffing dog was called to the scene.

EVIDENCE-SPOUSAL COMMUNICATIONS PRIVILEGE

Commonwealth v. Hunter, 60 A.3d 156 (Pa. Super 2013)
Appellant had been charged with assaulting her 4-year-old stepson. Originally, she told police the victim had fallen but later reported she had pushed him, causing him to hit his head. She also stated she had sent her husband texts throughout the day describing the child's deteriorating condition. The child was subsequently rushed to the hospital after going into cardiac arrest. Prior to trial, appellant filed a motion to exclude the texts she had sent to her husband based on spousal privilege, but the motion was denied.

Evidence-Spousal Communications Privilege

- Superior Court held the spousal communications privilege 42 Pa.C.S.A. § 5914, did not extend to texts sent between appellant and her husband where the texts were being used in child abuse proceedings involving appellant and the child/victim. For communication to be privileged under § 5914, it must be made in confidence with the intent that it not be divulged. Court found there was no reason for appellant to believe her texts would remain confidential where she testified that they had been the subject of a dependency hearing.

Search and Seizure Warrantless Entry- Exigent Circumstances

- Commonwealth v. Terrance Waddell, 61 A3d. 198 (Pa. Super 2012)
- The Superior Court reversed the defendant's convictions for drugs and firearms offenses. The Court found that police had probable cause to believe a particular home was being used to store large amounts of marijuana. The Court further found that the police lacked any exigent circumstances to enter the home without a warrant after defendant jumped out a window. The Court reasoned that the police had no reason to believe others were in the home or have the ability to destroy a large amount of marijuana in the time needed to obtain a warrant.

Search and Seizure Warrantless Entry- Exigent Circumstances

- Although questioning the "staggering social and economic costs of enforcing" the prohibition against marijuana, the Court rejected a second claim that marijuana should no longer be considered a Schedule I controlled substance because other states have recognized its medicinal uses.

Criminal Procedure-Speedy Trial- Procedure

- Commonwealth v. John Brock, 61 A3d. 1015 (Pa. 2013)
- A defendant waives his speedy trial claim either by failing to file a written motion to dismiss or by failing to appear for a trial listing.

Evidence-Prior Bad Acts-Rule 404(b)

- Commonwealth v. Riggs, 63 A.3d 780 (Pa. Super 2012)
- The Court upheld the defendant's conviction for DUI, aggravated assault while DUI and related charges where he ran a red light while traveling at a high rate of speed on a city street and struck another car. The Court found the evidence sufficient to support the aggravated assault charge. The Court upheld the admission of three prior high speed chases involving the defendant under Rule 404(b).

Criminal Procedure-Discovery- Confidential Informant

- Commonwealth v. Archie Washington, 63 A.3d 797 (Pa Super 2013)
- Regardless of whether a CI is an eyewitness to the crimes, the Commonwealth retains a qualified privilege not to disclose. To overcome that privilege, the defendant must show that his request for disclosure is reasonable and that the information sought to be obtained through disclosure is material to the defense.

Criminal Procedure-Pleas-Collateral Consequence

- Commonwealth v. Rachak, 62 A.3d 389 (PaSuper 2012)
- The Superior Court affirmed the denial of the defendant's PCRA petition where the defendant was at risk of deportation as a result of his conviction. The Court ruled that the defendant had waived his challenge to the validity of his pro se plea by failing to raise it on direct appeal. The Court further found that a pro se plea could not be invalidated based on any potential consequences to the defendant's immigration status-it is not the trial court's responsibility to inquire regarding such consequences.

Criminal Procedure-Pleas-Collateral Consequence

- Commonwealth v. Abraham, 62 A.3d 343 (Pa. 2012)
- 67 year old appellant, a teacher, pled guilty to one count each of corruption of minors and indecent assault. He had offered a student \$300 to have sex with him and he touched her butt. He also gave her his business card and cell number. Victim eventually told what happened and gave card to police. No direct appeal was taken.

Criminal Procedure-Pleas-Collateral Consequence

- In PCRA petition, appellant argued ineffectiveness of counsel for failing to tell him he would forfeit his pension by pleading guilty. Indecent assault charge triggered application of PEPFA (Public Employee Pension Forfeiture Act). PCRA court denied petition finding loss of the pension was a collateral issue to the plea which did not need to be explained to appellant and was irrelevant to whether a plea was voluntary and knowing.

Criminal Procedure-Pleas-Collateral Consequence

- Superior Court, in pointing out that it was unclear if direct/collateral analysis is still viable, determined that because of automatic nature of the forfeiture, the punitive nature of the consequence, and the fact only criminal behavior triggers forfeiture, the application of PEPFA is, like deportation, intimately connected to the criminal process. As a result, Court found counsel was obligated to warn client of loss of pension as consequence of pleading guilty.

Criminal Procedure-Pleas-Collateral Consequence

- Supreme Court disagreed and found that PEPFA's purpose is to restrict future benefits for public employees who commit certain crimes and ensure they maintain integrity in employment. Court looked at fact provision is contained in Title 43 following the Unemployment Compensation Act and that procedures therein don't contain safeguards and requirements associated with the criminal process. It determined that pension forfeiture is a non-punitive, civil consequence of a criminal conviction, thus, it is collateral consequence of a guilty plea.

Criminal Procedure-Pleas-Collateral Consequence

- Court concluded that the failure to receive money due to breach of an employment contract cannot be equated with being forced to leave the country. Because a defendant's lack of knowledge of the collateral consequences of a plea does not undermine the validity of the plea, counsel cannot be deemed ineffective for failing to advise of it.

SPECIFIC OFFENSES-BURGLARY

- Commonwealth v. Donohue, 62 A.2d 1033(Pa Super 2013)
- When fingerprint evidence is the only evidence relied on in a burglary prosecution a conviction will not be upheld if the prints are on a readily movable object in common usage and the possibility of innocent contact with that object is great.

Criminal Procedure-Burden of Proof

- Commonwealth v. Enimpah, 62 A.3d 1028 (Pa Super 2013)
- At a suppression hearing the Commonwealth has the primary burden of both production and persuasion to convince the Court the evidence was legally obtained. Case interprets Rule 581 (H) of the PA Rule of Criminal Procedure.

Criminal Procedure-Confessions-Pre-Arrest Silence

- Commonwealth v. William Kuder, 62 A.3d 1038 (Pa. Super 2013)
- A defendant who testifies at trial can be cross-examined on his pre-arrest silence.

Search & Seizure-Interception of Wire Communications

- Commonwealth v. Gerald Dunnavant, 63 A.3d 1252 (Pa Super 2013)
- In a case of first impression, the Superior Court held a search warrant is needed for a CI to enter a defendant's home wearing a silent video camera.

Evidence-Hearsay-Co-conspirator Exception (Rule 803 (25)(E))

- Commonwealth v. Eddie Feliciano, 67 A.3d 19 (Pa Super 2013)
- A co-conspirator's statement that otherwise satisfies Bruton is only inadmissible where it is the sole evidence of the conspiracy.

Forfeiture/Return of Property

- Whenever the Commonwealth responds to a motion for return of property with no evidence beyond an unsubstantiated assertion that it no longer possesses the property, an evidentiary hearing must be held, and the Commonwealth must provide evidence at the hearing to establish the status of the property.
- Commonwealth v. Thomas Matsinger, 68 A.3d 390 (Pa Commonwealth 2013)

Criminal Procedure-Expungements

- Commonwealth v. Trimble, 75 A.3d 518 (Pa 2013) contains a good summary of the law on this area and what should happen if the Commonwealth does nothing to oppose the motion (Hint: They'll lose since they have the burden of proof)

Specific Offenses-DUI-Sentencing

- Commonwealth v. Infante, 63 A.3d 358 (Pa. Super 2013)
- Defendant was arrested for suspicion of driving under the influence of marijuana (DUI). Eight months later, defendant was again arrested for suspicion of DUI. Defendant entered into a negotiated plea deal in which his first DUI would be sentenced as a “first offense” under 75 Pa.C.S. § 3804(c)(1), and his second DUI would be sentenced as a “second offense” under §3804(c)(2).

Specific Offenses-DUI-Sentencing

- Six months subsequent to his sentencing, Commonwealth v. Haag, 603 Pa. 46, (2009) was handed down and essentially interpreted 75 Pa.C.S. §3804 and 3806 as requiring a conviction on a first DUI offense prior to the commission of a second DUI offense, in order to sentence the second DUI as a “second offense” under §3804(b)(2). Numerous violations of defendant’s probation occurred. Defendant did not preserve the error regarding his original sentence, which was undoubtedly illegal when imposed, given that his later DUI could not constitute a second offense.

Specific Offenses-DUI-Sentencing

However, the lower court's new sentence of 6-23 and half months in jail, imposed following revocation, violated the statute since the court used the wrong sentencing parameters under 3804. The sentence was vacated and remanded for resentencing.

Sentencing-Mandatory Minimums-Applicability

- Two mandatory minimum provisions for the same offense can be aggregated as long as they do not exceed the maximum sentence for that charge.
- Commonwealth v. William Hopkins, 67 A.3d 817 (Pa. Super 2013)

Evidence-Adult Testimony- Competency

- Absent evidence of a mental disability interfering with a defendant's faculties for rational understanding, amnesia does not mean he is incompetent to stand trial.
- It is only where the loss of memory affects or is accompanied by a mental disorder impairing his ability to understand or cooperate with his attorney that he can be found incompetent.
- Commonwealth v. Robert Stevenson, 64 A.3d 715 (Pa, Super 2013)

DNA-Post-Conviction Testing

- An order granting post-conviction DNA testing is a final, appealable order.
- Commonwealth V. Milton Scarborough, 64 A.3d 602 (Pa. 2013)

Search & Seizure-Wiretap Act-GPS System on Motor Vehicle

- Use of GPS tracking devices on a defendant's car is subject to the requirements of the Wiretap Act.
- Commonwealth v. Edwin Burgos, 64 A.3d 641 (Pa. Super 2013)

Evidence-Impeachment of Witness- Subsequent Criminal Conviction

- In Commonwealth v. Christine, 78 A.3d 1 (Pa. Super 2013) the Superior Court upheld a lower court ruling refusing to allow a defendant to cross-examine a victim about an assault conviction that occurred after the incident charged. It was not similar to the charged crime and was too distant in time.

Search & Seizure-Vehicle Searches- Warrantless- Exigent Circumstances

- In *Com.v. Gatlos*, 76 A3d. 44 (PaSuper 2013), Defendant was in a traffic accident that left her unresponsive and in immediate need of medical attention. A police officer searched the car and purse to learn her identity. Later when she was charged and convicted of DUI, the search was upheld because of exigent circumstances and because there was a lawful inventory search.

Evidence-Cross Examination-Scope- Opening the Door

- Be careful, defense attorneys! If you cross exam a police officer seeking to raise an inference that there was an incomplete investigation, you risk opening the door to the admission of your client's pre-arrest silence if the trial court finds it more probative than prejudicial. In Commonwealth v. Stephen Fischere, 70 A.3d 1270 (Pa. Super 2013) the Superior Court agreed with the trial court that here it was more probative.

Evidence-Cross Examination-Scope-Opening the Door

- It probably helped that the lower court instructed the jury that they could only consider the defendant's silence for the limited purpose of assessing his credibility. Note also this defendant did not testify at trial.
- Also see the case under the heading Criminal Procedure-Confessions-Pre-Arrest Silence

Criminal Procedure-Jury Instructions

- A Kloiber instruction is only required when a witness might be physically incapable of making a reliable observation. Where witnesses are under the influence of alcohol or drugs or where a room is dark, or they had been awakened from sleep and the events being observed were confusing a Kloiber instruction is not required because facts go to the credibility of the testimony and not to the actual physical ability of the witness to observe. Com. v. Athony Collins, 70 A.3d 1245 (Pa. Super 2013)

Evidence-Hearsay-Former Testimony (Rule 804 (b)(1))

- The fact that a defense attorney chose not to cross examine a witness at a preliminary hearing (whose testimony was being transcribed) does not control the admissibility of that testimony if all the other requirements for admissibility set forth in Rule 804(b)(1) are met. *Com. v. Darnell Stays*, 70 A.3d 1256 (Pa. Super 2013). However, this case also seems to suggest that if cross-examination occurs, for it to be meaningful, a defense attorney is permitted to get into bias and the credibility of that witness. The question is really, how far can he/she go?

Criminal Procedure-Mistrial-Double Jeopardy

- *Commonwealth v. Kearns*, 70 A.3d 881 (Pa. Super 2013)
- The Superior Court reversed the lower court's decision which had dismissed the charges, and barred retrial based on double jeopardy grounds where a mistrial was granted after the Commonwealth failed to provide vital discovery documents to defense. The Court held that because the Commonwealth clearly did not act intentionally in failing to disclose certain documents possessed by the police department but not turned over to the District Attorney's office, that double jeopardy did not apply here

Criminal Procedure-Motion to Vacate a Nolle Pros

- Commonwealth v. Goldman, 70 A.3d 874 (Pa. Super 2013)
- The Superior Court reversed the trial court order denying the Commonwealth's motion to vacate nolle pros of defendant's charges. The Court found that effectively dismissing the charges by presenting the Commonwealth with a choice between a discharge and a nolle pros with prejudice (when Commonwealth witnesses were not subpoenaed for trial after a "communication breakdown"), absent blatant prosecutorial misconduct or demonstrable prejudice, was an abuse of discretion. Note: Rule 600 was not an issue. Case called 5 months before run date.

Specific Offenses-Vehicle Stops-Initial Justification

- Commonwealth v. Enick, 70 A.3d 843 (Pa. Super 2013)
- The Superior Court affirmed defendant's conviction for DUI, holding that the police officer had probable cause to stop defendant's vehicle where vehicle crossed half-way over the center line for approximately 3 seconds, thereby violating section 3301(a) of the Motor Vehicle Code (driving on right side of roadway). The fact that the dashboard camera was inconclusive did not negate the officer's credible testimony regarding the extent that defendant crossed the center line.

Sentencing-Apprendi Issues

- Commonwealth v. Barr, 79 A.3d 668 (Pa. Super 2013)
- The Superior Court vacated the defendant's conviction for a "refusal" offense under 75 Pa. C.S. § 3802(a)(1). The Court held that the trial court erred by declining to instruct the jury on the requisite implied consent warnings. Because it was not properly defined for the jury, this factual issue that enhanced the defendant's sentence was not properly submitted to the jury under Apprendi. The Court thus remanded for trial on the sole issue whether the defendant refused to submit to chemical testing.

Specific Offenses-DUI-Implied Consent Warnings

- Commonwealth v. Daniel Smith, 77 A.3d 562 (Pa. Super 2013)
- The Supreme Court held that when seeking drivers' consent to test blood for the presence of drugs or alcohol following a traffic crash, the police need not specifically warn them that the results may be used in a criminal prosecution. In affirming the trial court's denial of the defendant's motion to suppress, the Court reversed the Superior Court's ruling and held that such a warning is not required to make the consent voluntary and knowing.

Specific Offenses-DUI-Right to Choose Testing Method

- Commonwealth v. Barker, 70 A.3d 849 (Pa. Super 2013)
- The Superior Court reversed defendant's DUI conviction, finding that he was denied the right to request testing under section 1547(i) of the Vehicle Code, where defendant was charged with a refusal when he refused a blood test because of a diabetic condition. Because the defendant offered to take a breath or urine test, the Court determined that 1547(i) required the officer to honor the defendant's request, indicating that defendants have the right to choose the method by which they are tested.

Ineffectiveness of Counsel-Involuntary Guilty Plea-Failure to Advise of Consequence

- Commonwealth v. Escobar, 70 A.3d 838 (PaSuper 2013)
- The Superior Court reversed the order granting defendant's PCRA petition where counsel informed defendant that it was "likely and possible" that defendant would be deported as a result of his guilty plea. The Court disagreed with the opinion of the PCRA court that defense counsel was required to instruct defendant that he would be deported, not that he may be deported.

SENTENCING-RESTITUTION

- Commonwealth v. Kinnan, 71 A.3d 983 (Pa. Super 2013)
- The Superior Court reversed that part of defendant's sentence regarding restitution and remanded for resentencing, holding that restitution designed to rehabilitate defendant may not be ordered in instances where the victim has suffered no loss. Restitution can be imposed as a sentence (18 Pa.C.S.A. 1106(a)-restitution ordered must directly result from crime) OR it

SENTENCING-RESTITUTION

- can be ordered as a condition of probation (42 Pa.C.S.A. 9754-restitution designed to both rehabilitate defendant and compensate victim). Here, the Court disagreed with the trial court's reliance on section 9754, stating that there is no existing case law that provides for the application of rehabilitative restitution in instances where the victim suffers no permanent pecuniary loss.

Specific Offenses-Carrying Firearm W/O License

- Commonwealth v. Mendozajr, 71 A.3d 1023 (Pa. Super 2013).
- Defendant was convicted of 18 Pa. C.S.A. § 6106, 6108 carrying firearm w/o license and carrying firearm in public in Philadelphia. The trial court downgraded 6106 from an F3 to an M1, stating that he was “otherwise eligible” to carry in accordance with the statute. The Superior Court vacated the sentence, holding that the contemporaneous conviction of 6108 precluded the trial court from downgrading the offense.

Criminal Procedure-Change in Venue

- Commonwealth v. Mitchell, 72 A.3d 715 (Pa. Super 2013)
- The Superior Court quashed defendant’s appeal of the order denying his motion for change in venue because the Court lacked jurisdiction. The Court reasoned that an appeal in a criminal case from a pre-trial order denying a change in venue is an appeal from a non-final, interlocutory order. This is not a final or otherwise appealable order as delineated in the rules of appellate procedure.

Criminal Procedure-Discovery- Confidential Informants

- Commonwealth v. Garcia, 72 A.3d 681 (Pa. Super 2013)
- The Superior Court reversed the trial court order dismissing the charges against defendant on the basis that the Commonwealth failed to comply with a discovery order directing to turn over arrest paperwork related to a CI. (The paperwork was purportedly requested to test the truthfulness of the officer who testified at the prelim that he had use ci 25-30 times, not a motion to compel identity of CI). The Court held that the defendant failed to meet his burden for discovery under Pa.R.Crim.P.573(B)(2)(a)(iv).

Specific Offenses-DUI-Checkpoint

- Commonwealth v. Garibay, 72 A.3d 623(Pa. Super 2013)
- The Superior Court affirmed defendant's DUI conviction, holding that the Click it or Ticket Checkpoint followed the Talbert/Blouse guidelines, thus the defendant's constitutional rights were not violated

Specific Offenses-Harassment

- Commonwealth v. Cox, 72 A.3d 719(Pa. Super 2013)
- The Superior Court affirmed defendant's conviction for harassment (18 Pa.C.S.A. § 2709(a)(4)) holding that comments made in an on-line forum can constitute a criminal offense. Here, defendant posted "[Victim] has herpes. Ew, that's gross. She should stop spreading her legs like her mother" on her Facebook page. The Court found that the evidence was sufficient to support a finding that defendant communicated lewd sentiments about the victim to other people, and in doing so it was her intent to harass, annoy, or alarm the victim.

Specific Offenses-Intimidation of Witness

- Commonwealth v. Lynch, 72 A.3d 706 (Pa. Super 2013)
- The Superior Court affirmed defendant's conviction for felony intimidation of a witness where defendant wrote a letter to the victim asking that she not show up to court and that if she didn't show up they could use an income tax return to start a new life together. The Court reasoned that, although the defendant did not threaten the victim, his offer was pecuniary in nature.

Specific Offenses-Intimidation of Witness

- The Court also adopted the trial court's reasoning that the mere act of repeatedly asking a closely-related assault victim to refrain from testifying against him can manifest an intent to intimidate for purposes of 4953(a)(1).

Specific Offenses-Intimidation of Witness

- Commonwealth v. Felder, 75 A.3d 513(Pa. Super 2013)
- The Superior Court affirmed defendant's conviction of felony intimidation of a witness, finding that because the Commonwealth charged defendant with a first degree felony (the jury hung on an aggravated assault charge, which was later nolle prossed, but convicted on the intimidation charge,) the trial court properly graded her conviction for witness intimidation pursuant to subsection § 4952 as a first degree felony.

Appeals-PCRA-Express Waiver of Review

- Commonwealth v. Baker, 72 A.3d 652(Pa. Super 2013)
- In a matter of first impression, the Superior Court set forth the standard for a knowing, voluntary and express waiver of PCRA review. The Court held that established waiver principles must be applied to PCRA review waiver when a defendant seeks to expedite the review of ineffective assistance of counsel claims by way of a post-trial motion.

Appeals-PCRA-Express Waiver of Review

- Thus, defendant must participate in an on-the record colloquy, ensuring that defendant is aware of the rights being waived (i.e. the “essential ingredients” of PCRA review). Considering 42 Pa.C.S.A. § 9542-9543 and Pa.R.Crim.P. 904(c), the Court stated that this includes, but is not limited to , an explanation of (1)the eligibility requirements for PCRA relief; (2) the right to be represented by counsel for a first PCRA petition; (3)the types of issues that could be raised pursuant to the PCRA that are now being given up; and

Appeals-PCRA-Express Waiver of Review

- (4)the PCRA is the sole means of obtaining nearly all types of collateral relief. The Court further stated that the trial court must also take steps to ensure that the defendant has made the decision to waive the right to PCRA review after consulting with counsel and in consideration of the rights as explained in the colloquy.

Ineffectiveness of Counsel-Grant/Bomar Exception

- Commonwealth v. Holmes, 79 A.3d 562(2013)
- The Supreme Court addressed the reviewability of ineffectiveness of counsel claims in post-verdict motions and direct appeals. The Court affirmed the general rule in Grant that deferred review of such claims until collateral PCRA appeals, and disapproved of any expansion of the Bomar exception for pre-Grant cases. The Court recognized two other limited discretionary exceptions to GRANT (1) there are extraordinary circumstances where a claim of ineffective assistance of trial counsel is apparent from the record and meritorious to the extent that immediate consideration of the claim best serves the interests of justice: and

Ineffectiveness of Counsel- Grant/Bomar Exception

- 2) the defendant demonstrates good cause to raise multiple or prolix ineffectiveness claims on direct appeal, including non-record based claims, and expressly and knowingly waives his right to seek subsequent PCRA review (“good cause/PCRA waiver exception”).

Sentencing - Fines

- Commonwealth v. Boyd, 73 A.3d 1269 (Pa. Super)
- The Superior Court held that a claim that the sentencing court failed to consider the defendant’s ability to pay before imposing fines (42 Pa.C.S.A. 9726(c)) is non-waivable if the defendant alleges that there was no evidence of record concerning the defendant’s ability to pay because the issue deals with the legality of the sentence. However, the Court also noted that all other claims concerning the defendant’s ability to pay a fine must be preserved by raising them in the first instance before the trial court, because they concern abuse of discretion. Here, the Court determined that the issue was not waived but that defendant was not entitled to relief as his argument had no merit.

Ineffectiveness-Involuntary Guilty Plea-Failure to Advise of Consequences

- Commonwealth v. Barndt, 74 A.3d 185 (Pa. Super 2013)
- The Superior Court reversed the trial court's finding that counsel rendered effective assistance. The Court found that, although parole/probation revocation is a collateral consequence of pleading guilty (PA case law states that counsel cannot be found ineffective for failure to notify defendant of collateral consequences of guilty pleas), that by misinforming defendant as to what his revocation sentence would be (a collateral consequence), and by defendant relying on that statement in entering the plea, counsel was ineffective. Thus, counsel has no duty to inform defendant of collateral consequences, but if he/she does, the information must be accurate.

Criminal Procedure-Information- Amendment

- Commonwealth v. Beck, 78 A.3d 656 (2013)
- The Superior Court affirmed the defendant's sentence for DUI under section 3802(b) where the criminal information was amended at the conclusion of the Commonwealth's case in chief. The Court held that the trial court did not err in allowing the amendment because the defendant was on notice (as evidenced by pretrial filings by defense counsel) and did not assert any specific prejudice caused by the late amendment.

Sentencing-Mandatory Minimums

- Commonwealth v. Munday, 78 A.3d 661 (2013)
- The Superior Court vacated the defendant's sentence pursuant to 42 Pa.C.S. § 9712.1 (mandatory minimums involving guns and drugs) and remanded for resentencing based on Alleyne v. United States, U.S., 133Ct. 2151(2013)(holding that facts that trigger mandatory minimum sentences are elements of the offense and must be submitted to the fact-finder and proven beyond a reasonable doubt. The Court noted that the defendant had not presented the issue whether section 9712.1 was facially invalid given that it states "[p]rovisions of this section shall not be an element of the crime[.]")

Hearsay-Crawford/Melendez-Diaz Rulings

- Commonwealth v. George Yohe, 79 A.3d 520 (Pa. 2013)
- In DUI trial, an objection was raised to toxicologist's testimony regarding report of the analysis of appellant's BAC and admission of that report, on the basis that it violated the right to confrontation since he was not the analyst who performed the test. Originally, the trial court overruled the objection but then subsequently granted a post-sentence motion request for a new trial for this reason. Superior Court reversed.

Hearsay-Crawford/Melendez-Diaz Rulings

- In affirming Superior Court, Supreme Court held that the forensic toxicologist who analyzed appellant's BAC test results, determined BAC by comparing the results, and authored the toxicology report was the analyst who caused the report to be testimonial. Thus, his testimony did not violate appellant's right to confrontation. The fact he did not physically perform any of the tests did not change this fact.

Hearsay-Crawford/Melendez-Diaz Rulings

- Court reasoned that the Commonwealth complied with Melendez-Diaz by introducing toxicology report with a witness competent to testify to the truth of its statements. It is also complied with Bullcoming by assuring appellant's right to be confronted with in-court testimony of the scientist who evaluated the raw data and signed the report.

CRIMINAL CASELAW UPDATE

(From Advance Sheet dated 9/24/04 To Advance Sheet dated 12/27/2013 Reporting Cases From 855 A2d. 648 thru 79 A3d. 794)

Appeals-After Discovered Evidence-Procedure

Com. v. Carlos Rivera, 939 A2d. 355 (PaSuper 2007)
Com.v. Rodney Soto, 983 A2d. 212 (PaSuper 2009)
Com.v. William Padillas, 997 A2d. 356 (PaSuper 2010)
Com.v. Vernon Estepp, 17 A3d. 939 (PaSuper 2011)
Com.v. Cecil Foreman, 55 A3d. 532 (PaSuper 2012)(rejecting a claim based on after discovered evidence)
Com.v. Dontez Perrin 59 A3d. 663 (PaSuper 2013)

Appeals-Anders Brief

Com. v. Millisock, 873 A2d. 748 (PaSuper 2005)
Com. v. Felix Vilsaint, 893 A2d.753 (PaSuper 2006)
Com. v. Gerald Ladamus, 896A2d.592 (PaSuper 2006)
Com. v. Jason Kearns, 896 A2d. 640 (PaSuper 2006)
Com. v. Myers, 897 A2d. 493 (PaSuper 2006)
Com. v. Edwards, 906 A2d. 1225 (PaSuper 2006)
Com. v. Nathan Nischan, 928 A2d. 349 (PaSuper 2007)
Com. v. Joel Curry, 931 A2d. 700 (PaSuper 2007)
Com. v. Marquis Wrecks, 931 A2d. 717 (PaSuper 2007); appeal finally quashed at 934 A2d. 1287 (PaSuper 2007)
Com. v. Darnell Woods, 939 A2d. 896 (PaSuper 2007)
Com. v. Thomas O'Malley, 957 A2d. 1265 (PaSuper 2008)
Com.v. Israel Santiago, 978 A2d. 349 (Pa 2009)
Com.v. Tracy Daniels, 999 A2d. 590 (PaSuper 2010)
Com. v. Ronald Burwell, 42 A3d. 1077 (PaSuper 42 A3d. 1077 (PaSuper 2012))

Appeals-Federal/State Jurisdiction

Com. v. Curtis Brinson, 30 A3d. 490 (PaSuper 2011)

Appeals-Forfeiture of Right to Appeal-Fugitives

Com. v. Clarence Hunter, 952 A2d. 1177 (PaSuper 2008)
Com. v. Christopher Doty, 997 A2d. 1184 (PaSuper 2010)(Erie County case)

Appeals-Rule 1925(b) Statement-Late Filing/No Filing/Inadequate Statement

Com. v. Otero, 860 A2d. 1052 (PaSuper 2004)
Com. v. Steven Davis, 867 A2d. 585 (PaSuper 2005)
Com. v. Mark West, 883 A2d. 654 (PaSuper 2005)
Com. v. Joyce Schofield, 888 A2d.771 (Pa 2005)
Com. v. Hector Castillo, 888 A2d.775 (Pa 2005)
Com. v. Myers, 897 A2d. 493 (PaSuper 2006)

Com. v. John v. Salamone, 897 A2d. 1209 (PaSuper 2006)
 Com. v. Charles Reeves, 907 A2d. 1 (PaSuper 2006)
 Com. v. David Flores, 909 A2d. 387 (PaSuper 2006)
 Com. v. Dale Hart, 911 A2d. 939 (PaSuper 2006)
 Com. v. Steven Gravely, 918 A2d. 761 (PaSuper 2007)
 Com. v. Avis Goodman, 928 A2d. 287 (PaSuper 2007)
 Com. v. Bernardino Laboy, 936 A2d. 1058 (PaSuper 2007)
 Com. v. \$766.00 U.S Currency, 948 A2d. 912 (PaCmwlt 2008) (appeal quashed when Appellant failed to serve trial court with copy of the concise statement)
 Com.v. Vicky Scott, 952 A2d. 1190 (PaSuper 2008)
 Com.v. Ryan McBride, 957 A2d. 752 (PaSuper 2008)
 Com.v. Clay Williams, 959 A2d. 1252 (PaSuper 2008) (If appellant wants to preserve a claim the evidence was insufficient, then the 1925 (b) statement needs to specify the element or elements upon which the evidence was insufficient. Otherwise the claim is waived.)
 Com.v. Michael Burton, 973 A2d. 428 (PaSuper 2009)
 Com.v. Kazimir Grohowski, 980 A2d. 113 (PaSuper 2009)
 Com.v. Donnetta Hill, 16 A3d. 484 (Pa 2011)
 Com.v. Ginger Thompson, 39 A3d. 335 (PaSuper 2012)
 Com.v. Leroy Bradley, 69 A3d. 253 (PaSuper 2013)

Appeals-Rule 1925(b) Statement-Motion for Enlargement of Time To File

Com. v. Timothy Hopper, 965 A2d. 270 (PaSuper 2009)

Appeals-Joint Appeals

Com. v. C.M.K., 932 A2d. 111 (PaSuper 2007)

Appeals-Jury Verdict

Com. v. McDaniels, 886 A2d. 682 (PaSuper 2005)

Appeals-Non-final Orders

Com. v. David R. Kennedy, 876 A2d. 939 (Pa 2005)
 Com. v. Shearer, 882 A2d. 462 (Pa 2005)
 Com. v. Frank Steckel, 890 A2d. 410 (PaSuper 2005)
 Takosky v. Henning, 906 A2d. 1255 (PaSuper 2006) (an ICC order is not a final, appealable order)
 Com. v. Miriam White, 910 A2d. 648 (Pa 2006) (Commonwealth entitled to an interlocutory appeal as of right from denial of Commonwealth's motion for recusal and from denial of Commonwealth's request for a jury trial at a degree of guilt hearing in a murder case)
 Com. v. Paul Yingling, 911 A2d. 572 (PaSuper 2006) (clarifies procedure for filing interlocutory appeal by permission)
 Com. v. Jason McMurren, 945 A2d. 194 (PaSuper 2008)
 Com. v. Albert Mincavage, 945 A2d. 233 (PaSuper 2008)(overruled by Com. v Cooper, 27 A3d. 994 (Pa 2011))
 Com. v. Herbert Watson, 952 A2d. 541 (Pa 2008)

Com. v. Shawn Brister, 16 A3d. 530 (PaSuper 2011)
Com. v. Michael Cooper, 27 A3d. 994 (Pa 2011)
Com. v. Francis Harris, 32 A3d. 243 (Pa 2011)
Com. v. Frank Sabula, 46 A3d. 1287 (PaSuper 2012)

Appeals-Nunc Pro Tunc-Eligibility

Com. v. Henry Pulanco, 954 A2d. 639 (PaSuper 2008)
Com. v. William Mikell, 968 A2d. 779 (PaSuper 2009)

Appeals-Nunc Pro Tunc-Timeliness

Com. v. Frank Mazzarone, 856 A2d. 1208 (PaSuper 2004)
Com. v. Dion Lamar Williams, 893 A2d. 147 (PaSuper 2006)
Com. v. Albert Davis, 894 A2d. 151 (PaSuper 2006)
Com. v. Clayton Liston, 941 A2d. 1279 (PaSuper 2008) (when right to appeal nunc pro tunc given, lower court must also grant time to file post-sentence motions) **(But now the Supreme Court says no in an opinion at 977 A2d. 1089 (Pa 2009))**
Com.v. Leonard Fransen, 986 A2. 154 (PaSuper 2009)

Appeals-PCRA-Eligibility for Relief

Com. v. Jeffrey Williams, 977 A2d. 1174 (PaSuper 2009) (a sex offender who has completed his sentence is not eligible for PCRA relief on the basis that he still must register under Megan's Law)
Com. v. Wayne Paul Burkett, 5 A3d. 1260(PaSuper 2010)(a due process claim that a defendant is entitled to have his PCRA petition heard without "undue delay" is cognizable under the statute.)
Com. v. Lester Masker, 34 A3d. 841 (PaSuper 2011)
Com. v. Doty, 48 A3d. 457 (PaSuper 2012)(a petitioner who forfeited his direct appeal rights because of his fugitive status also forfeits his right to collateral relief)
Com.v. Thomas Allen, 48 A3d. 1283 (PaSuper 2012)
Com.v. Cecil Foreman, 55 A3d. 532 (PaSuper 2012)(rejecting a claim based on after discovered evidence)
Com. v. Jose Castro, 55 A3d. 1242 (PaSuper 2012)

Appeals-PCRA-Evidentiary Hearing

Com. v. Pedro Diaz, 913 A2d. 871 (PaSuper 2006)
Com. v. Hakim Carter, 21 A3d. 680 (PaSuper 2011)
Com. v. Peter McDermitt, 66 A3d. 810 (Pasuper 2013)

Appeals-PCRA-Express Waiver of Review

Com.v. Gene Baker, 72 A3d. 752 (PaSuper 2013)
Com.v. Markeith Allen, 78 A3d. 1163 (PaSuper 2013)

Appeals-PCRA-Turner/Finley Letter

Com. v. Alan D. Friend, 896 A2d. 607 (PaSuper 2006) (announces a new requirement to successfully file a Finley letter)

Com.v. Dexter Pitts, 981 A2d. 875 (Pa 2009)

Com.v. Ernest Rykard, 55 A3d. 1177 (PaSuper 2012)

Appeals-PCRA-Grazier Hearings

Com. v. Marvin Robinson, 970 A2d. 455 (PaSuper 2009)

Com. v. Leonard Stossel, 17 A3d. 1286 (PaSuper 2011)

Com. v. Josue Figueroa, 29 A3d. 1177 (PaSuper 2011)

Appeals-PCRA-Hybrid Representation

Com. v. Jerome Battle, 879 A2d. 266 (PaSuper 2005)

Com. v. Jules Jette, 947 A2d. 202 (PaSuper 2008)(vacated and remanded by the Supreme Court at 23 A3d. 1032 (Pa 2011)

Com. v. Keith Devine, 26 A3d. 1139 (PaSuper 2011)(while a direct appeal is pending, and after a brief has been filed by defendant's appellate counsel, the defendant is barred from filing a motion for remand to appoint new counsel on the basis of ineffectiveness. He has to wait for the decision on direct appeal then file a PCRA petition if he loses the direct appeal).

Com. v. Donald Willis, 29 A3d. 393 (PaSuper 2011)

Com. v. Stephen Glacken, 32 A3d. 750 (PaSuper 2011)

Com. v. Jason Morgan, 39 A3d. 419 (PaSuper 2012)

Appeals-PCRA-Ineffective Assistance-Layered Claim

Com. v. Steven Duffey, 855 A2d. 764 (Pa 2004)

Com. v. Angel Reyes, 870 A2d. 888 (Pa 2005)

Com. v. Darryl Pitts, 884 A2d. 251 (PaSuper 2005)

Appeals-PCRA-Non-final Order

Com. v. Parris Harper, 890 A2d. 1078 (PaSuper 2006)

Appeals-PCRA-Prejudice to Commonwealth Due to Delay

Com. v. Michael Markowitz, 32 A3d. 706 (PaSuper 2011)

Com. v. Christopher Swartzfager, 59 A3d. 616 (PaSuper 2012)

Appeals-PCRA-Previously Litigated Claim

Com. v. Steven Derk, 913 A2d. 875 (PaSuper 2006)

Com. v. Anthony Jones, 932 A2d. 179 (PaSuper 2007)

Com. v. Darrell Kimbrough, 938 A2d. 447 (PaSuper 2007)

Com. v. Andre Phillips, 31 A3d. 317 (PaSuper 2011)

Appeals-PCRA- Reinstatement of Direct Appeal Rights

Com. v. Secundino Grossella, 902 A2d. 1290 (PaSuper 2006) (reinstatement of direct appeal rights is not the proper remedy when appellate counsel perfected a direct appeal but simply failed to raise certain claims)

Com. v. Clayton Liston, 941 A2d. 1279 (PaSuper 2008)
Com. v. Henry Pulanco, 954 A2d. 639 (PaSuper 2008)
Com. v. Shawn Jones, 960 A2d. 481 (PaSuper 2008)
Com. v. Lionel Widgins, 29 A3d. 816 (PaSuper 2011)
Com. v. David Corley, 31 A3d. 293 (PaSuper 2011)
Com. v. David Donaghy, 33 A3d. 12 (PaSuper 2012)
Com. v. Thomas Huddleston, 55 A3d. 1217 (PaSuper 2012)
Com. v. Kathi Turner, 73 A3d. 1283 (PaSuper 2013)

Appeals-PCRA-Right to Counsel

Com. v. Eugene Jackson, 965 A2d. 280 (PaSuper 2009) (if a second PCRA petition is filed and an evidentiary hearing is required, the court must appoint counsel to conduct that hearing. The right to representation then continues throughout the appeals process. See Pa R. Crim Pro. 904(D) and 904(F)(2)).
Com.v. Herbert Stout, 978 A2d. 984 (PaSuper 2009)
Com.v. Richard Ramos, 14 A3d. 894 (PaSuper 2011)
Com.v. Lewis Faulk, 21 A3d. 1196 (PaSuper 2011)

Appeals-PCRA-Timeliness

Com. v. David Sattazahn, 869 A2d. 529 (PaSuper 2005)
Com. v. Robert Fisher, 870 A2d. 864 (Pa 2005)
Com. v. James Lambert, 884 A2d. 848 (Pa 2005)
Com. v. Robert Wharton, 886 A2d. 1120 (Pa 2005)
Com. v. Frank Chester, 895 A2d. 520 (Pa 2006)
Com. v. Charles Dickerson, 900 A2d. 407 (PaSuper 2006)
Com. v. Frank Liebensperger, 904 A2d. 40 (PaSuper 2006)
Com. v. Michael Holmes, 905 A2d. 507 (PaSuper 2006)
Com. v. Theophalis Wilson, 911 A2d. 942 (PaSuper 2006)
Com. v. Harold Pollard, 911 A2d. 1005 (PaSuper 2006)
Com. v. Johnnie Davis, 916 A2d. 1206 (PaSuper 2007)
Com. v. Rodney Derrickson, 923 A2d. 466 (PaSuper 2007)
Com. v. Richard Boyd, 923 A2d. 513 (PaSuper 2007) (Blakely does not apply retroactively)
Com. v. Kieph Valentine, 928 A2d. 346 (PaSuper 2007)
Com. v. Tony Bennett, 930 A2d. 1264 (Pa 2007)
Com. v. Jeffrey Taylor, 933 A2d. 1035 (PaSuper 2007)
Com. v. Tramayne Blackwell, 936 A2d. 497 (PaSuper 2007)
Com. v. Frederick Burton, 936 A2d. 521 (PaSuper 2007)
Com. v. Benjamin Geer, 936 A2d. 1075 (PaSuper 2007)
Com. v. David Copenhefer, 941 A2d. 646 (Pa 2007) (new Constitutional right exception)
Com. v. Mumia Abu-Jamal, 941 A2d. 1263 (Pa 2007) (government interference exception)
Com. v. Devon Brown, 943 A2d. 264 (Pa 2008)
Com. v. David Johnson, 945 A2d. 185 (PaSuper 2008)
Com. v. Jerome Marshall, 947 A2d. 714 (Pa 2008) (newly discovered evidence)

exception)

Com. v. Victor McKeever, 947 A2d. 782 (PaSuper 2008)

Com. v. Thomas Perrin, 947 A2d. 1284 (PaSuper 2008)

Com. v. Donald Wojtaszek, 951 A2d. 1169 (Pa Super 2008) (new Constitutional right exception)

Com. v. Thomas Hawkins, 953 A2d. 1248 (Pa 2006) (governmental interference exception; newly discovered evidence exception)

Com. v. Ralph Stokes, 959 A2d. 306 (Pa 2008) (governmental interference exception)

Com. v. Henry Fahy, 959 A2d. 312 (Pa 2008) (newly discovered evidence exception)

Com. v. Gary Kretchmar, 971 A2d. 1249 (PaSuper 2009)

Com. v. Samuel Harris, 972 A2d. 1196 (PaSuper 2009)

Com.v. Charles Renschenski, 988 A2d. 699 (PaSuper 2010)(Rule 600 does not apply to post-conviction proceedings)

Com.v. Alfred Albrecht, 994 A2d. 1091 (Pa 2010)

Com.v. Floyd Monaco, 996 A2d. 1076 (PaSuper 2010)

Com.v. Roy Robinson, 12 A3d. 477 (PaSuper 2011)

Com.v. Gary Green, 13 A3d. 114 (PaSuper 2011)

Com.v. John Leggett, 16 A3d. 1144 (PaSuper 2011)

Com.v. Manuel Ortiz, 17 A3d. 417 (PaSuper 2011)

Com.v. Nathaniel Crawford, 17 A3d. 1279 (PaSuper 2011)(prisoner mailbox rule)

Com.v. Thomas Williamson, 21 A3d. 236 (PaSuper 2011)

Com.v. Edward Watts, 23 A3d. 980 (Pa 2011)

Com.v. Raul Garcia, 23 A3d. 1050 (Pa 2011)

Com.v. Christopher Weatherbill, 24 A3d. 435 (PaSuper 2011)

Com.v. Clyde Jackson, 30 A3d. 516 (PaSuper 2011)

Com.v. Bryan Chambers, 35 A3d. 34 (PaSuper 2011)

Com.v. Ronald Smith, 35 A3d. 766 (PaSuper 2011)

Com.v. Jamil Gandy, 38 A3d. 899 (PaSuper 2012)

Com.v. Duane Frey, 41 A3d. 605 (PaSuper 2012)

Com.v. David Johnston, 42 A3d. 1120 (PaSuper 2012)

Com.v. Christopher Doty, 48 A3d. 457 (PaSuper 2012)

Com.v. George Lopez, 51 A3d. 195 (Pa 2012)

Com.v. Curtis Brandon, 51 A3d. (PaSuper 2012)

Com.v. Charles Renschenski, 52 A3d. 251 (Pa 2012)

Com.v. Aaron Jones, 54 A3d. 14 (Pa 2012)(governmental interference exception)

Com.v. Lisa Lambert, 57 A3d. 645 (PaSuper 2012)

Com v. Gregory Saunders, 60 A3d. 162 (PaSuper 2013)

Com.v. Ishaq Lewis, 63 A3d. 1274 (PaSuper 2013)

Com.v. Jose Feliciano, 69 A3d. 1270 (PaSuper 2013)

Com.v. Rafael Hernandez, 79 A3d. 649 (PaSuper 2013)

Appeals-PCRA-Waiver

Com. v. Salvador Santiago, 855 A2d. 682 (Pa 2004)

Com. v. Jeffrey Berry, 877 A2d. 479 (PaSuper 2005)

Com. v. Anthony Fletcher, 896 A2d. 508 (Pa 2006)

Appeals-Statements in Absence of Transcript Under Pa R A P 1923

Com. v. Lamont Harvey, 32 A3d. 717 (PaSuper 2011)

Appeals-Substantial Question-Failure to Raise

Com.v. Thomas Lee, 876 A2d. 408 (PaSuper 2005)

Com.v. Christopher Marts, 889 A2d. 608 (PaSuper 2005)

Com.v. Dale Gould, 912 A2d. 869 (PaSuper 2006)

Com.v. Dale Pass, 914 A2d. 442 (PaSuper 2006)

Com.v. W.H.M., 932 A2d. 155 (PaSuper 2007)

Com.v. Gonzalez-Dejusis, 994 A2d. 595 (PaSuper 2010)

Com.v. Michael Mastromarino, 2 A3d 581 (PaSuper 2010)

Com.v. Richard Raushny, 17 A3d. 1269 (PaSuper 2011)

Com.v. Sanford Yeomans, 24 A3d. 1044 (PaSuper 2011)

Com.v. Antwine Griffin, 65 A3d. 932 (PaSuper 2013)

Appeals-Timeliness

Com. v. Eugenio Rojas, 874 A2d. 638 (PaSuper 2005)

Com. v. Robert Walker, 878 A2d. 887 (PaSuper 2005)

Com. v. Steven Rice, 902 A2d. 542 (PaSuper 2006)

Com. v. Shahram Nahavandian, 954 A2d. 625 (PaSuper 2008) (date of imposition sentence in open court, and not the date the sentence is docketed, is the reference point for computing the time for filing post-sentence motions and appeals)

Sweeney v. PA Bd. of Probation and Parole, 955 A2d. 501 (PaCmwlth 2008) (prisoner mailbox rule)

Com. v. Roberto Blye, 33 A3d. 9 (PaSuper 2011)

Appeals-Waiver of Issue on Direct Appeal

Com. v. Mark Whitaker, 878 A2d. 914 (PaSuper 2005)

Com. v. Jay Boyer, 891 A2d. 1265 (Pa 2006)

Com. v. John E. O'Black, 897 A2d. 1234 (PaSuper 2006)

Com. v. Derek Murchinson, 899 A2d. 1159 (PaSuper 2006)

Com. v. Gary Hakala, 900 A2d. 404 (PaSuper 2006) (for a substantially defective appellate brief)

Com. v. Eric Holley, 945 A2d. 241 (PaSuper 2008)

Com. v. James Strunk, 953 A2d. 577 (PaSuper) (allegations of juror misconduct waived where defense counsel merely notes the misconduct for the record but chooses to forego further inquiry in favor of proceeding to verdict)

Com.v. Daniel Garang, 9 A3d. 237 (PaSuper 2010)(waiver of sufficiency of evidence issue and erroneous jury instruction issue for failing to include them in a 1925 (b) Statement)

Com.v. Robert Kane, 10 A3d. 327 (PaSuper 2010)

Com.v. Audrey Quel, 27 A3d. 1033 (PaSuper 2011)

Com.v. Robert Lincoln, 72 A3d. 606 (PaSuper 2013)(waiver of issue challenging voluntariness of guilty plea)

Com.v. David Stokes, 78 A3d. 644 (PaSuper 2013)(issues raised in a motion in limine are preserved for appeal)

Appeals-Waiver of Issue on Direct Appeal-Sentencing

Com. v. Oliver Foster, 960 A2d. 160 (PaSuper 2008); affirmed by the Supreme Court at 17 A3d. 332 (Pa 2011)(waiver of sentencing issues may depend on whether the challenge is to the legality of the sentence or the discretionary aspects of the sentence)

Criminal Procedure-Accomplice Liability

Com.v. Joseph Torrito, 67 A3d. 29 (PaSuper 2013)

Criminal Procedure-Arrest-Extraterritorial Arrest

Com. v. Richard Gallagher, 896 A2d. 583 (PaSuper 2006)

Criminal Procedure-Arrest-Municipal Police Jurisdiction Act (42 Pa.CSA 8953)

Com. v. Russell Lehman, 870 A2d. 818 (Pa 2005)
Com. v. Jamey Henry, 943 A2d. 967 (PaSuper 2008)
Com. v. Blaine Hilliar, 943 A2d. 984 (PaSuper 2008)
Com. v. Nathan Borovichka, 18 A3d. 1242 (PaSuper 2011)

Criminal Procedure-Arrest-Prearrest Delay

Com. v. Leon Wright, 865 A2d. 894 (PaSuper 2004)

Criminal Procedure-Arrest-Sheriff's Authority

Com. v. Cory Dobbins, 934 A2d. 1170 (Pa 2007)

Criminal Procedure-Arrest-Unnecessary Delay (Pa.R. Crim.Pro. 431)

Com.v. Matthew Skarica, 986 A2d. 873 (PaSuper 2009)

Criminal Procedure-Bail Forfeiture (Pa.R.Crim.Pro. 526 and 536)

Com. v. Levar Riley, 946 A2d. 696 (PaSuper 2008)
Com.v. Justin Culver, 46 A3d. 786 (PaSuper 2012)
Com.v. Garfield Gaines, 74 A3d. 1047 (PaSuper 2013)

Criminal Procedure-Burden of Proof

Com.v. Abdul-Mussawir James, 46 A3d. 776 (Pa 2012)
Com.v. Andrew Enimpah, 62 A3d. 1028 (PaSuper 2013)

Criminal Procedure-Change of Venue

Com. v. Richard Wilmbush, 951 A2d. 379 (PaSuper 2008)
Com. v. Dennis Dixon, 959 A2d. 399 (PaSuper 2008)(reversed and remanded by Supreme Court at 985 A2d. 720)
Com. v. Victor Mitchell, 72 A3d. 715 (PaSuper 2013)

Criminal Procedure-Closing Argument

Com. v. Neff, 860 A2d. 1063 (PaSuper 2004)
Com. v. Lester Fletcher, 861 A2d. 898 (Pa 2004)
Com. v. Lawrence Smith, 861 A2d. 892 (Pa 2004)
Com. v. James T. Williams, 896 A2d. 523 (Pa 2006)
Com. v. Kareem Sampson, 900 A2d. 887 (PaSuper 2006)
Com. v. Roscoe Brown, 911 A2d. 576 (PaSuper 2006)
Com. v. Terry Brown, 925 A2d. 147 (Pa 2007)
Com. v. Neal Patton, 936 A2d. 1170 (PaSuper 2007)(affirmed by Supreme Court at 985 A2d. 1283 (Pa 2009))
Com. v. Carlos Rivera, 939 A2d. 355 (PaSuper 2007)
Com. v. Eric Holley, 945 A2d. 241 (PaSuper 2008)
Com. v. William Wright, III, 961 A2d. 119 (Pa 2008)
Com.v. Michael Judy, 978 A2d. 1015 (PaSuper 2009)
Com.v. Jonathan Harris, 979 A2d. 387 (PaSuper 2009)
Com.v. Lynell Ragland, 991 A2d. 337 (PaSuper 2010)
Com.v. Simeon Bozic, 997 A2d. 1211 (PaSuper 2010)
Com.v. Duane Bedford, 50 A3d. 707 (PaSuper 2012)

Criminal Procedure-Collateral Estoppel

Com.v.Guy Gant, 945 A2d. 228 (PaSuper 2008)
Com.v. Dennis Reed, 990 A2d. 1158 (PaSuper 2010)

Criminal Procedure-Compulsory Joinder/Joinder of Offenses (Pa R.Crim Pro 582 and 583)

Com. v. William Nolan, 855 A2d. 834 (Pa 2004)
Com. v. Mark Spatz, 896 A2d. 1191 (Pa 2006)
Com. v. Nathan Schmidt, 919 A2d. 241 (PaSuper 2007)
Com. v. Edward Borzelleca, 932 A2d. 232 (PaSuper 2007); affirmed in part, reversed in part by the PA Supreme Court at 961 A2d. 79 (Pa 2008)
Com.v. Moses Dozzo, 991 A2d. 898 (PaSuper 2010)
Com.v. William Reid, 35 A3d. 773 (PaSuper 2012)(affirmed by Supreme Court at 77 A3d. 379 (Pa 2013))
Com.v. Anthony George, 38 A3d. 893 (PaSuper 2012)

Criminal Procedure-Confessions-Bruton/Crawford

Com. v. Mark Whitaker, 878 A2d. 914 (PaSuper 2005)
Com. v. Beth Ann Markman, 916 A2d. 586 (Pa 2007)
Com. v. Terry Brown, 925 A2d. 147 (Pa 2007)
Com. v. Ernest Cannon, 22 A3d. 210 (Pa 2011)
Com. v. Lennard Fransen, 42 A3d. 1100 (PaSuper 2012)
Com. v. Willie James, 66 A3d. 771 (PaSuper 2013)

Criminal Procedure-Confessions-Corpus Delicti Rule

Com.v. Mark Edwards, 903 A2d. 1139 (Pa 2006)
Com. v. Patrick Otterson, 947 A2d. 1239 (PaSuper 2008)

Com.v. Gaylend Young, 989 A2d. 920 (PaSuper 2010)(the corpus delicti rule is not implicated where there is no possibility that the defendant will be convicted for the crime confessed to, regardless of whether the defendant may later be convicted of a different crime at a trial in which the confession is subsequently introduced under Rule 404(b))

Com.v. Andrew Hernandez, 39 A3d. 406 (PaSuper 2012)(closely related crimes exception)

Com. v. Javier Cuevas, 61 A3d. 292 (PaSuper 2013)

Criminal Procedure-Miranda/Admission as Harmless Error

Com. v. William Hunter, 60 A3d. 165 (PaSuper 2013)

Criminal Procedure-Confessions-Miranda/Custody Requirement

Com. v. Muhammed Davis, 861 A2d, 310 (PaSuper 2004)

Com. v. Adam Pakacki, 901 A2d. 983 (Pa 2006)

Com. v. Maurice Clinton, 905 A2d. 1026 (PaSuper 2006) (an officer is permitted to ask a driver if there are weapons in the car following a traffic stop)

Com. v. Teri Levanduski, 907 A2d. 3 (PaSuper 2006)

Com. v. John Eichinger, 915 A2d. 1122 (Pa 2007)

Com. v. Melissa Baker, 963 A2d. 495 (PaSuper 2008)

Com. v. Charles Schwing, III, 964 A2d. 8 (PaSuper 2008)

Com. v. David Page, 965 A2d. 1212 (PaSuper 2009)

Criminal Procedure-Confessions-Miranda/Meaning of “Interrogation”

In Re D.H., 863 A2d. 562 (PaSuper 2004)

Com. v. Daniel Saranchak, 866 A2d. 292 (Pa 2005)

Com. v. Lawrence Gaul, 867 A2d. 557 (PaSuper 2005); reversed by the Pa Supreme Court at 912 A2d.252 (Pa 2006)

Com. v. Chris Ulmstead, 916 A2d. 1146 (PaSuper 2007)

Com. v. Josephy Ventura, 975 A2d. 1128 (PaSuper 2009)

Com. v. David Garvin, 50 A3d. 694 (PaSuper 2012)(routine questions asked at booking are not part of an interrogation requiring Miranda warnings)

Criminal Procedure-Confessions-Miranda/Voluntary Nature

Com. v. Abbas, 862 A2d. 606 (PaSuper 2004) (where a statement is voluntary even though not pursuant to a Miranda warning, the statement itself is subject to suppression, but any non-testimonial evidence derived from the statement is otherwise admissible)

Com. v. Rafael Thevenin, 948 A2d. 859 (PaSuper 2008)

Com.v. Arnaldo Santiago, 980 A2d. 659 (PaSuper 2009)

Com.v. Brandon Charleston, 16 A3d. 505 (PaSuper 2011)

Com.v. Lazaro Baez, 21 A3d. 1280 (PaSuper 2011)

Com.v. Khasion Garland, 63 A3d. 359 (PaSuper 2013)

Com.v. Randal Rushing, 71 A3d. 939 (PaSuper 2013)

Criminal Procedure-Confessions-Miranda/Waiver Because of Intoxication

Com. v. Josephy Ventura, 975 A2d. 1128 (PaSuper 2009)

Criminal Procedure-Confessions-Non-custodial/Voluntary Nature

Com. v. Rhanel Roberts, 969 A2d. 594 (PaSuper 2009)

Com. v. Juan Cruz, 71 A3d. 998 (PaSuper 2013)

Criminal Procedure-Confessions-Pre-Arrest Silence

Com. v. David DiNicola, 866 A2d. 329 (Pa 2005)

Com. v. David Lettau, 955 A2d. 360 (PaSuper 2008)(reversed by Supreme Court at 986 A2d. 114 (Pa 2009)

Com.v. Michael Molina, 33 A3d. 51 (PaSuper 2011)(Commonwealth not permitted to use a non-testifying defendant's pre-arrest silence as evidence of guilt)

Com.v. Shataan Adams, 39 A3d. 310 (PaSuper 2012)

Com.v. William Reed, 43 A3d. 314 (PaSuper 2012)

Com.v. William Kuder, 62 A3d. 1038 (PaSuper 2013)(a testifying defendant's pre-arrest silence is fair game for cross-examination)

Com.v. Stephen Fischere, 70 A3d. 1270 (PaSuper 2013)

Criminal Procedure-Confessions-Right To Counsel

Com. v. Joseph Cornelius, 856 A2d. 62 (PaSuper 2004)

Com. v. Mark Edwards, 903 A2d. 1139 (Pa 2006)

Criminal Procedure-Confessions-Second Interrogation Following Invocation of Miranda Rights

Com. v. Lachan Russell, 938 A2d. 1082 (PaSuper 2007)

Com. v. Jay Boyer, 962 A2d. 1213 (PaSuper 2008)

Criminal Procedure-Confessions-"Six Hour Rule"

Com. v. Manuel Sepulveda, 855 A2d. 783 (Pa 2004)

Com. v. Marie Louise Seilhamer, 862 A2d. 1263 (PaSuper 2004)

Criminal Procedure-Coordinate Jurisdiction Rule

Com. v. Robert McCulligan, 905 A2d. 983 (PaSuper 2006)

Com. v. Glenn King, 999 A2d. 598 (PaSuper 2010)

Criminal Procedure-Criminal Complaint-Sufficiency

Com. v. Stephen Laventure, 894 A2d. 109 (Pa 2006)

Criminal Procedure-Defendant's Right to Testify

Com.v. James Baldwin, 8 A3d. 901 (PaSuper 2010)(affirmed at 58 A.3d. 901 (Pa 2012))

Criminal Procedure-Discovery-Attorney Work Product

Com.v. Gerald A. Sandusky, 70 A3d. 886 (PaSuper 2013)

Criminal Procedure-Discovery-Brady Material

Com. v. Jerry Ferguson, 866 A2d. 403 (PaSuper 2004)
Com. v. Franklin Jackson, 947 A2d. 1260 (PaSuper 2008)
Com. v. Ronald Gibson, 951 A2d. 1110 (Pa 2008)
Com. v. Cam Ly, 980 A2d. 61 (Pa 2009)
Com. v. Michael Willis, 46 A3d. 648 (Pa 2012)
Com. v. Esheem Haskins, 60 A3d. 538 (PaSuper 2012)

Criminal Procedure-Discovery-Confidential Informant

Com. v. Donald Heater, 899 A2d. 1126 (PaSuper 2006)
Com. v. Chamar Withrow, 932 A2d. 138 (PaSuper 2007)
Com. v. Samuel King, 932 A2d. 948 (PaSuper 2007)
Com. v. Brian Baker, 946 A2d. 691 (PaSuper 2008)
Com. v. Ali Marsh, 997 A2d. 318 (Pa 2010)
Com. v. Archie Washington, 63 A3d. 797 (PaSuper 2013)
Com. v. Miguel Garcia, 72 A3d. 681 (PaSuper 2013)

Criminal Procedure-Discovery-Counseling Records of Sexual Assault Victim

Com.v. Eugene Makara, 980 A2d. 138 (PaSuper 2009)

Criminal Procedure-Discovery-Grand Jury Transcripts

Com.v. Maharaji Hemingway, 13 A3rd. 491 (PaSuper 2011)

Criminal Procedure-Discovery-Lab Documents/DUI Blood Test

Com. v. Jon Cook, 865 A2d. 869 (PaSuper 2004)

Criminal Procedure-Discovery-Eyewitnesses-Protective Orders

Com. v. Malik Hood, 872 A2d. 175 (PaSuper 2005)

Criminal Procedure-Discovery-Physical Evidence In Possession of Defendant or His Attorney

Com. v. Jose Pagan, 950 A2d. 270 (Pa 2008)

Criminal Procedure-Discovery-Psychiatric Examinations of Sexual Assault Victim

Com. v. Kevin Alston, 864 A2d. 539 (PaSuper 2004)

Criminal Procedure-Discovery-PCRA

Com. v. Shawnfatee Bridges, 886 A2d. 1127 (Pa 2005)
Com. v. Alexandra K. McClellan, 887 A2d. 291 (PaSuper 2005)

Criminal Procedure-Discovery-Remedy for Violations

Com. v. William Smith, 955 A2d. 391 (PaSuper 2008)
In re York County District Attorney's Office, 15 A3rd. 70 (PaSuper 2010)
Com.v. Oneximo Mendez, 74 A3d. 256 (PaSuper 2013)

Criminal Procedure-Discovery-Surveillance Location

Com. v. Andre Nobles, 941 A2d. 50 (PaSuper 2008)

Criminal Procedure-Double Jeopardy-Appellate Review of Pretrial Dismissal of Claim

Com.v. Jane Orie, 22 A3rd. 1021 (Pa 2011)

Criminal Procedure-Double Jeopardy-Collateral Estoppel

Com. v. Lawrence States, 891 A2d. 737 (PaSuper 2005); affirmed at 938 A2d. 1016 (Pa 2007)

Com. v. Lewis Barber, 940 A2d. 369 (PaSuper 2007)

Criminal Procedure-Double Jeopardy-Single Criminal Episode

Com. v. John Pries, 861 A2d. 951 (PaSuper 2004)

Com. v. Lewis Barber, 940 A2d. 369 (PaSuper 2007)

Com. v. Kevin Jackson, 10 A3d. 341 (PaSuper 2010)(double jeopardy prohibits prosecution for criminal trespass when it previously served as a basis for a finding of indirect criminal contempt. It does not, however, prohibit prosecution for burglary)

Com.v. Vincent Hallman, 67 A3d. 1256 (PaSper 2013)

Criminal Procedure-Double Jeopardy-Prosecutorial Misconduct

Com.v. Edward Constant, 925 A2d. 810 (PaSuper 2007)

Com.v. David Anderson, 8 A3d. 349 (PaSuper 2010)

Com.v. David Anderson II, 38 A3d. 828 (PaSuper 2011)

Com.v. Ryan Culver, 51 A3d. 866 (PaSuper 2012)

Criminal Procedure-Expungements

Sammons v. PA State Police, 931 A2d. 784 (PaCmwltH 2007)

Com. v. B.C., 936 A2d. 1070 (PaSuper 2007)

Com. v. Christopher Hanna, 964 A2d. 923 (PaSuper 2009)

Com. v. V.A.M, 980 A2d. 131 (PaSuper 2009); reversed by the Supreme Court at 23 A3d. 989 (Pa 2011)

Hunt v. PA State Police, 983 A2d. 627 (Pa 2009)

Doe v. Zappala, 987 A2d. 190 (PaCmwltH 2009)

Com.v. James Waughtel, 999 A2d. 623 (PaSuper 2010)

Com.v. V.G., 9 A3rd. 222 (PaSuper 2010)

Com.v. Mark Wallace, 45 A3d. 446 (PaSuper 2012)

Com.v. Benjamin Furrer, 48 A3d. 1279 (PaSuper 2012)

Com.v. Blake Joiner, 68 A3d. 341 (PaSuper 2013)

Com.v. Scott Trimble, 75 A3d. 518 (PaSuper 2013)

Criminal Procedure-Extradition-Defective Warrant

Com. v. Kevin Livengood, 901 A2d. 556 (PaSuper 2006)

Criminal Procedure-Extradition-Time Limits Under UCEA and IAD
In Re Garcia, 984 A2d. 506 (PaSuper 2009)

Criminal Procedure-IFP Applications
Com. v. Gerald Lepre, 18 A3d. 1225 (PaSuper 2011)

Criminal Procedure-Inconsistent Verdicts
Com. v. Willie Phillips, 879 A2d. 1260 (Pa Super 2005)
Com. v. Brian Frisbie, 889 A2d. 1271 (PaSuper 2005)
Com. v. Thomas Rose, 960 A2d. 149 (PaSuper 2008)
Com. v. Nafis Stokes, 38 A3d. 846 (PaSuper 2011)

Criminal Procedure-Information-Amendment
Com. v. Richard Bricker, Sr., 882 A2d. 1008 (Pa Super 2005)
Com. v. Joseph Sinclair, 897 A2d. 1218 (PaSuper 2006)
Com. v. Harry Roser, 914 A2d. 447 (PaSuper 2006)
Com. v. Brian Hoke, 928 A2d. 300 (PaSuper 2007)
Com. v. David Page, 965 A2d. 1212 (PaSuper 2009)
Com. v. Derek Mentzer, 18 A3d. 1200 (PaSuper 2011)
Com. v. Robert Beck, 78 A3d. 656 (PaSuper 2013)

Criminal Procedure-Information-Amendment-Adding a Cognate Offense
Com. v. Justin Weigle, 949 A2d. 899 (PaSuper 2008); affirmed at 997 A2d. 306 (Pa 2010)

Criminal Procedure-Information-Date of Offense
Com. v. Ira Einhorn, 911 A2d. 960 (PaSuper 2006)

Criminal Procedure-Information-Joinder (Pa.R.Crim.P. 582)
Com. v. Ronald Janda, 14 A3d. 147 (PaSuper 2011)
Com. v. Andrew Smith, 47 A3d. 862 (PaSuper 2012)
Com. v. Anthony Armstrong, 74 A3d. 228 (PaSuper 2013)

Criminal Procedure-Information-Reinstituting Charges Dismissed by District Judge (Pa.R.Crim.P. 544)
Com. v. Edward Petersen, 49 A3d. 903 (PaSuper 2012)

Criminal Procedure-Information-Sufficiency/Specificity
Com. v. Finley, 860 A2d. 132 (PaSuper 2004)
Com. v. Yi De Zheng, 908 A2d. 285 (PaSuper 2006)

Criminal Procedure-Joint Trial of Co-defendants-Severance
Com. v. Luis Melendez-Rodriguez, 856 A2d. 1278 (PaSuper 2004)
Com. v. Tawanda Brookins, 10 A3d. 1251 (PaSuper 2010)

Criminal Procedure-Jurisdiction-MPJA

Com.v. Larry Reigel, 75 A3d. 1284 (PaSuper 2013)

Criminal Procedure-Jury Deliberations-Rule 646(B)

Com. v. Lucillious Williams, 959 A2d. 1272 (PaSuper 2008); affirmed by the PA Supreme Court at 9 A3rd. 613 (Pa 2010)

Criminal Procedure-Jury Instructions

Com. v. Kareem Jones, 858 A2d. 1198 (PaSuper 2004)

Com. v. Ronald Taylor, 876 A2d. 916 (Pa 2005)

Com. v. Leonard Pressley, 887 A2d. 220 (Pa 2005) (procedure for preserving an issue respecting jury instructions)

Com. v. Miguel Garcia, 888 A2d. 633 (Pa 2005) (“no adverse inference” instruction in a co-defendant case where one co-defendant does not testify and the other does is to be given even if a defendant objects.

Com. v. P.L.S., 894 A2d. 120 (PaSuper 2006) (for a deadlocked jury)

Com. v. Benjamin Greer, 895 A2d. (PaSuper 2006) (for a deadlocked jury)

Com. v. Nyankun Thomas, 904 A2d. 964 (PaSuper 2006) (prompt complaint instruction in a sexual assault case)

Com. v. Thur, 906 A2d. 552 (PaSuper 2006) (homicide by vehicle while DUI)

Com. v. Raymond Solano, 906 A2d. 1180 (Pa 2006) (third degree murder)

Com. v. Randall Austin, 906 A2d. 1213 (PaSuper 2006) (voluntary manslaughter)

Com. v. Francisco Vicens-Rodriguez, 911 A2d. 116 (PaSuper 2006)

Com. v. Ira Einhorn, 911 A2d. 960 (PaSuper 2006) (voluntary manslaughter)

Com. v. Damon Jones, 912 A2d. 268 (Pa 2006) (transferred intent instruction)

Com. v. Matthew Bullock, 913 A2d. 207 (Pa 2006) (meaning of criminal negligence)

Com. v. Edward Constant, 925 A2d. 810 (PaSuper 2007) (justifiable use of force to protect third person)

Com. v. Debra Giese, 928 A2d. 1080 (PaSuper 2007) (interference with custody of child and meaning of “taking” in that context)

Com. v. Neal Patton, 936 A2d. 1170 (PaSuper 2007)

Com. v. Jason Hanford, 937 A2d. 1094 (PaSuper 2007)

Com. v. Andre Phillips, 946 A2d.103 (PaSuper 2008) (when an instruction on a lesser included offense is appropriate)

Com. v. Benjamin Greer, 951 A2d. 346 (Pa 2008) (*Spencer* instruction to a deadlocked jury)

Com. v. Samuel Jones, 954 A2d. 1194 (PaSuper 2008)

Com. v. Nicholas Hudson, 955 A2d. 1031 (PaSuper 2008) (when a *Kloiber* should be given)

Com.v. Jonathan Harris, 979 A2d. 387 (PaSuper 2009)(“mere presence” instruction)

Com.v. Edwin Marquez, 980 A2d. 145 (PaSuper 2009)(cites Pressley on the issue of preserving for appeal errors in jury instructions)

Com.v Scott Marion, 981 A2d. 230 (PaSuper 2009)(instruction to a deadlocked jury)

Com.v. Henry Pope, 14 A3d. 139 (PaSuper 2011)

Com.v. Christopher Hansley, 24 A3d. 410 (PaSuper 2011)
Com.v. Jeremy Kendricks, 30 A3d. 499 (PaSuper 2011)(unreasonable belief self-defense)
Com.v. Schneider Chine, 40 A3d. 1239 (PaSuper 2012)(self-defense instruction in homicide case when victim acting as peacemaker)
Com.v. Antwon Sanders, 42 A3d. 325 (PaSuper 2012)(Kloiber instruction not required where there is no in-court identification)
Com.v. Anthony Collins, 70 A3d. 1245 (PaSuper 2013)(Kloiber instruction)
Com.v. Dustin Scott, 73 A3d. 599 (PaSuper 2013)
Com.v. Seth Hornberger, 74 A3d. 279 (PaSuper 2013)
Com.v. Gerald Sandusky, 77 A3d. 663 (PaSuper2013)(prompt complaint instruction and analysis that must take place before a request to give it is denied)

Criminal Procedure-Jury Misconduct

Com. v. Neff, 860 A2d. 1063 (PaSuper 2004)
Com.v. David King, 990 A2d. 1172 (PaSuper 2010)
Com.v. Henry Pope, 14 A3d. 139 (PaSuper 2011)(unauthorized visit to crime scene)

Criminal Procedure-Jury Notes

Com. v. Neff, 860 A2d. 1063 (PaSuper 2004)

Criminal Procedure-Jury Selection

Com. v. Sarita Miller, 897 A2d. 1281 (PaSuper 2006)
Com. v. Ralph Palm, 903 A2d. 1244 (PaSuper 2006)
Com. v. Gerald Szakal, 50 A3d. 210 (PaSuper 2012)

Criminal Procedure-Jury Selection-Voir Dire Conducted By Court

Com. v. Marcus, 902 A2d. 419 (Pa 2006)
Com. v. Jeffrey Floyd, 937 A2d. 494 (PaSuper 2007)

Criminal Procedure-Jury Trial

Com. v. John Hargraves, 883 A2d. 616 (PaSuper 2005)
Hill v. Randolph, 24 A3d. 866 (PaSuper 2011)(no right to jury trial for ICC violation)

Criminal Procedure-Jury Trial-Batson Challenge

Com. v. James Jones, 876 A2d. 380 (Pa 2005); 951 A2d. 294 (Pa 2008)
Com. v. Anthony Washington, 927 A2d. 586 (Pa 2007)
Com. v. Robert Cook, 952 A2d. 594 (Pa 2008)

Criminal Procedure-Jury Trial-Defendant's Right to Be Present

Com. v. Christian Hunsberger, 58 A3d. 32 (Pa 2012)(a defendant's right to be present in the courtroom at every state of his trial is not absolute. Here he was present in the courtroom and had an attorney. He simply wasn't invited to sidebar during jury selection to hear individual juror questioning)

Com.v. Jahmel Kelly, 78 A3d. 1136 (PaSuper 2013)(good discussion of the applicable law in situations where the defendant is tried in absentia)

Criminal Procedure-Law-of-the-Case

Com. v. Thomas McCandless, 880 A2d. 1262 (PaSuper 2005)

Criminal Procedure-Mistrial-Double Jeopardy

Com. v. Jeremiah Allen, 856 A2d.1251 (PaSuper 2004)

Com. v. William Basemore, 875 A2d. 350 (PaSuper 2005)

Com. v. Gregory Hoovler, 880 A2d. 1258 (PaSuper 2005)

Com. v. Robert Walker, 954 A2d. 1249 (PaSuper 2008)

Com. v. Gavin Cobb, 28 A3d. 930 (PaSuper 2011)

Com. v. Jane Orie, 33 A3d. 17 (PaSuper 2011)

Com. v. Vincent Hallman, 67 A3d. 1256 (PaSuper 2013)

Com..v. Kenneth Kearns, 70 A3d. 881 (PaSuper 2013)

Criminal Procedure-Mistrial-Manifest Necessity

Com. v. Richard Young, 35 A2d. 54 (PaSuper 2011)

Criminal Procedure-Mistrial-References to Polygraph Exam

Com.v. Jack Fortenbaugh, II, 69 A3d. 191 (Pa 2013)

Criminal Procedure-Mistrial-References to Prior Criminal Conduct

Com. v. Nicholas Hudson, 955 A2d. 1031 (PaSuper 2008) (mistrial for inadvertent references to prior criminal conduct do not require a mistrial if a sufficient cautionary instruction is given)

Com. v. Levon Manley, 985 A2d. 256 (PaSuper 2009)

Com. v. Tyjon Fletcher, 41 A3d. 892 (Pa Super 2012)

Criminal Procedure-Mistrial-Juror Research

Com. v. Gregory DeLong, 879 A2d. 934 (PaSuper 2005)

Com. v. Gerald Szakal, 50 A3d. 210 (PaSuper 2012)

Criminal Procedure-Motion to Continue Trial

Com.v. Paul Ross, 57 A3d. 85 (PaSuper 2012)

Criminal Procedure-Motion to Recuse Judge

Com.v. Jonathan Harris, 979 A2d. 387 (PaSuper 2009)

Criminal Procedure-Motion for Judgment of Acquittal

Com. v. Robert Hutchinson, 947 A2d. 800 (PaSuper 2008) (law applicable)

Criminal Procedure-Motion to Suppress-Rule 581

Com.v. Deiy Dixon, 997 A2d. 368 (PaSuper 2010)

Criminal Procedure-Motion to Vacate a Nol Pros

Com.v. Kahlil Goldman, 70 A3d. 874 (PaSuper 2013)

Criminal Procedure-Opening Statements-Comments on Law

Com. v. Carson, 913 A2d. 220 (Pa 2006)

Com. v. Kenneth Hardy, 918 A2d. 766 (PaSuper 2007)

Criminal Procedure-Opening Statements-Displays of Evidence

Com. v. Maurice Parker, 882 A2d. 488 (PaSuper 2005); affirmed, 919 A2d. 943 (Pa 2007)

Criminal Procedure-Pleas-Collateral Consequences

Com.v. Joseph Abraham, 62 A3d. 343 (Pa 2012)

Com.v. Tarik Rachak, 62 A3d. 389 (PaSuper 2012)

Com.v. Catalin Ghisoiu, 63 A3d. 1272 (PaSuper 2013)

Criminal Procedure-Pleas-Equitable Enforcement of Plea Agreement

Com.v. Lamar Mebane, 58 A3d. 1243 (PaSuper 2012)

Criminal Procedure-Pleas-Factual Basis

Com. v. Jeremy Morrison, 878 A2d. 102 (PaSuper 2005)

Criminal Procedure-Pleas-Guilty But Mentally Ill

Com. v. Gregory Kontaxes, 880 A2d. 591 (Pa 2005)

Com. v. Aaron Rabold, 920 A2d. 857 (PaSuper 2007)

Criminal Procedure-Pleas-No Contest

Com.v. Willard Moser, 999 A2d. 602 (PaSuper 2010)

Criminal Procedure-Pleas-Voluntariness

Com. v. Michael Rush, 909 A2d. 805 (PaSuper 2006)

Com. v. Dustin Moser, 921 A2d. 526 (PaSuper 2007)

Com. v. Christopher Diehl, 61 A3d. 265 (PaSuper 2013)

Criminal Procedure-Pleas-Modification of Plea Agreement By Court

Com. v. Stephen Parsons, 969 A2d. 1259 (PaSuper 2009)

Criminal Procedure- Pleas-Withdrawal of Guilty Pleas

Com. v. Jodie L. Dicken, 895 A2d. 50 (PaSuper 2006)

Com. v. Joseph Rathfon, 899 A2d. 365 (PaSuper 2006)

Com. v. Dustin Moser, 921 A2d. 526 (PaSuper 2007)

Com. v. Sean Kirsch, 930 A2d. 1282 (PaSuper 2007)

Com. v. Todd Leidig, 956 A2d. 399 (Pa 2008)

Com. v. Blake Tennison, 969 A2d. 572 (PaSuper 2009)

Com. v. Richard Broaden, Jr., 980 A2d.124 (PaSuper 2009)

Com. v. Allen Kelly, 5 A3rd. 370 (PaSuper 2010)

Com. v. Jeanette Garcia, 5 A3rd. 397 (PaSuper 2010)(a defendant who enters a

guilty plea in magisterial district court, but who then does not file a motion to withdraw the plea in ten days, can still file an appeal to Common Pleas court within 30 days to contest the validity of the plea)(reversed by the Supreme Court at 43 A3d. 470 (Pa 2012)

Com. v. William Walker, 26 A3d. 525 (PaSuper 2011)

Com. v. Paul Katonka, 22 A3d. 44 (PaSuper 2011)

Com. v. Ruben Pardo, 35 A3d. 1222 (PaSuper 2011)

Com. v. Talvis Gordy, 73 A3d. 620 (PaSuper 2013)

Com. v. Raymond Unangst, 71 A3d. 1017 (PaSuper 2013)

Com. v. Jose Carrasquillo, 78 A3d. 1120 (PaSuper 2013)(discusses the meaning of “prejudice”)

Criminal Procedure-Post-Arrest Silence

Com. v. Montez Harris, 884 A2d. 920 (PaSuper 2005)

Criminal Procedure-Post Sentencing Motions-By Commonwealth

Com. v. Vernell Nickens, 923 A2d. 469 (PaSuper 2007)

Criminal Procedure-Post Sentencing Motions-Timeliness

Com. v. Edna Green, 862 A2d. 613 (PaSuper 2004)

Criminal Procedure-Preliminary Hearing-Prima Facie Evidence

Com. v. William Landis, 48 A3d. 432 (PaSuper 2012)

Criminal Procedure-Presence of Accused

Com. v. Lewis Faulk, 928 A2d. 1061 (PaSuper 2007)

Criminal Procedure-PreTrial Motion Hearing

Com. v. Omar McDonald, 881 A2d. 858 (PaSuper 2005)

Criminal Procedure-PreTrial Orders-Amendment

Com. v. Darrell James, 12 A3rd. 388 (PaSuper 2010)

Criminal Procedure-Prosecutorial Discretion-ARD Eligibility

Com.v. Richard Corrigan, 992 A2d. 126 (PaSuper 2010)

Criminal Procedure-Prosecutorial Discretion-Charging

Com. v. Kirk Olavage, 894 A2d.808 (PaSuper 2006)

Criminal Procedure-Prosecutorial Discretion-Grant of Immunity to Witness

Com. v. Kevin Doolin, 24 A3d. 998 (PaSuper 2011)

Com. v. Earl Handfield, 34 A3d. 187 (PaSuper 2011)

Criminal Procedure-Prosecutorial Discretion-Private Criminal Complaints

In re Wilson, 879 A2d.199 (PaSuper 2005)

Com. v. Clayton Heckman, 928 A2d. 1077 (PaSuper 2007)

Com. v. Erica Michaliga, 947 A2d. 786 (PaSuper 2008)
In re Private Criminal Complaints of Rafferty, 969 A2d. 578 (PaSuper 2009)
Com.v. Timothy Carroll, 979 A2d. 383 (PaSuper 2009)
Braman v. Corbett, 19 A3d. 1151 (PaSuper 2011)

Criminal Procedure-Psychiatric Exam of Commonwealth Witnesses

Com. v. Jared Henkel, 938 A2d. 433 (PaSuper 2007)

Criminal Procedure-Recusal Motion

Com.v. Jonathan Harris, 979 A2d. 387 (PaSuper 2009)
Com.v. Teri Rhodes, 990 A2d. 732 (Pa Super 2009)

Criminal Procedure-Reopening Case for Additional Testimony

Com.v. James Baldwin, 58 A3d. 754 (Pa 2012)

Criminal Procedure-Requests to Withdraw by Counsel

Com. v. Jason Kearns, 896 A2d. 640(PaSuper 2006)

Criminal Procedure-Right to Counsel-Blood Test Refusal

Com. v. Thomas A. Ciccola, 894 A2d. 774 (PaSuper 2006) (no right to counsel before deciding to refuse a blood test following a DUI arrest)
Com. v. Ray D. McCoy, Jr., 895 A2d. 18 (PaSuper 2006)
Com. v. Semuta, 902 A2d. 1254 (PaSuper 2006)
Com. v. Helen Homer, 928 A2d. 1085 (PaSuper 2007)

Criminal Procedure-Right to Counsel-Motion to Change Court-Appointed Counsel

Com. v. Jeffrey Floyd, 937 A2d. 494 (PaSuper 2007)

Criminal Procedure-Right to Counsel-Motion to Continue to Obtain Private Attorney

Com. v. Kenneth Prysock, 972 A2d. 539 (PaSuper 2009)

Criminal Procedure-Right to Counsel-Summary Offense

Com. v. Christy Blackman, 909 A2d. 315 (PaSuper 2006)

Criminal Procedure-Right to Counsel-Waiver

Com. v. Melanie Houtz, 856 A2d. 119 (PaSuper 2004)
Com. v. Tedor Davido, 868 A2d. 431 (Pa 2005)
Com. v. Donna Coleman, 905 A2d. 1003 (PaSuper 2006)
Com. v. Charles Lucarelli, 914 A2d. 924 (PaSuper 2006); the Pa Supreme Court reversed and remanded at 971 A2d. 1173 (Pa 2009)
Com. v. Norman Patterson, 931 A2d. 710 (PaSuper 2007)
Com. v. Jeffrey Floyd, 937 A2d. 494 (PaSuper 2007)
Com. v. Herbert Blakeney, 946 A2d. 645 (Pa 2008)
Com. v. El, 977 A2d. 1158 (Pa 2009)

Com. v. Allen Kelly, 5 A3d 370 (PaSuper 2010)
Com. v. Travis Lasko, 14 A3d. 168 (PaSuper 2011)
Com. v. Anne Clyburn, 42 A3d. 296 (PaSuper 2012)
Com. v. Bruce Smith, 69 A3d. 259 (PaSuper (2013)

Criminal Procedure-Right to Jury Trial-Waiver

Com. v. Randy Houck, 948 A2d. 780 (Pa 2008) (see this case for the trouble caused by a jury trial waiver that included mention of the possible range of sentences the defendant could receive that proved less than the sentence he ultimately did receive)
Com. v. Eric Dowling, 959 A2d. 910 (Pa 2008) (withdrawal of jury trial waiver denied when made after trial commenced)
Com.v. Junius Ford, 44 A3d. 1190 (PaSuper 2012)

Crimian Procedure-Right to Remain Silent-Juvenile Decertification Proceedings

Com. v. Jordan Brown, 26 A3d. 485 (PaSuper 2011)(5th Amendment privilege against self-incrimination is applicblble to juvenile decertification proceedings)

Criminal Procedure-Severance-Defendants

Com. v. Terry Brown, 925 A2d. 147 (Pa 2007)

Criminal Procedure-Severance-Offenses (Rule 563 and 582)

Com. v. Richard Grillo, 917 A2d. 343 (PaSuper 2007)

Criminal Procedure-Speedy Trial-Bench Trial/Delay in Verdict/Clerical Error

Com. v. Quintae McLean, 869 A2d. 537 (PaSuper 2005)

Criminal Procedure-Speedy Trial-Due Diligence

Com. v. Guye Hunt, 858 A2d. 1234 (PaSuper 2004)
Com. v. Kimbrough, 872 A2d. 1244 (PaSuper 2005)
Com. v. Malik Brown, 875 A2d. 1128 (PaSuper 2005)
Com. v. Edil Rosas, 875 A2d. 341 (PaSuper 2005)
Com. v. Gordon Murray, 879 A2d. 309 (PaSuper 2005)
Com. v. Kelvin O. Jones, 886 A2d. 689 (PaSuper 2005)
Com. v. Laura Malgieri, 889 A2d. 604 (PaSuper 2005)
Com. v. Haroon Kearse, 890 A2d. 388 (PaSuper 2005)
Com. v. Robert Robbins, 900 A2d. 413 (PaSuper 2006)
Com. v. Raymond Solano, 906 A2d. 1180 (PaSuper 2006) (the dismissal portion of Rule 600 applies to capital defendants)
Com. v. Derrick Frye, 909 A2d. 853 (PaSuper 2006)
Com. v. Hugo Selenski, 919 A2d. 229 (PaSuper 2007)
Com. v. Rigoberto Ramos, 936 A2d. 1097 (PaSuper 2007)
Com. v. Ricki Lee Booze, 947 A2d. 1287 (PaSuper 2008)
Com. v. Tamosen Staten, 950 A2d. 1006 (PaSuper 2008)
Com. v. Steven Anderson, 959 A2d. 1248 (PaSuper 2008)

Com. v. Hugo Selenski, 994 A2d. 1083 (Pa 2010)
Com. v. David Bradford, 2 A3d. 628 (PaSuper 2010)(**reversed and remanded by the Supreme Court at 46 A3d. 693 (Pa 2012)**)
Com. v. Emmanuel Riley, 19 A3d. 1146 (PaSuper 2011)
Com. v. John Lynch, 57 A3d. 120 (PaSuper 2012)
Com. v. Stella Sloan, 67 A3d. 1249 (PaSuper 2013)

Criminal Procedure-Speedy Trial-Filing of Second Complaint

Com. v. David Meadius, 870 A2d. 802 (Pa 2005)
Com. v. Gary Johnson, 11 A3d. 509 (PaSuper 2010)
Com. v. Barry Rhodes, 54 A3d. 908 (PaSuper 2012)

Criminal Procedure-Speedy Trial-Interstate Agreement on Detainers

Com. v. James Williams, 896 A2d. 523 (Pa 2006)
Com. v. Krystal Surovcik, 933 A2d. 651 (PaSuper 2007)
Com. v. Edwin Romero, 938 A2d. 362 (Pa 2007)
Com. v. Ricki Lee Booze, 947 A2d. 1287 (PaSuper 2008)
Com. v. Joshua Booze, 953 A2d. 1263 (PaSuper 2008)

Criminal Procedure-Speedy Trial-Nominal Bond/Art. I, Sec. 14

Com. v. Robert Jones, 899 A2d. 353 (PaSuper 2006)
Com. v. Keon Sloan, 907 A2d. 460(PaSuper 2006) (speedy trial rule permits a trial court to impose non-monetary conditions on a defendant released on nominal bail)
Com. v. Adonica Dixon, 907 A2d. 468(Pa 2006)

Criminal Procedure-Speedy Trial-Prearrest Delay

Com. v. Neff, 860 A2d. 1063 (PaSuper 2004)
Com. v. Messersmith, 860 A2d. 1078 (PaSuper 2004)
Com. v. Leon Wright, 865 A2d. 894 (PaSuper 2004)

Criminal Procedure-Speedy Trial-Procedure

Com. v. John Brock, 61 A3d. 1015 (Pa 2013)

Criminal Procedure-Speedy Trial-Unavailability of Defendant

Com. v. Scott Baird, 919 A2d. 258 (PaSuper 2007); affirmed by the Pa Supreme Court at 975 A2d. 1113 (Pa 2009)
Com. v. Michael Williams, 958 A2d. 522 (PaSuper 2008)
Com.v. Kaara Tickel, 2 A3rd. 1229 (PaSuper 2010)
Com.v. Eric Miskovitch, 64 A3d. 672 (PaSuper 2013)

Criminal Procedure-Statute of Limitations

Com. v. Stephen Laventure, 858 A2d. 112 (PaSuper 2004)
Com. v. Lachan Russell, 938 A2d. 1082 (PaSuper 2007) (felony murder charge allows Commonwealth to bypass statute of limitations for other felony charges, notwithstanding acquittal on murder charge. Does not apply to misdemeanor)

counts)

Criminal Procedure-Summary Appeals

Com.v. Eyiwunmi Akinsanml, 55 A3d. 539 (PaSuper 2012)(dismissal of defendant's summary appeal was affirmed where the defendant failed to appear for the de novo hearing)

Com.v. Stefon Dixon, 66 A3d. 794 (PaSuper 2013)

Criminal Procedure-Verdict-Inconsistent Verdict

Com. v. Thoeun Tha, 64 A3d. 704 (PaSuper 2013)

Criminal Procedure-Verdict-Modification at Sentencing

Com. v. Francis Farinella, 887 A2d. 273 (PaSuper 2005) (only in Philadelphia could something like this happen)

Criminal Procedure-Verdict-Post-Verdict Judgment of Acquittal

Com. v. Louis Robinson, 33 A3d. 89 (PaSuper 2011)

Criminal Procedure-Verdict-Verdict Slips/Special Interrogatories

Com. v. Eric Samuel, 961 A2d. 57 (Pa 2008) (they are not looked upon favorably)

Com. v. Bereim Dorm, 971 A2d. 1284 (PaSuper 2009) (failure to object to an improper verdict slip waives any objection on appeal)

Defenses-Diminished Capacity

Com. v. Mitchell, 902 A2d. 430 (PaSuper 2006)

Com. v. Michael Pruitt, 951 A2d. 307 (Pa 2008)

Defenses-Entrapment

Com.v. Scott Marion, 981 A2d. 230 (PaSuper 2009)

Com.v. Henry Willis, 990 A2d. 773 (PaSuper 2010)

Defenses-Justification

Com.v. Tammy Grimes, 982 A2d. 559 (PaSuper 2009)

Com.v. Michael Clouser, 998 A2d. 656 (PaSuper 2010)

Defenses-Legal Insanity

Com. v. Aaron Rabold, 920 A2d. 857 (PaSuper 2007)

Com. v. Chad Sasse, 921 A2d.1229 (PaSuper 2007)

Com. v. Aaron Rabold, 951 A2d. 329 (Pa 2008)

Defenses-Outrageous Government Conduct

Com.v Sun Cha Chon, 983 A2d. 784 (PaSuper 2009)

Defenses-Self-Defense

Com. v. Robert Emler, 903 A2d. 1273 (PaSuper 2006)

Com. v. Nicloas Bullock. 948 A2d. 818 (PaSuper 2008)

Com. v. Curtis Williams, 48 A3d. 1265 (PaSuper 2012)

Defenses-Voluntary Intoxication

Com. v. Sarita Miller, 897 A2d. 1281 (PaSuper 2006)

Com. v. Edward Constant, 925 A2d. 810 (PaSuper 2007)

DNA-DNA Act (44 PaCSA 2301-2316)-Applicability

Com. v. Misty J. Derk, 895 A2d. 622 (PaSuper 2006)

DNA-Post-Conviction Testing-Generally (42 Pa. C. S. 9543.1)

Com. v. Michael S. Heilman, 867 A2d. 542 (PaSuper 2005)

Com. v. John Young, 873 A2d. 720 (PaSuper 2005)

Com. v. Wayne Brooks, 875 A2d. 1141 (PaSuper 2005)

Com. v. Eric. E. Smith, 889 A2d. 582 (PaSuper 2005)

Com. v. Rasheed La-Qun Williams, 899 A2d. 1060 (Pa 2006)

Com. v. Glen Williams, 909 A2d. 383 (PaSuper 2006) (Erie County case)

Com. v. Eugene Watson, 927 A2d. 274 (PaSuper 2007)

Com. v. Anthony Wright, 935 A2d. 542 (PaSuper 2007); reversed and remanded by the Supreme Court at 14 A. 3d. 798 (Pa 2011); Com.v. John Young overruled

Com. v. Milton Scarborough, 9 A3d. 206 (PaSuper 2010)(an order granting DNA testing is not appealable as of right)(yes, it is. **The Supreme Court reversed at 64 A3d. 602 (Pa 2013)**)

Com. v. Robert Conway, 14 A3d. 101 (PaSuper 2011)

Com. v. Barry Williams, 35 A3d. 44 (PaSuper 2011)

Evidence-Adult Testimony-Competency

Com. v. Michael Pruitt, 951 A2d. 307 (Pa 2008)

Com. v. Herbert Watson, 952 A2d. 541 (Pa 2008) (deals with the involuntary administration of psychotropic medication to render him competent to pursue appellate relief)

Com. v. Thavirak Sam, 952 A2d. 565 (Pa 2008) (companion case to Watson)

Com.v. Daryl Boich, 982 A2d. 102 (PaSuper 2009)(discussion of showing needed when a defendant seeks to compel an involuntary psychiatric exam of an adult witness it feels is incompetent)

Com.v. Robert Stevenson, 64 A3d. 715 (PaSuper 2013)(merely because someone has amnesia does not necessarily make him incompetent)

Evidence-Authentication

Com. v. Mitchell, 883 A2d. 1096 (PaSuper 2005)

Com. v. Suzanne Schoff, 911 A2d. 147 (PaSuper 2006)

Com. v. McKellick, 24 A3d. 982 (PaSuper 2011)

Evidence-Character Evidence-Character of Victim (Pa Rule Ev. 404(a)(2))

Com.v. Curtis Williams, 48 A3d. 1265 (PaSuper 2012)

Evidence-Character Evidence-Prior Convictions

Com. v. Donald Ross, 856 A2d. 93 (PaSuper 2004)
Com. v. James Judd, 897 A2d. 1224 (PaSuper 2006)
Com. v. Nicolas Bullock, 948 A2d. 818 (PaSuper 2008)

Evidence-Character Evidence-Defendant's Reputation (Pa Rule Ev. 404(a)(1))

Com. v. Carl Johnson, 27 A3d. 244 (PaSuper 2011)

Evidence-Child Testimony-Competency

Com. v. Alston, 864 A2d. 539 (PaSuper 2004)
Com. v. Adam Hunzer, 868 A2d. 498 (PaSuper 2005)
Com. v. James Shearer, 894 A2d. 793 (PaSuper 2006)
Com. v. James Judd, 897 A2d. 1224 (PaSuper 2006)
Com.v. Thomas Moore, 980 A2d. 647 (PaSuper 2009)
Com.v. William Page, 59 A3d. 1118 (PaSuper 2013)

Evidence-Child Testimony-Taint Hearing

Com. v. Gerald Delbridge, 859 A2d. 1254 (Pa 2004)
Com. v. James Judd, 897 A2d. 1224 (PaSuper 2006)
Com. v. Owen Cesar, 911 A2d. 978 (PaSuper 2006)
Com. v. Mark Davis, 939 A2d. 905 (PaSuper 2007)
Com. v. Jose Pena, 31 A3d. 704 (PaSuper 2011)

Evidence-Child Testimony-Tender Years Exception

Com. v. Steven Lukowich, 875 A2d. 1169 (PaSuper 2005)
Com. v. Adam Hunzer, 868 A2d. 498 (PaSuper 2005)
Com. v. Christopher Curley, 910 A2d. 692 (PaSuper 2006)
Com. v. Owen Cesar, 911 A2d. 978 (PaSuper 2006)
Com. v. David Kriner, 915 A2d. 653 (PaSuper 2007)
Com. v. Rickey Lee Allshouse, 924 A2d. 1215 (PaSuper 2007)(affirmed at 985 A2d. 847 (Pa 2009) then again at 36 A3d. 163 (Pa 2012) after the US Supreme Court remanded the case for reconsideration in light of Michigan v. Bryant, 131 S.Ct. 1143 (2011))
Com. v. Harold Barnett, 50 A3d. 176 (PaSuper 2012)

Evidence-Child Testimony-Outside Presence of Defendant (42 PaCSA 5985(a))

Com. v. Stanley Charlton, 902 A2d. 554 (PaSuper 2006)
Com. v. Donald Kemmerer, 33 A3d. 39 (PaSuper 2011)

Evidence-Child Testimony-Outside Presence of Defendant-Recorded (42 PaCSA 5984.1)

Com. v. Candice Geiger, 944 A2d. 85 (PaSuper 2008)

Evidence-Corpus Delicti Rule

Com. v. Tracy Dupre, 866 A2d. 1089 (PaSuper 2005)

Evidence-Crimes Falsi

Com. v. Montez Harris, 884 A2d. 920 (PaSuper 2005)
Com. v. James Judd, 897 A2d. 1224 (PaSuper 2006)
Com. v. Stanley Treadwell, 911 A2d. 987 (PaSuper 2006)

Evidence-Cross-Examination-Police Officer

Com.v. Michael Bozyk, 987 A2d. 753 (PaSuper 2009)

Evidence-Cross-Examination-Scope-Drug or Alcohol Use

Com. v. Ellison Guilford, 861 A2d. 365 (PaSuper 2004)
Com. v. Joseph Glass, 50 A3d. 720 (PaSuper 2012)

Evidence-Cross-Examination-Scope-Opening the Door

Com. v. Claudio Hernandez, 862 A2d. 647 (PaSuper 2004)
Com. v. Stephen Fischere, 70 A3d. 1270 (PaSuper 2013)

Evidence-Cumulative Testimony-Definition

Com. v. G.D.M., 926 A2d. 984 (PaSuper 2007)

Evidence-Defendant's Jail Status

Com. v. Johnny Padilla, 923 A2d. 1189 (PaSuper 2007)

**Evidence-Defense Evidence of Similar Crimes to Show That Someone Else
Committed the Crimes in Question**

Com. v. Charles Palagonia, 868 A2d. 1212 (Pa Super 2005); citing Com. v. Rini,
427 A2d 1385 (PaSuper 1981) and Com. v. Nocero, 582 A2d. 376 (PaSuper
1990)

Evidence-Demonstrative Evidence-Computer Generated Animation

Com. v. Michael Serge, 896 A2d.1170 (Pa 2006)

Evidence-Demonstrative Evidence-Relevance/Discarded Gun

Com. v. Broaster, 863 A2d.588 (PaSuper 2004)

Evidence-Demonstrative Evidence-Video Without Audio

Com.v. Mckellick, 24 A. 3d 982 (PaSuper 2011)

Evidence-Destruction of Evidence-Due Process Violation

Com. v. Ryan Free, 902 A2d. 565 (PaSuper 2006)
Com. v. Frederick Snyder, 963 A2d. 396 (Pa 2009)
Com v. Nathan Borovichka, 18 A3d. 1242 (PaSuper 2011)
Com. v. Martin Allen, 24 A3d. 1058 (PaSuper 2011)(Erie County case)

Evidence-Experts-Ballistics

Com. v. Randy Whitacre, 878 A2d. 96 (PaSuper 2005)

Evidence-Experts-DNA

Com. v. Kevin Foley, 38 A3d. 882 (PaSuper 2012)

Evidence-Experts-Eyewitness Tendencies

Com. v. Dante Robinson, 5 A3d. 339 (PaSuper 2010)

Com. v. Hugo Selenski, 18 A3d. 1229 (PaSuper 2011)

Evidence-Experts-Medical Examiner

Com. v. Leslie Mollett, 5 A3d. 291 (PaSuper 2010)

Evidence-Experts-Narcotic Officers

Com. v. Ratsamy, 885 A2d.1005 (PaSuper 2005); reversed by the Supreme Court at 934 A2d. 1233 (2007)

Evidence-Experts-Sexual Assault Nurse Examiner

Com. v. Joseph Jennings, 958 A2d. 536 (PaSuper 2008)

Evidence-Experts-SVP Hearing

Com. v. Carl D. McWilliams, 887 A2d.784 (PaSuper 2005)(an indigent defendant subject to a SVP hearing is entitled to a court-appointed expert).

Com. v. Harry Dengler, 890 A2d.372 (Pa 2005) (an expert's testimony at a SVP hearing is not subject the Frye test because it does not involve novel scientific evidence).

Evidence-Experts-Toxicology Report of Drugs In System

Com. v. Tanya Williamson, 962 A2d. 1200 (PaSuper 2008)

Evidence-Experts-Work Product Doctrine

Com. v. David R. Kennedy, 876 A2d. 939 (Pa 2005)

Evidence-Fingerprints

Com.v. Dennis Reed, 990 A2d. 1158 (Pa 2010)(Commonwealth permitted to offer some explanation concerning the absence of fingerprints)

Evidence-Hearsay-Autopsy Report

Com. v. Ford Bruce, 916 A2d. 657 (PaSuper 2007) (where the expert testifying is not the actual performer of the autopsy, the defendant's right to confront and cross-examine may still be satisfied where a highly qualified testifying expert had a close connection with and personal knowledge of the testing in the case.)

Evidence-Hearsay-Business Record Exception (Rule 803 (6))

Com. v. Suzanne Schoff, 911 A2d. 147 (PaSuper 2006)

Com. v. Jose Lopez, 57 A2d. 74 (PaSuper 2012)

Evidence-Hearsay-Co-conspirator Exception (Rule 803(25)(E))

Com. v. Antuane R. Holton, 906 A2d. 1246 (PaSuper 2006)

Com.v. Eddie Feliciano, 67 A.3d. 19 (PaSuper 2013)

Evidence-Hearsay-Complete Story Exception

Com. v. Willie Phillips, 879 A2d. 1260 (PaSuper 2005)

Evidence-Hearsay-Crawford/Melendez-Diaz Rulings

Com. v. Timothy Gray, 867 A2d. 560 (PaSuper 2005)

Com. v. Oscar Dargan, 897 A2d. 496 (PaSuper 2006)

Com. v. Ricky Lee Allshouse, 924 A2d. 1215 (PaSuper 2007) (one of the first Pa cases on the meaning of “testimonial” and “nontestimonial” statements. Also discusses Davis v. Washington, 126 S.Ct. 2266 (2006). Affirmed by the Supreme Court at 36 A3d. 163 (Pa 2012) after remand by the US Supreme Court for Reconsideration in light of Michigan v. Bryant, 131 S.Ct. 1143 (2011)

Com v. Barton-Martin, 5 A3d. 363 (PaSuper 2010)

Com.v. Anthony Abrue, 11 A3d. 484 (PaSuper 2010)

Com.v. Mary Dyarman, 33 A3d. 104 (PaSuper 2011)(**affirmed by Supreme Court at 73 A2d. 565 (Pa 2013)**)

Com.v. Scott Shaffer, 40 A3d. 1250 (PaSuper 2012)

Com.v. George Yohe, 39 A3d. 381 (PaSuper 2012)(**affirmed by Supreme Court 79 A3d. 520 (Pa 2013)**)

Com.v. Ronald Milburn, 72 A3d. 617 (PaSuper 2013)

Evidence-Hearsay-Crime Lab Report

Com. v. Alfonso Carter, 861 A2d. 957 (PaSuper 2004); 932 A2d.1261 (Pa 2007)

Com. v. Anthony Twitty, 876 A2d .433 (PaSuper 2005)

Evidence-Hearsay-Defendant’s Statements

Com. v. Damon Benson, 10 A3rd. 1268 (PaSuper 2010)(at trial a defendant cannot introduce his own statements made at the time of his arrest to support his version of the facts)

Evidence-Hearsay-Dying Declaration

Com. v. Markez Priest, 18 A3d. 1235 (PaSuper 2011)

Evidence-Hearsay-Excited Utterances

Com. v. Timothy Gray, 867 A2d. 560 (PaSuper 2005)

Com. v. Malik Hood, 872 A2d. 175 (PaSuper 2005)

Com. v. Damon Jones, 912 A2d. 268 (Pa 2006)

Com. v. William Bibbs, 970 A2d. 440 (PaSuper 2009)

Com.v. Levon Manley, 985 A2d. 256 (PaSuper 2009)

Com.v. Robert Stephens, 74 A3d. 1034 (PaSuper 2013)

Evidence-Hearsay-Forfeiture by Wrongdoing Exception (Rule 804(b)(6)

Com. v. Jerome King, 959 A2d. 405 (PaSuper 2008)

Evidence-Hearsay-Former Testimony (Rule 804(b)(1)

Com.v. Duane Stays, 70 A3d. 1256 (PaSuper 2013)

Evidence-Hearsay-Harmless Error

Com. v. Teri Levanduski, 907 A2d. 3 (PaSuper 2006)
Com. v. Suzanne Schoff, 911 A2d. 147 (PaSuper 2006)
Com. v. Kenneth Hardy, 918 A2d. 766 (PaSuper 2007)

Evidence-Hearsay-Police Reports

Com. v. Scott Carr, 887 A2d 782 (PaSuper 2005). A JNET printout of PennDOT records is admissible when offered by an authorized user. See 75 PaCSA 6328.
Com. v. Freeman May, 898 A2d. 559 (Pa 2006)

Evidence-Hearsay-Present Sense Impression

Com. v. Timothy Gray, 867 A2d. 560 (PaSuper 2005)
Com. v. Robert Stephens, 74 A3d. 1034 (PaSuper 2013)

Evidence-Hearsay-Prior Consistent Statements (Pa R. E 613 (c))

Com. v. Adam Hunzer, 868 A2d. 498 (PaSuper 2005)
Com. v. Earl Handfield, 34 A3d. 187 (PaSuper 2011)

Evidence-Hearsay-Prior Inconsistent Statements

Com. v. Nathan Pitner, 928 A2d. 1104 (PaSuper 2007) (guilty plea colloquy admissible if defendant testifies inconsistently regarding it at trial)
Com. v. Jared Henkel, 938 A2d. 433 (PaSuper 2007)
Com. v. William Bibbs, 970 A2d. 440 (PaSuper 2009)
Com. v. Duane Stays, 40 A3d. 160 (PaSuper 2012)(remanded by Supreme Court then again affirmed at 70 A3d. 1256 (PaSuper 2013))

Evidence-Hearsay-Prompt Complaint Exception

Com. v. Paul Bryson, 860 A2d. 1101 (PaSuper 2004)

Evidence-Hearsay-Prompt Complaint Exception-Evidence to Explain Lack of Prompt Complaint

Com. v. Thomas Dillon, 863 A2d. 597 (PaSuper 2004); affirmed 925 A2d. 131 (Pa 2007)

Evidence-Hearsay-Residual Exception

Com. v. Leroy Thomas, 908 A2d. 351 (PaSuper 2006)

Evidence-Hearsay-State of Mind Exception (Pa.R.E. 803(3))

Com. v. Mikal Moore, 937 A2d.1062 (Pa 2007)
Com. v Vincent Cascardo, 981 A2d. 245 (PaSuper 2009)

Evidence-Hearsay-Statement Against Interest (Pa.R.E. 803(b)(3))

Com. v. Dwayne Brown, 52 A2d. 1139 (Pa 2012)

Evidence-Hearsay-Text Messages

Com.v. Amy Koch, 39 A3d. 996 (PaSuper 2011)

Evidence-Hypnotically Refreshed Testimony

Com. v. Harvey Robinson, 864 A2d. 460 (Pa 2004)

Evidence-Impeachment of Defendant-Prior Criminal Convictions-Rule 609

Com. v. Lawrence Trippet, 932 A2d. 188 (PaSuper 2007)

Com.v Vincent Cascardo, 981 A2d. 245 (PaSuper 2009)

Evidence-Impeachment of Witness-Character Evidence-Rule 608

Com.v. John Minich, 4 A3d. 1063 (PaSuper 2010)

Evidence-Impeachment of Witness-Crimen Falsi

Com.v. Derrick Davis, 17 A3d. 390 (PaSuper 2011)

Com.v. Richard Palo, 24 A3d. 1050 (PaSuper 2011)

Evidence-Impeachment of Witness-Subsequent Criminal Convictions

Com.v. Jacob Christine, 78 A3d. 1 (PaSuper 2013)

Evidence-Missing Evidence-Videotape of Traffic Stop

Com. v. David Smith, 917 A2d. 848 (PaSuper 2007) (missing tape does not bar officer testimony about his observations, but goes to the weight of that evidence)

Evidence-Observations of Intoxication

Com. v. Braeden D. Maloney, 876 A2d. 1002 (PaSuper 2005)

Evidence-PBT

Com. v. Marc Brigidi, 977 A2d. 1177 (PaSuper 2009); affirmed at 6 A3rd. 995 (Pa 2010)

Evidence-Photographs

Com. v. Sarwer Abbas, 862 A2d. 606 (PaSuper 2004)

Com v. Raymond Solano, 906 A2d.1180 (Pa 2006)

Com. v. Leslie Mollett, 5 A3d. 291 (PaSuper 2010)

Com. v. Samuel Funk, 29 A3d 28 (PaSuper 2011)

Evidence-Photographic Line-ups

Com. v. Allen Wade, 867 A2d. 547 (PaSuper 2005)

Com. v. William Harris, 888 A2d. 862 (PaSuper 2005)

Com. v. Anthony Washington, 927 A2d. 586 (Pa 2007)

Com. v. Matthew Patterson, 940 A2d. 493 (PaSuper 2007)

Com. v. Jeffrey Crock, 966 A2d. 585 (PaSuper 2009)

Com.v. George Kubis, 978 A2d. 391 (PaSuper 2009)

Com.v. Derrick Davis, 17 A3d. 390 (PaSuper 2011)

Com.v. James Fulmore, 25 A3d. 340 (PaSuper 2011)

Evidence-Plea Negotiations-Admissibility-Rule 410(a)(4)

Com. v. John Stutler, 966 A2d. 594 (PaSuper 2009)

Evidence-Polygraph Examinations

Com.v Robin Shrawder, 940 A2d. 436 (PaSuper 2007)

Com.v. A.R., 990 A2d. 1 (PaSuper 2010)

Evidence-Preservation of Testimony-Rule 500 Pa R Crim Pro

Com.v. William Leak, 22 A3d. 1036 (PaSuper 2011)

Evidence-Prior Bad Acts-Rule 404(b)

Com. v. Melendez-Rodriguez, 856 A2d. 1278 (PaSuper 2004)

Com. v. Passmore, 857 A2d. 697 (PaSuper 2004)

Com. v. James Wattley, 880 A2d. 682 (PaSuper 2005)

Com. v. Austin Lewis, 885 A2d. 51 (PaSuper 2005)

Com. v. Yerko Antonio Molina, 897 A2d. 1190 (PaSuper 2006)

Com. v. Cameron Jackson, 900 A2d. 936 (PaSuper 2006)

Com. v. Ira Einhorn, 911 A2d. 960 (PaSuper 2006)

Com. v. Gerald Mawhinney, 915 A2d. 107 (PaSuper 2006)

Com. v. G.D.M., Sr., 926 A2d. 984 (PaSuper 2007) (to show a common plan)

Com. v. Jason Grzegorzewski, 945 A2d. 237 (PaSuper 2008)

Com. v. Paul Weakley, 972 A2d. 1182 (PaSuper 2009)

Com.v. Vincent Cascardo, 981 A2d. 245 (PaSuper 2009)

Com.v. Gaylend Young, 989 A2d. 920 (PaSuper 2010)(use of defendant's confession to other crimes for which he is not on trial to show motive, intent etc. under Rule 404(b))

Com.v. Ronald Aikens, 990 A2d. 1181 (PaSuper 2010)

Com.v. Willard Moser, 999 A2d. 602 (PaSuper 2010)

Com.v. Martin Cain, 29 A3d. 3 (PaSuper 2011)

Com.v. Richard Brown, 52 A3d. 320 (PaSuper 2012)

Com.v. Nafeast Flamer, 53 A3d. 83 (PaSuper 2012)

Com.v. Paul Ross, 57 A3d. 85 (PaSuper 2012)

Com.v. Bysheer Riggs, 63 A3d. 780 (PaSuper 2012)

Com.v. Anthony Collins, 70 A3d. 1245 (PaSuper 2013)

Evidence-Privileges-5th Amendment Right Against Self-Incrimination

Com.v. Adam Rosen, 988 A2d. 146 (PaSuper 2009)(affirmed by the Supreme Court at 42 A3d. 988 (Pa 2012))

Com.v. David Knoble, 42 A3d. 976 (Pa 2012)

Evidence-Privileges-Spousal Witness (42 Pa C. S. 5913)

Com. v. Robert Bobin, 916 A2d. 1164 (PaSuper 2007)

Com. v. Erin Lewis, 39 A3d. 341 (PaSuper 2012)

Evidence-Privileges-Spousal Communications (42 Pa C.S. 5914)

Com. v. Randy Reese, 31 A3d. 708 (PaSuper 2011)

Com. v. Michele Hunter, 60 A3d. 156 (PaSuper 2013)
Com. v. G.Y., 63 A3d. 259 (PaSuper 2013)

Evidence-Privileges-Work Product Doctrine

Com. v. David Kennedy, 876 A2d. 939 (Pa 2005)

Evidence-Rape Shield Statute (18 PaCSA 3104 (a))

Com. v. Carl Northrup, 945 A2d. 198 (PaSuper 2008)(affirmed at 985 A2d. 734 (Pa 2009))
Com.v. Gerry Burns, 988 A2d. 684 (PaSuper 2009)
Com v. John Ruggiano, 14 A3d. 844 (PaSuper 2010)

Evidence-Rebuttal

Com. v. Allen Wade, 867 A2d. 547 (PaSuper 2005) (use of evidence excluded because of a discovery violation is not admissible to rebut defendant's testimony he did not commit the crime)

Evidence-Unemployment Status

Com. v. Roscoe Brown, 911 A2d. 576 (PaSuper 2006)

Evidence-Weight of Controlled Substances-Proof

Com. v. James Harley, 924 A2d. 1273 (PaSuper 2007)

Evidence-Weapons Not Related to Crime

Com. v. James Owens, 929 A2d. 1187 (PaSuper 2007)

Evidence-Witness Identification-By Nickname

Com.v. George Williams, 58 A3d. 796 (PaSuper 2012)

Evidence-Witness Identification-Eyewitness

Com. v. Johnnie Cain, 906 A2d. 1242 (PaSuper 2006)
Com. v. Anthony Washington, 927 A2d. 586 (Pa 2007)
Com. v. Jesse Wade, 33 A3d. 108 (PaSuper 2011)
Com. v. Jeffrey Orr, 38 A3d. 868 (PaSuper 2011)

Evidence-Witness Identification-Photograph of Tattoo

Com. v. Jeffrey Crock, 966 A2d. 585 (Pa 2009)

Evidence-Witness Identification-Voice Identification

Com. v. Samuel Jones, 954 A2d. 1194 (PaSuper 2008)
Com. v. Michael Serrano, 61 A3d. 279 (PaSuper 2013)

Evidence-Witness Testimony-Via Video Conference

Com.v. Jaquil Atkinson, 987 A2d. 743 (PaSuper 2009)

Forfeiture/Return of Property

In Re: Return of Property Confiscated 10/30/99, 856 A2d. 238 (PaCmwlth 2004)
 Com. v. \$3222.00 US Currency, 856 A2d. 288 (PaCmwlth 2004)
 Com. v. \$11,600.00 US Currency, 858 A2d. 160 (PaCmwlth 2004)
 Com. v. \$6,425.00 Seized From Richard Esquilin
 Com. v. \$259.00 US Currency, 860 A2d. 228 (PaCmwlth 2004)
 Com. v. \$310,020.00 US Currency, 894 A2d. 154 (PaCmwlth 2006)
 Com. v. One 2001 Toyota Camry, 894 A2d. 207 (PaCmwlth 2006)
 Com. v. John V. Salamone, 897 A2d. 1209 (PaCmwlth 2006)
 Com. v. Anthony Smothers, 920 A2d. 922 (PaCmwlth 2007)
 In Re Firearms, Eleven, 922 A2d. 906 (PaSuper 2007)
 Com. v. Keith Howard, 931 A2d. 129 (PaCmwlth 2007)
 Com. v. Funds In Merrill Lynch Account, 937 A2d. 595 (PaCmwlth 2007)
 Brown v. Commonwealth, 940 A2d. 610 (PaCmwlth 2008)
 Com. v. Francisco Perez, 941 A2d. 778 (PaCmwlth 2008)
 Com. v. 1997 Mitsubishi Diamante, 950 A2d. 1114 (PaCmwlth 2008)
 Beaston v. Ebersole, 986 A2d. 876 (PaSuper 2009)
 Com.v. 542 Ontario Street, 989 A2d. 411 (PaCmwlth 2010)
 Com.v. \$3961.00 Cash, 1 A3d. 999 (PaCmwlth 2010)
 Com.v. \$9000 US Currency, 8 A3d. 379 (PaCmwlth 2010)
 Com.v. George Durham, 9 A3d. 641 (PaSuper 2010)
 Com.v. \$15, 000 US Currency, 31 A3d. 768 (PaCmwlth 2011)
 Com.v. \$17, 182 US Currency, 42 A3d. 1217, (PaCmwlth 2012)
 Com.v. \$4000 US Currency, 49 A3d. 21 (PaCmwlth 2012)
 Com.v. \$8,240 US Currency, 49 A3d. 542 (PaCmwlth 2012)
 Com.v. John Morelli, 55 A3d. 177 (PaCmwlth 2012)
 Com.v. Todd Allen, 59 A3d. 677 (PaCmwlth 2012)
 Com.v. All That Certain Lot (Gregory Palazzari), 61 A3d. 1048 (PaCmwlth 2012)
 Com.v. Real Property and Improvements, 65 A3d. 1055 (PaCmwlth 2013)
 Com.v. Real Property and Improvements Known As 2314 Tasker, 67 A3d. 202
 (PaCmwlth 2013)
 Com.v. Thomas Matsinger, 68 A3d. 390 (PaCmwlth 2013)

Ineffectiveness of Counsel-Arguable Merit to Claims

Com. v. Jonathan Jones, 942 A2d. 903 (PaSuper 2008)

Ineffectiveness of Counsel-Conflict of Interest Because of Dual Representation

Com. v. Dwayne Brown, 972 A2d. 529 (PaSuper 2009)

Ineffectiveness of Counsel-Direct Appeal- Failure to File

Com. v. Halley, 870 A2d. 795 (Pa 2005)
 Com. v. John .Baker, 880 A2d. 654 (2005)
 Com. v. Carl E. Johnson, 889 A2d. 620 (Pa Super 2005)
 Com. v. Maurice Spencer, 892 A2d. 840 (PaSuper 2006)
 Com. v. Kemo Maynard, 900 A2d. 395(PaSuper 2006)
 Com. v. Sam Bath, 907 A2d. 619 (PaSuper 2006) (failure to consult concerning
 whether to file petition for allowance of appeal to PA Supreme Court)

Com.v. Raymond Haun, 984 A2d. 557 (PaSuper 2009)(affirmed by the Supreme Court at 32 A3d. 697 (Pa 2011))

Ineffectiveness of Counsel-Direct Appeal-Failure to Complete the Record

Com. v. Robert Scassera, 965 A2d. 247 (PaSuper 2009)

Ineffectiveness of Counsel-Failure to Call Character Witnesses

Com. v. Rick Hull, 982 A2d. 1020 (PaSuper 2009)

Com.v. Joseph Michaud, 70 A3d. 862 (PaSuper 2013)

Ineffectiveness of Counsel-Failure to Call Witnesses at Trial

Com. v. Desmond Hammond, 953 A2d. 544 (PaSuper 2008)

Com. v. Jerrod Miner, 44 A3d. 684 (PaSuper 2012)

Com. v. Sixto Matias, 63 A3d. 807 (PaSuper 2013)

Ineffectiveness of Counsel-Failure to File Adequate Appellate Brief

Com. v. Adam Reed, 971 A2d. 1216 (Pa 2009)

Com. v. George Fink, 24 A3d. 426 (PaSuper 2011)

Ineffectiveness of Counsel-Failure to File Post-Sentence Motion

Com. v. Pedro Green, 957 A2d. 1238 (PaSuper 2008)

Ineffectiveness of Counsel-Failure to File Suppression Motion

Com. v. Javon Franklin, 990 A2d. 795 (PaSuper 2010)

Com. v. Elton Hill, 42 A3d. 1085 (PaSuper 2012)

Ineffectiveness of Counsel-Failure to Investigate Competency

Com. v. Antyane Robinson, 877 A2d. 433 (Pa 2005)

Ineffectiveness of Counsel-Failure to Meet With Client

Com. v. Kevin Johnson, 51 A3d. 237 (PaSuper 2012)

Ineffectiveness of Counsel-Failure to Object to Absence of On-the-Record, Oral Jury Waiver Colloquies

Com. v. Ricky Mallory, 941 A2d. 686 (Pa 2008)

Ineffectiveness of Counsel-Failure to Object to Inconsistent Verdicts On Appeal

Com. v. Darrell Kimbrough, 938 A2d. 447 (PaSuper 2007)

Ineffectiveness of Counsel-Failure to Object to Jury Instructions

Com. v. Beverly Jo Coon, 26 A3d. 1159 (PaSuper 2011)

Com.v. Tony L. Bennett, 57 A3d. 1185 (PaSuper 2012)

Ineffectiveness of Counsel-Failure to Object to Opening Statement

Com. v. Christian Colavita, 920 A2d. 836 (PaSuper 2007); reversed at 993 A2d. 874 (Pa 2010)

Ineffectiveness of Counsel-Failure to Object to Evidence

Com. v. Javier Gonzalez, 858 A2d. 1219 (PaSuper 2004)
Com. v. Beverly Jo Coon, 26 A3d. 1159 (PaSuper 2011)
Com. v. William Reed, 42 A3d. 314 (PaSuper 2012)
Com. v. Aaron Luster, 71 A3d. 1029 (PaSuper 2013)

Ineffectiveness of Counsel-Failure to Object to Court's Participation in Plea Bargaining

Com. v. Marcus Johnson, 875 A2d. 328 (PaSuper 2004)

Ineffectiveness of Counsel-Failure to Poll Jury

Com. v. Willie Jones, 71 A3d. 1061 (PaSuper 2013)

Ineffectiveness of Counsel-Failure to Raise Sufficiency of Evidence Claim

Com. v. James Lawrence, 960 A2d. 473 (PaSuper 2008)

Ineffectiveness of Counsel-Failure to Request Alibi Instruction

Com. v. Robert Bryant, 855 A2d. 726 (Pa 2004)
Com. v. Brian W. Hawkins, 894 A2d. 716 (Pa 2006) (no per se prejudice rule for failing to request)
Com.v. Lamont Bookard, 978 A2d. 1006 (PaSuper 2009)
Com.v. Guy Sileo, 32 A3d. 753 (PaSuper 2011)

Ineffectiveness of Counsel-Grant-Dismissal

Com. v. Kenya Fitzgerald, 877 A2d. 1273 (PaSuper 2005)
Com. v. Michael Little, 879 A2d. 293 (PaSuper 2005)
Com. v. William O'Berg, 880 A2d. 597 (Pa 2005)
Com. v. Jay Boyer, 891 A2d. 1265 (Pa 2006)
Com. v. Elwood Straub, 936 A2d. 1081 (PaSuper 2007)

Ineffectiveness of Counsel-Grant/Bomar Exception

Com. v. O'Berg, 880 A2d. 597 (Pa 2005)
Com. v. May, 887 A2d. 750 (Pa 2005)
Com. v. Chmiel, 889 A2d. 501 (Pa 2005)
Com. v. Gilbert Fowler, 893 A2d. 758 (PaSuper 2006)
Com. v. Wright, 961 A2d. 119 (Pa 2008)
Com. v. Liston, 977 A2d. 1089 (Pa 2009)
Com. v. Justin Holmes, 79 A3d. 562 (Pa2013)

Ineffectiveness of Counsel-Involuntary Guilty Plea

Com. v. James R. Johnson, 868 A2d. 1278 (PaSuper 2005)
Com. v. Alvin Bedell, 954 A2d. 1209 (PaSuper 2008)
Com. v. Kenneth Brown, Jr., 48 A3d. 1275 (PaSuper 2012)

Ineffectiveness of Counsel-Involuntary Guilty Plea-Failure to Advise of

Consequences-Direct vs. Collateral

Padilla v. KY, 130 S.Ct. 1473 (2010)
Com.v. Joseph Abraham, 996 A2d. 1090 (PaSuper 2010)(counsel obligated to warn defendant of loss of teacher's pension as a consequence of a plea to sex crimes)(reversed by Supreme Court at 58 A3d. 42 (Pa 2012))
Com. v. John Wah, 42 A3d. 335 (PaSuper 2012)
Com. v. Peter McDermitt, 66 A3d. 810 (PaSuper 2013)
Com. v. Israel Escobar, 70 A3d. 838 (PaSuper 2013)
Com. v. Michael Barndt, 74 A3d. 185 (PaSuper 2013)

Ineffectiveness of Counsel-Lack of Prejudice

Com. v. Khatib Cousin, 888 A2d.710 (Pa 2005)
Com. v. Ricky Mallory, 888 A2d.854 (PaSuper 2005); 941 A2d. 646 (Pa 2007)
Com. v. Gregory Reaves, 923 A2d. 1119 (Pa 2007) (Stickland/Pierce actual prejudice standard applies)
Com. v. Admiral Perry, 959 A2d. 932 (PaSuper 2008)

Ineffectiveness of Counsel-Representation By Unlicensed Attorney

Com.v. Leabert Grant, 992 A2d. 152 (PaSuper 2010)

Ineffectiveness of Counsel-Trial Strategy

Com. v. Charles Brown, 18 A3d. 1147 (PaSuper 2011)
Com. v. Andy Rivera-Rodriguez, 39 A3d. 439 (PaSuper 2012)

Megan's Law-Constitutionality

Com. v. James R. Killinger, 888 A2d. 592 (Pa 2005) (penalty provision for failing to register is constitutional)
Com. v. Gerald Wilson, 910 A2d. 10 (Pa 2006)
Com. v. Marion Lee, 935 A2d. 865 (Pa 2007)

Megan's Law-Convictions for Registration Purposes

Com. v. Alfred Merolla, 909 A2d. 337 (PaSuper 2006) (pleas to two separate counts of indecent assault, entered at the same time, constitute two separate convictions, warranting lifetime registration)

Megan's Law- Experts-SVP Hearing

Com. v. Kenneth Curnette, 871 A2d. 839 (PaSuper 2005)
Com. Dengler, 890 A2d. 372 (Pa 2005)
Com. v. James P. Cannon, III, 954 A2d. 1222 (PaSuper 2008)
Com..v. Robert Stephens, 74 A3d. 1034 (PaSuper 2013)

Megan's Law-Failure to Register

Com. v. Michael Salter, 858 A2d. 610 (PaSuper 2004)
Com. v. William Wilgus, 975 A2d. 1183 (PaSuper 2009)(reversed by the Supreme Court at 40 A3d. 1201 (Pa 2012))
Com. v. Gilbert Arroyo, 991 A2d. 951 (PaSuper 2010)

Com. v. William Henry Gordon, 992 A2d. 204 (PaSuper 2010)
Com. v. Felix Rivera, 10 A3rd. 1276 (PaSuper 2010)(sex offender registration requirements do not apply to those serving a probationary term on the effective date of Megan's Law II)
Com.v. Angel Moreno, 14 A3d. 133 (PaSuper 2011)
Com.v. Harvey Demmit, 45 A3d. 429 (PaSuper 2012)
Com.v. Craig Heckman, 66 A3d.765 (PaSuper 2013)

Megan's Law-Notice

Com. v. Todd Leidig, 956 A2d. 399 (Pa 2008)

Megan's Law-SVP-Sufficiency of the Evidence

Com. v. Charles Baird, 856 A2d. 114 (PaSuper 2004)
Com. v. Michael L. Sanford, 863 A2d. 428 (Pa 2004)
Com. v. Walter Plucinski, 868 A2d. 20 (PaSuper 2005)
Com. v. Kevin Snyder, 870 A2d. 336 (PaSuper 2005)
Com. v. Christopher Leddington, 908 A2d. 328 (PaSuper 2006)
Com. v. Alfred Merolla, 909 A2d. 337 (PaSuper 2006)
Com. v. Clinton Hitner, 910 A2d.721 (PaSuper 2006)
Com. v. Dereck Martz, 926 A2d.514 (PaSuper 2007)
Com. v. Raymond Geiter, III, 929 A2d. 648 (PaSuper 2007)
Com. v. Randall Bishop, 936 A2d. 1136 (PaSuper 2007)
Com. v. Robert Fletcher, 947 A2d. 777 (PaSuper 2008)
Com. v. Christopher Feucht, 955 A2d. 377 (PaSuper 2008)
Com. v. Barmi Fuentes, 991 A2d. 935 (PaSuper 2010)
Com. v. Marc Brooks, 7 A3d. 852 (PaSuper 2010)
Com. v. Todd Morgan, 16 A3d. 1165 (PaSuper 2011)
Com. v. Jeffrey Baker, 24 A 3d. 1006 (PaSuper 2011)(affirmed by Supreme Court at 78 A3d. 1044 (Pa 2013)
Com. v. Thomas Whanger, 30 A3d. 1212 (PaSuper 2011)

Search & Seizure-Boat Stops-Initial Justification

Com. v. James Lehman, 857 A2d. 686 (PaSuper 2004)

Search & Seizure-Consent Searches-Homes

Com. v. Lekeyia Grahame, 947 A2d. 762 (PaSuper 2008)(order of the Superior Court affirming denial of a suppression motion reversed. The Supreme Court discusses the "guns follow drugs" argument to support reasonable suspicion
Com. v. Andre Basking, 970 A2d. 1181 (PaSuper 2009)

Search & Seizure-Consent Searches-Vehicles

Com. v. Thomas Graham, 949 A2d. 939 (PaSuper 2008)

Search & Seizure-DUI or Traffic Safety Checkpoints

Com. v. Gary Beaman, 880 A2d. 578 (PaSuper 2005)
In re JAK, 908 A2d. 322 (PaSuper 2006)

Com. v. Mark Worthy, 957 A2d. 720 (Pa 2008)

Search & Seizure-Expectation of Privacy Requirement

Com. v. Emmanuel Moore, 928 A2d. 1092 (PaSuper 2007)

Com. v. Lee Arnold, 932 A2d. 143 (PaSuper 2007)

Com. v. Kenneth Sodomsky, 939 A2d. 363 (PaSuper 2007)

Com.v. Aaron Jones, 978 A2d. 1000 (PaSuper 2009)

Com.v. Keith Miller, 56 A3d. 1276 (PaSuper 2012)

Search & Seizure-Expectation of Privacy Requirement-Driveway

Com.v. Richard Simmen, 58 A3d. 811 (PaSuper 2012)

Search & Seizure-Expectation of Privacy Requirement-Forced Abandonment

Com.v. Ronald Byrd, 987 A2d. 786 (PaSuper 2009)

Search & Seizure-Expectation of Privacy Requirement-GPS on Car/Wiretap Act

Com.v. Curtis Arthur, 63 A3d. 424 (PaSuper 2013)

Search & Seizure-Expectation of Privacy Requirement-Voluntary Abandonment

Com. v. Donte Taylor, 33 A3d. 1283 (PaSuper 2011)

Search & Seizure-Independent Source Doctrine

Com.v. Richard Lloyd, 948 A2d. 875 (PaSuper 2008)

Com.v. Roshia Williams, 2 A3d. 611 (PaSuper 2010)

Com.v. Daniel Beck, 34 A3d. 111 (PaSuper 2011)

Com.v. Calvin Henderson, 47 A3d. 797 (Pa 2012)

Com.v. Brandy Berkheimer, 57 A3d. 171 (PaSuper 2012)

Search & Seizure-Inevitable Discovery Rule

Com.v. Joshua Booze, 953 A2d. 1263 (PaSuper 2008)

Com.v. Roderick Bailey, 986 A2d. 860 (PaSuper 2009)

Com.v. Roshia Williams, 2 A3rd. 611 (PaSuper 2010)

Com.v. Brian Anderson, 40 A3d. 1245 (PaSuper 2012)

Com.v. Hermion McLaurin, 45 A3d. 1131 (PaSuper 2012)

Com.v. Brandy Berkheimer, 57 A3d. 191 (PaSuper 2012)

Search & Seizure-Interception of Wire Communications

Com.v. Gregg Rodgers, 897 A2d. 1253 (PaSuper 2006)

Com.v. Gerald Dunnivant 63 A3d. 1252 (PaSuper 2013)(need a warrant for a CI to enter a home wearing a silent video camera. Case of first impression)

Search & Seizure-Inventory Search

Com. v. Emuel Henley, 909 A2d. 352 (PaSuper 2006)

Com. v. Richard Chambers, 920 A2d. 892 (PaSuper 2007)

Com. v. Michael West, 937 A2d. 516 (PaSuper 2007)

Com. v. William Thompson, 999 A2d. 616 (PaSuper 2010)

Com. v. Francis Lagenella, 17 A3d. 1257 (PaSuper 2010)
Com v. Danielle Gatillos, 76 A3d. 44 (Pasuper 2013)

Search & Seizure-Investigative Detentions

Com.v. Matthew Peterson, 17 A3d. 935 (PaSuper 2011)
Com v. Todd Astillero, 39 A3d. 353 (PaSuper 2012)
Com.v. Benjamin Washington, 51 A3d. 895 (PaSuper 2012)
Com.v. Haleem Lyles, 54 A3d. 76 (PaSuper 2012)(a request for identification does not, by itself, transform a mere encounter into an investigative detention)
Com.v. Waldamar Caban, 60 A3d. 120 (PaSuper 2012)
Com.v. Andre Williams, 73 A3d. 609 (PaSuper 2013)

Search & Seizure-“Knock & Announce”

Com. v. James Walker, 874 A2d. 667 (PaSuper 2005)
Com. v. Ramon Sanchez, 907 A2d. 477 (Pa 2006)
Com. v. Waddel Wagstaff, 911 A2d. 533 (PaSuper 2006)

Search & Seizure-Mere Encounters

Com.v. Joseph Downey, 39 A3d. 401 (PaSuper 2012)
Com.v. Robert McAdoo, 46 A3d. 781 (PaSuuper 2012)

Search & Seizure-Open Fields Doctrine

Com. v. Joseph Russo, 934 A2d. 1199 (Pa 2007)

Search & Seizure-Plain Feel Exception/ Terry Frisk

Com. v. Adam Pakacki, 901 A2d. 983 (Pa 2006)
Com. v. Leevaughn Wilson, 927 A2d. 279 (PaSuper 2007)
Com. v. Djarrard Dutrieville, 932 A2d. 240 (PaSuper 2007)
Com. v. Stephen Thompson, 939 A2d. 371 (PaSuper 2007)
Com. v. Wendell Parker, 957 A2d. 311 (PaSuper 2008)

Search & Seizure-Plain View Exception

Com. v. Henry McCree, 857 A2d. 188 (PaSuper 2004); affirmed 924 A2d. 621 (Pa 2007)
Com. v. Milton Johnson, 921 A2d. 1221 (PaSuper 2007)
Com. v. Carl Newton, 943 A2d. 278 (PaSuper 2007)
Com.v. Eric Turner, 982 A2d. 90 (PaSuper 2009)
Com.v. Brian Anderson, 40 A3d. 1245 (PaSuper 2012)
Com.v. John Jackson, III, 62 A3d. 433 (PaSuper 2013)

Search & Seizure-Probation/Parole Agents-Warrantless Searches

Com. v. Edwards, 874 A2d. 1192 (PaSuper 2005)
Com. v. Douglas Curry, 900 A2d. 390 (PaSuper 2006)
Com. v. Jonathan Scott, 916 A2d. 695 (PaSuper 2007)
Com. v. Norman Hunter, 963 A2d. 545 (PaSuper 2008)
Com. v. Frank Colon, 31 A3d. 309 (PaSuper 2011)

Com. v. Laquinn Chambers, 55 A3d. 1208 (PaSuper 2012)

Search & Seizure-School Searches

In Re J.N.Y., 931 A2d. 685, (PaSuper 2007)

Search & Seizure-Search Incident to Arrest

In Re R.P., 918 A2d. 115 (PaSuper 2007)

Com. v. Josephy Ventura, 975 A2d. 1128 (PaSuper 2009)

Search & Seizure-Search Warrants

Com. v. Wayne David Washington, 858 A2d. 1255 (PaSuper 2004)

Com. v. Travis Harper, 864 A2d. 1221 (PaSuper 2004)

Com. v. Quintae McLean, 869 A2d. 537 (PaSuper 2005)

Com. v. Donyell Bartee, 868 A2d. 1218 (PaSuper 2005)

Com. v. James Hawkins, 880 A2d. 678 (PaSuper 2005)

Com. v. Speer Ruey, 892 A2d. 802 (Pa 2006)

Com. v. Michael Gomolekoff, 910 A2d. 710 (PaSuper 2006)

Com. v. Christopher Murphy, 916 A2d. 679 (PaSuper 2007) (staleness)

Com. v. Gary Dukeman, 917 A2d. 338 (PaSuper 2007) (probable cause based on CI's)

Com. v. Thomas Huntington, 924 A2d. 1252 (PaSuper 2007)

Com. v. Aaron Brown, 924 A2d. 1283 (PaSuper 2007)

Com. v. Keith Tiffany, 926 A2d. 503 (PaSuper 2007) (Search warrant for a home and computer in a prosecution for sexual abuse of children)

Com. v. Curtis Jones, 928 A2d. 1054 (PaSuper 2007); reversed by Supreme Court and judgment of sentence reinstated at 988 A2d. 649 (Pa 2010)

Com. v. Michael West, 937 A2d. 516 (PaSuper 2007)

Com. v. Michael Kane, 940 A2d. 483 (PaSuper 2007) (knock and announce ruling)

Com. v. Brian Baker, 946 A2d. 691 (PaSuper 2008) (disclosure of CI named in Affidavit)

Com. v. Patrick Otterson, 947 A2d. 1239 (PaSuper 2008)

Com. v. Gregory Wallace, 953 A2d. 1259 (PaSuper 2008)(**reversed by the Supreme Court at 42 A3d. 1040 (Pa 2012)**)

Com. v. Antonio Gutierrez, 969 A2d. 584 (PaSuper 2009)

Com.v. Javon Franklin, 990 A2d. 795 (PaSuper 2010)

Com.v. Damon Benson, 10 A3rd. 1268 (PaSuper 2010)

Com.v. Darrell James, 12 A3d. 388 (PaSuper 2010)(**reversed by Supreme Court at 69 A3d. 180 (Pa 2013)**)

Com.v. Daniel Griffin, 24 A3d. 1037 (PaSuper 2011)

Com.v. Steven Clark, 28 A3d. 1284 (PaSuper 2011)

Com.v. Willie Johnson, 33 A3d. 122 (PaSuper 2011)

Com.v. Brian Simpkins, 36 A3d. 623 (PaSuper 2012)

Com.v. Brian Anderson, 40 A3d. 1245 (PaSuper 2012)

Com.v. Clyde Hoppert, 39 A3d. 358 (PaSuper 2012)

Com.v. Felix Hawkins, 45 A3d. 1123 (PaSuper 2012)

**Search & Seizure-Vehicle Searches-Seizure of Vehicle Without Warrant
Followed By Search of Vehicle With A Warrant**

Com.v George Kubis, 978 A2d. 391 (PaSuper 2009)
Com.v. Trayvon Joseph, 34 A3d. 855 (PaSuper 2011)

Search & Seizure-Vehicle Searches-Warrantless-In General

Com. v. Jose Hernandez, 892 A2d. 11 (PaSuper 2006); reversed by the Supreme Court at 935 A2d. 1275 (Pa 2007)
Com. v. Shawn Murray, 936 A2d. 76 (PaSuper 2007)
Com. v. Yusuf Copeland, 955 A2d. 396 (PaSuper 2008)
In re OJ, 958 A2d. 561 (PaSuper 2008)
Com. v. Hosea Boyd, 17 A3d. 1274 (PaSuper 2011)
Com.v. John Harvard, 64 A3d. 690 (PaSuper 2013)

Search & Seizure-Vehicle Searches-Warrantless-Exigent Circumstances

Com. v. Jose Hernandez, 892 A2d. 11 (PaSuper 2006); reversed by the Supreme Court at 935 A2d. 1275 (Pa 2007)
Com.v. Daniel Griffin, 24 A3d. 1037 (PaSuper 2011)
Com. v. Shiem Gary, 29 A3d. 804 (PaSuper 2011)
Com. v. Robert Stevenson, 64 A3d. 715 (PaSuper 2013)
Com. v. Danielle Gatlos, 76 A3d. 44 (PaSuper 2013)

Search & Seizure-Vehicle Searches-Warrantless-No Expectation of Privacy

Com. v. Jason Millner, 888 A2d. 680 (Pa 2005)
Com. v. Robert Viall, 890 A2d. 419 (PaSuper 2005)
Com. v. Miguel Maldonado, 14 A3d. 907 (PaSuper 2011)

Search & Seizure-Vehicle Searches-Warrantless-Plain View Exception

Com. v. William Harris, 888 A2d. 862 (PaSuper 2005)
Com. v. Kevin Liddie, 21 A3d. 229 (PaSuper 2011)
Com. v. Marcus Brown, 23 A3d. 544 (PaSuper 2011)
Com. v. Joseph Miller, 56 A3d. 424 (PaSuper 2012)

Search & Seizure-Vehicle Stops-Consent Searches

Com. v. Eric Moultrie, 870 A2d. 352 (PaSuper 2005)
Com. v. Eric Bell, 871 A2d. 267 (PaSuper 2005)
Com. v. Barnswell Jones, 874 A2d. 108 (PaSuper 2005)
Com. v. Roger Duncan, 932 A2d. 226 (PaSuper 2007)
Com. v. Kennedy Kemp, 961 A2d. 1247 (PaSuper 2008)
Com. v. Raymond Powell, 994 A2d. 1096 (PaSuper 2010)

Search & Seizure-Vehicle Stops-Initial Justification

Com. v. Orlando Butler, 856 A2d. 131 (PaSuper 2004)
Com. v. Michael Wilbert, 858 A2d. 1247 (PaSuper 2004)
Com. v. Daktari Garcia, 859 A2d. 820 (PaSuper 2004)

Com v. Diane Klopp, 863 A2d. 1211 (PaSuper 2004)
 Com. v. Jason Quaid, 871 A2d. 246 (PaSuper 2005)
 Com. v. Kenneth Hill, 874 A2d. 1214 (PaSuper 2005)
 Com. v. Kyle Minnich, 874 A2d. 1234 (PaSuper 2005)
 Com. v. Edil Rosas, 875 A2d. 341 (PaSuper 2005)
 Com. v. Sylvester Scott, 878 A2d. 874 (PaSuper 2005)
 Com. v. Rebecca Krisko, 884 A2d. 296 (PaSuper 2005)
 Com. v. *Kenneth Sands*, 887 A2d. 261 (PaSuper 2005)
 Com. v. Robert Speiler, 887 A2d. 1271 (PaSuper 2005)
 Com. v. Daniel Anderson, 889 A2d. 596 (PaSuper 2005)
 Com. v. Christopher Conrad, 892 A2d. 826 (PaSuper 2006) (note: this decision does not mention Section 6308 of the MVC)
 Com. v. Mary Hayes, 898 A2d. 1089 (PaSuper 2006)
 Com. v. Ulman, 902 A2d. 514 (PaSuper 2006)
 Com. v. Mark Little, 903 A2d. 1269 (PaSuper 2006)
 Com. v. Laurie Smith, 904 A2d. 30 (PaSuper 2006)
 Com. v. Ralph Emeigh, 905 A2d. 995 (PaSuper 2006)
 Com. v. Hughes, 908 A2d. 924 (PaSuper 2006)
 Com. v. Daniel Plante, 914 A2d. 916 (PaSuper 2006)
 Com. v. Randy Peters, 915 A2d. 1213 (PaSuper 2007) (hot pursuit and the MPJA)
 Com. v. Galen Fulton, 921 A2d. 1239 (PaSuper 2007)
 Com. v. Jeremy Hendricks, 927 A2d. 289 (PaSuper 2007)
 Com. v. Tiriq Hall, 929 A2d. 1202 (PaSuper 2007)
 Com. v. Richard Conte, 931 A2d. 690 (PaSuper 2007)
 Com. v. David Fuller, 940 A2d. 476 (PaSuper 2007)
 Com. v. Vincent Demor, 942 A2d. 898 (PaSuper 2008)
 Com. v. Wayne Angel, 946 A2d. 115 (PaSuper 2008)
 Com. v. Christopher Collins, 950 A2d. 1041 (PaSuper 2008)
 Com. v. Thomas Leonard, 951 A2d. 393 (PaSuper 2008)
 Com. v. Bruce Chase, 960 A2d. 108 (Pa 2008)
 Com v. Gregory Kendall, 976 A2d. 503 (PaSuper 2009)
 Com v. William Anthony, 977 A2d. 1182 (PaSuper 2009)
 Com.v. Derek Bloom, 979 A2d. 368 (PaSuper 2009)(jurisdiction of Port Authority to stop for motor vehicle code violations in the immediate and adjacent Vicinity of port authority property)
 Com.v. Matthew Basinger, 982 A2d. 121 (PaSuper 2009)
 Com.v. Thomas Perry, 982 A2d. 1009 (PaSuper 2009)
 Com.v. John Au, 986 A2d. 864 (PaSuper 2009)(**reversed by the Supreme Court at 42 A3d. 1002**)
 Com.v. Kareem Muhammed, 992 A2d. 897 (PaSuper 2010)
 Com.v. Harry Anthony, 1 A3d. 914 (PaSuper 2010)
 Com.v. Daniel Cauley, 10 A3d. 321 (PaSuper 2010)
 Com.v. David Feczko, 10 A3d. 1285 (PaSuper 2010)
 Com.v. Jason Holmes, 14 A3d. 89 (PaSuper 2011)
 Com.v. Zaid Shabazz, 18 A3d. 1217 (PaSuper 2011)
 Com.v. Annibal Cruz, 21 A3d. 1247 (PaSuper 2011)

Com.v. Alexis Guzman, 44 A3d. 688 (PaSuper 2012)
Com.v. John Farnan, 55 A3d. 113 (PaSuper 2012)
Com.v. Keith Busser, 56 A3d. 419 (PaSuper 2012)
Com.v. Frank Walton, 63 A3d. 253 (PaSuper 2013)
Com.v. Grace Enick, 70 A3d. 843 (PaSuper 2013)

**Search & Seizure-Vehicle Stops-Initial Justification/Information Received From
Known Informant Whose Reliability May Not Have Been Established Through
Testimony at a Suppression Hearing**

Com. v. Thomas Brown, 952 A2d. 1185 (PaSuper 2008)(reversed by Pa Supreme
Court at 996 A2d. 473 (Pa 2010)
Com. v. Marcos Gutierrez, 36 A3d. 1104 (PaSuper 2012)

**Search & Seizure-Vehicle Stops-Initial Justification/Information Received From
Another Police Officer**

Com. v. Kimberly Chernosky, 874 A2d. 123 (PaSuper 2005)
Com. v. Joel Bailey, 947 A2d. 808 (PaSuper 2008)

**Search & Seizure-Vehicle Stops-Initial Justification/Information Received From
Known Confidential Informant**

Com. v. Antonio Griffin, 954 A2d. 648 (PaSuper 2008)

**Search & Seizure-Vehicle Stops-Initial Justification/Information Received From
NCIC Check**

Com. v. Kimberly Chernosky, 874 A2d. 123 (PaSuper 2005)

**Search & Seizure-Vehicle Stops-Initial Justification/Information Received From A
Named 911 Caller**

Com. v. John Spencer, 888 A2d. 827 (PaSuper 2005)
Com. v. Dale Stanley Barber, 889 A2d. 587 (PaSuper 2005)

Search & Seizure-Vehicle Stops-Passengers

Com. v. Rashan Campbell, 862 A2d. 659 (PaSuper 2004)
Com. v. Duane Pratt, 930 A2d. 561 (PaSuper 2007)
Com. v. Chrisiopher Collins, 950 A2d. 1041 (PaSuper 2008)
Com. v. Detrick Reed, 19 A3d. 1163 (PaSuper 2011)
Com. v. Louis Durr, 32 A3d. 781 (PaSuper 2011)
Com.v. John Au, 42 A3d. 1002 (PaSuper 2012)

Search & Seizure-Vehicle Stops- Protective Sweeps

Com. v. Jamie Cartagena, 63 A3d. 294 (PaSuper 2013)

Search & Seizure-Warrantless Arrest-Probable Cause

Com. v. Michael Brice, 856 A2d. 107 (PaSuper 2004)
Com. v. Matthew LaMonte, 859 A2d. 495 (PaSuper 2004)
Com. v. Razzaaq Miller, 867 A2d. 427 (PaSuper 2005)

Com. v. Ricky Wright, 867 A2d. 1265 (PaSuper 2005)
 Com. v. Douglas Mistler, 869 A2d. 497 (PaSuper 2005); affirmed at 912 A2d. 1265 (Pa 2006)
 Com. v. John Bohonyi, 900 A2d. 877 (PaSuper 2006)
 Com. v. Gabriel Thomas, 909 A2d. 860 (PaSuper 2006) (information from a CI may constitute probable cause where police independently corroborate tip or where the informant himself participated in criminal activity)
 Com. v. Van Wells, 916 A2d. 1192 (PaSuper 2007)
 Com. v. Khadfi El, 933 A2d. 657 (PaSuper 2007)
 Com. v. Nathan Dunlap, 941 A2d. 671 (Pa 2007)(overruled by Com.v. Percy Thompson, 985 A2d. 928 (Pa 2009)
 Com. v. Troy Wormley, 949 A2d. 946 (PaSuper 2008)
 Com.v. Percy Thompson, 985 A2d. 928 (Pa 2009)
 Com.v. Deiyo Dixon, 997 A2d. 368 (PaSuper 2010)
 Com. v. Terrance McRae, 5 A3rd. 425 (PaSuper 2010)(NCIC entries are sufficient alone to provide officers with probable cause to arrest without having a copy of the actual warrant upon which the NCIC entry is based. Thus any search incident to an arrest is valid).
 Com.v. Richard Moore, 11 A3d. 538 (PaSuper 2010)
 Com.v. Braheim Goldsborough, 31 A3d. 299 (PaSuper 2011)
 Com.v. Roberto Delvalle, 74 A3d. 1081 (PaSuper 2013)

Search & Seizure-Warrantless Arrest-Terry Stop/Terry Pat Down for Weapons

Com. v. Allen Wiley, 858 A2d. 1191 (PaSuper 2004)
 In Re J.G., a minor, 860 A2d. 185 (PaSuper 2004)
 Com. v. Nicholas Bryant, 866 A2d. 1143 (PaSuper 2005)
 Com. v. Kenneth Van Winkle, 880 A2d. 1280 (PaSuper 2005)
 Com. v. Romel Tucker, 883 A2d. 625 (PaSuper 2005)
 Com. v. James Revere, 888 A2d. 694 (Pa 2005) (exigent circumstances may justify police transporting a suspect a short distance in the absence of probable cause during the course of a Terry stop)
 Com. v. Julius Gray, 896 A2d. 601 (PaSuper 2006)
 Com. v. Christopher Fell, 901 A2d. 542 (PaSuper 2006)
 Com. v. Thomas Brown, 904 A2d. 925 (PaSuper 2006)
 Com. v. Duane Jackson, 907 A2d. 540 (PaSuper 2006)
 Com. v. Corey Powell, 934 A2d. 721 (PaSuper 2007)
 Com. v. Samell Mack, 953 A2d. 587 (PaSuper 2008)
 Com.v. Stephen Foglia, 979 A2d. 357 (PaSuper 2009)
 Com.v. Gary Williams, 980 A2d. 667 (PaSuper 2009)
 Com.v. Robert Cooper, 994 A2d. 589 (PaSuper 2010)
 Com.v. Jamar Simmons, 17 A3d. 399 (PaSuper 2011)
 Com.v. Shawn Coleman, 19 A3d. 1111 (PaSuper 2011)

Search & Seizure-Warrantless Entry-Search After Entry by Police Searching for Fugitive

Com. v. Eric Muniz, 5 A3rd. 345 (PaSuper 2010)

Search & Seizure-Warrantless Entry-Consent

Com. v. Glenn Yancoskie, 915 A2d. 111 (PaSuper 2006)

Com. v. Vincent Strader, 931 A2d. 630 (Pa 2007)

Search & Seizure-Warrantless Entry-Exigent Circumstances

Com. v. Carlus Grundy, 859 A2d.485 (PaSuper 2004)

Com. v. Wayne Edwards, 874 A2d. 1192 (PaSuper 2005)

Com. v. John Earl Dommel, 885 A2d. 998 (PaSuper 2005)

Com. v. Asa McAliley, 919 A2d. 272 (PaSuper 2007)

Com. v. Lee Arnold, 932 A2d. 143 (PaSuper 2007)

Com. v. Bonnie Dean, 940 A2d. 514 (PaSuper 2008) (hotel rooms and consent searches)

Com. v. Nashadeem Bostick, 958 A2d. 543 (PaSuper 2008)

Com. v. Shawn Fickes, 969 A2d. 1251 (PaSuper 2009)

Com. v. John Lee, II, 972 A2d. 1 (PaSuper 2009)

Com.v. Marcus Gibbs, 981 A2d. 274 (PaSuper 2009)(Erie County case)

Com.v. Collin Rowe, 984 A2d. 524 (PaSuper 2009)

Com.v. Bryan Galvin, 985 A2d. 783 (Pa 2009)

Com.v. Terrance Waddell, 61 A3d. 198 (PaSuper 2012)

Com.v. Kevin Potts, 73 A3d. 1275 (PaSuper 2013)(good discussion of the law on protective sweeps)

Search & Seizure-Warrantless Search of Person-Exigent Circumstances

Com. v. Hakim Johnson, 969 A2d. 565 (PaSuper 2009)

Search & Seizure-Wiretap Act-Exceptions 18 PaCSA 5721.1(c)(6)

Com. v. Parris Pridgen, 965 A2d. 1208 (PaSuper 2009)

Search & Seizure-Wiretap Act-GPS System On Motor Vehicles

Com.v. Edwin Burgos, 64 A3d. 641 (PaSuper 2013)

Search & Seizure-Wiretap Act-Remedy for Violation

Com. v. Joseph Steward, 918 A2d. 758 (PaSuper 2007)

Com. v. David Deck, 954 A2d. 603 (PaSuper 2008)

Com. v. Jeffrey Cruttenden, 976 A2d. 1176 (PaSuper 2009)

Search & Seizure-Wiretap Act-Requirements

Com.v. Norman McMillan, 13 A3d. 521 (PaSuper 2011)

Com.v. Gary Prisk, 13 A3d. 526 (PaSuper 2011)

Com.v. Angel Rosa, 21 A3d. 1264 (PaSuper 2011)

Com.v. William Kuder, 62 A3d. 1038 (PaSuper 2013)

Search & Seizure-Wiretap Act-Text Messages

Com. v. Jeffrey Cruttenden, 976 A2d. 1176 (PaSuper 2009)

Sentencing-Apprendi Issues

Com. v. Robert Bromley, 862 A2d. 598 (PaSuper 2004)
Com. v. Thaiwin Reid, 867 A2d. 1280 (PaSuper 2005)
Com. v. William E. Kleinicke, 895 A2d. 562 (PaSuper 2006)
Com. v. Jason Kearns, 907 A2d. 649 (PaSuper 2006)
Com. v. Johnson, 910 A2d. 60 (PaSuper 2006)
Com. v. Michael Yuhasz, 923 A2d. 1111 (Pa 2007)
Com. v. Richard Slotcaavage, 939 A2d. 901 (PaSuper 2007)
Com. v. Jamar Johnson, 961 A2d. 877 (PaSuper 2008)
Com. v. Chris Panko, 975 A2d. 1189 (PaSuper 2009)
Com. v. James Barr, 79 A3d. 668 (Pasuper 2013)

Sentencing-Costs

Com. v. Lebar, 860 A2d.1105 (PaSuper 2004)
Fordyce v. Clerk of Courts, Forest County, 869 A2d. 1049 (PaCmwlth 2005)
Com. v. Derrick Smith, 901 A2d. 1030 (PaSuper 2006) (buy money is a cost)
Com. v. Juan Hernandez, 917 A2d. 332 (PaSuper 2007)
Com. v. Ricky Lee Allshouse, 924 A2d. 1215 (PaSuper 2007)
Com. v. Gerald Garzone, 993 A2d. 306 (PaSuper 2010)(affirmed by the Supreme Court at 34 A3d. 67 (Pa 2012)
Com.v. Jamal Childs, 63 A3d. 323 (PaSuper 2013)

Sentencing-Credit for Time Served-Detained for Parole Violation/Unable to Make Bail On New Charge Which Is Reason for Detainer

Com.v. Steven Mann, 957 A2d. 746 (PaSuper 2008)
Com.v Willie Edmond, 46 A3d. 831 (PaSuper 2012)

Sentencing-Credit for Time Served-Drug Court Treatment Program

Com. v. Jeremy Fowler, 930 A2d. 586 (PaSuper 2007) (Erie County case)

Sentencing-Credit for Time Served-House Arrest Not Confinement

Com. v. Derrick Pettus, 860 A2d. 162 (PaSuper 2004)

Sentencing-Credit for Time Served-Imposition of New Sentence after Revocation

Com. v. Todd Yakell, 876 A2d. 1040 (PaSuper 2005)

Sentencing-Credit for Time Served-Inpatient Program Not Confinement

Houser v. PA Board of Probation and Parole, 874 A2d. 1276 (PaCmwlth 2005)

Sentencing-Credit for Time Served-New State Sentence Following Federal Sentence

Griffin v. PA Dept of Corrections, 862 A2d. 152 (PaCmwlth 2004)

Sentencing-Credit for Time Served-Prison and Probation Sentence

McSpadden. v. Dept. of Corrections, (PaCmwlth 2005)

Com. v. Donald Clark, 885 A2d. 1030 (PaSuper 2005)

Sentencing-Credit for Time Served-Release on Bail Pending Appeal, But Subject to Electronic Monitor Not Confinement

Com. v. Lynn E. Kyle, 874 A2d. 12 (Pa 2005)

Canty v. BD. of Probation and Parole, 887 A2d. 831 (Pa.Cmwlth 2005)

Com. v. Kelly Birney, 910 A2d. 739 (PaSuper 2006)

Com. v. Anthony Owens, 936 A2d. 1090 (PaSuper 2007) (*Kyle* applies retroactively)

Sentencing-Credit for Time Served-Release From Prison Due to Clerical Error

Com. v. Dereck Martz, 42 A3d. 1142 (PaSuper 2012)

Sentencing-Defendant's Silence at Sentencing

Com. v. Syvol Bowen, 975 A2d. 1120 (PaSuper 2009)

Sentencing-Enhancement-Deadly Weapon

Com. v. Cheryl Raybuck, 915 A2d. 125 (PaSuper 2006)

Com. v. Andre Phillips, 946 A2d. 103 (PaSuper 2008)

Com.v. Eli Brougher, 978 A2d. 373 (PaSuper 2009)

Com.v. Ross Rhoades, Jr., 8 A3rd. 912 (PaSuper 2010)

Sentencing-Enhancement-Prior Drug Convictions-18 PaCSA 7508(a)(3)

Com. v. Alan Bell, 901 A2d. 1033 (PaSuper 2006)

Com. v. James Watson, 945 A2d. 174 (PaSuper 2008)

Sentencing-Enhancement-School Bus Stop- 18 PaCSA 6314(b)

Com. v. Jeffrey Teeter, 961 A2d. 890 (PaSuper 2008)

Sentencing-Enhancement-School Zone (18 PaCSA 6317)

Com. v. James Bongiorno, 905 A2d. 998 (PaSuper 2006)

Com. v. Monroe Williams, 955 A2d. 386 (PaSuper 2008)

Com.v Scott Marion, 981 A2d. 230 (PaSuper 2009)

Com.v.Travis Manahan, 45 A3d. 413 (PaSuper 2012)

Sentencing-Enhancement-Subsequent Counts In Same Complaint

Com. v. Craig Jarowecki, 923 A2d. 425 (PaSuper 2007)(vacated and remanded by the Supreme Court at 985 A2d. 955. Com.v. Alexander, 811 A2d. 1064 (PaSuper 2002) abrogated.)

Sentencing-Factors to Consider

Com. v. Scott, 860 A2d. 1029 (PaSuper 2004)

Com. v. Charles Franklin Stewart, 867 A2d.589 (PaSuper 2005) (cannot use charges that were not pressed as an aggravating factor)

Com. v. Jeffrey Fullin, 892 A2d.843 (PaSuper 2006)

Com. v. Leonard Shugars, 895 A2d. 1270 (PaSuper 2006) (the same factors used

to determine a defendant is a SVP can also be used by the trial court to justify imposing a sentence in the aggravated range of the Guidelines)

Com. v. Gerald Ladamus, 896 A2d. 592 (PaSuper 2006)

Com. v. Michael Sheller, 961 A2d. 187 (PaSuper 2008)

Com. v. Mark Miller, 965 A2d. 276 (PaSuper 2009)

Com. v. Clinton Moury, 992 A2d. 162 (PaSuper 2010)

Sentencing-Failure to Sentence On All Counts (Pa R Crim Pro 701)

Com. v. Brandon Kepner, 34 A3d. 162 (PaSuper 2011)

Sentencing-Fines

Com. v. Victor Thomas, 879 A2d. 246 (PaSuper 2005)

Com. v. Ricky Lee Allshouse, 924 A2d. 1215 (PaSuper 2007)

Com. v. Martin Boyd, Jr., 73 A3d. 1269 (PaSuper 2013)

Sentencing-“Flat” Sentences

Com.v. Matthew Basinger, 982 A2d. 121 (PaSuper 2009)(no term of total confinement can be imposed as a condition of probation)

Com. v. Lonnie Mitchell, 986 A2d. 1241 (PaSuper 2009)(also see 42 PaCSA 9756)

Sentencing-Furloughs (61 Pa C.S.A. 2141)

Com. v. Michael Kehoe, 863 A2d. 1202 (PaSuper 2004)

Com. v. Mefford, 863 A2d. 1206 (PaSuper 2004)

Sentencing-Guidelines-Excessively Lenient

Com. v. Johnette Young, 895 A2d. 40 (PaSuper 2006)

Com. v. Tracy McIntosh, 911 A2d. 513 (PaSuper 2006)

Com. v. Earl Wilson, 923 A2d. 419 (PaSuper 2007)

Com. v. Earl Hoch, 936 A2d. 515 (PaSuper 2007)

Com. v. Russell Diamond, 945 A2d. 252 (PaSuper 2008)

Com. v. Earl Wilson, 946 A2d. 767 (PaSuper 2008)

Com. v. Jeffie Daniel, 30 A3d. 494 (PaSuper 2011)

Sentencing-Guidelines-Excessiveness

Com. v. Gregory Hanson, 856 A2d. 1254 (PaSuper 2004)

Com. v. Timothy Dodge, 859 A2d. 771 (PaSuper 2004); 957 A2d.1198 (PaSuper 2008; 77 A3d. 1263 (PaSuper 2013)

Com. v. William Monahan, 860 A2d. 180 (PaSuper 2004)

Com. v. Whitmore, 860 A2d. 1032 (PaSuper 2004)

Com. v. Cortez, 860 A2d. 1045 (PaSuper 2004)

Com. v. Brent Galletta, 864 A2d. 532 (PaSuper 2004)

Com. v. Ronald Diaz, 867 A2d. 1285 (PaSuper 2005)

Com. v. William Tirado, 870 A2d. 362 (PaSuper 2005)

Com. v. Thomas Lee, 876 A2d. 408 (PaSuper 2005)

Com. v. Harry Whitman, 880 A2d. 1250 (PaSuper 2005)

Com. v. Allen Perry, 883 A2d. 599 (PaSuper 2005)
 Com. v. Frank Fiascki, 886 A2d. 261 (PaSuper 2005)
 Com. v. Nicholas Ferguson, 893 A2d. 735 (PaSuper 2006)
 Com. v. Gilbert Fowler, 893 A2d. 758 (PaSuper 2006)
 Com. v. Leonard Shugars, 895 A2d. 1270 (PaSuper 2006)
 Com. v. William Walls, 926 A2d. 957 (Pa 2007)
 Com. v. Diane Curran, 932 A2d. 103 (PaSuper 2007)
 Com. v. Branden Zurburg, 937 A2d. 1131 (PaSuper 2007)
 Com. v. Jessica Hardy, 939 A2d. 974 (PaSuper 2007)
 Com. v. Larry Holiday, 954 A2d. 6 (PaSuper 2008)
 Com. v. Christopher Feucht, 955 A2d.377 (PaSuper 2008); an Erie County case
 Com. v. David Ahmad, 961 A2d. 884 (PaSuper 2008)
 Com. v. Michael Macias, 968 A2d. 773 (PaSuper 2009)
 Com. v. Teri Rhodes, 990 A2d. 732 (PaSuper 2009)(as of 10/15/10 still no word
 on whether the Supreme Court will grant our Petition for Allowance of Appeal)
 Com. v. Gonzalez-Dejusis, 994 A2d. 595 (PaSuper 2010)
 Com. v. Shawney Perry, 32 A2d. 232 (Pa 2011)
 Com. v. Terrence Coulverson, 34 A3d. 135 (PaSuper 2011)
 Com. v. Terrence Lewis, 45 A3d. 405 (PaSuper 2012)
 Com. v. Stephen Bowen, 55 a3d. 1254 (PaSuper 2012)
 Com.v. Cristino DiSalvo, 70 A3d. 900 (Pasuper 2013)
 Com.v. Shaun Austin, 66 A3d. 798 (PaSuper 2013)

Sentencing-Guidelines-Mitigated Range Sentence

Com.v. Melvin Garcia-Rivera, 983 A2d. 777 (PaSuper 2009)

Sentencing-Offense Gravity Score

Com.v. Thomas Lamonda, 52 A3d. 365 (PaSuper 2012)

Sentencing-Guidelines-Prior Record Score

Com. v. Kristopher Keiper, 887 A2d. 317 (PaSuper 2005)
 Com.v. Thomas Provenzano, 50 A3d. 148 (PaSuper 2012)

Sentencing-Intermediate Punishment Eligibility

Com. v. Andrew Poncala, 915 A2d. 97 (PaSuper 2006)
 Com. v. William Griffith, 950 A2d. 324 (PaSuper 2008)

Sentencing-Life Sentence for Juvenile in a Homicide Case

Com.v. Tajideen Whitaker, 30 A3d. 1195 (PaSuper 2011)
 Com.v. Devon Knox, 50 A3d. 732 (PaSuper 2012)
 Com.v. Kevin Lofton, 57 A3d. 1270 (PaSuper 2012)
 Com.v. Qu'Eed Batts, 66 A3d. 286 (Pa 2013)
 Com.v. Peterson, 67 A3d. 789 (Pa 2013)
 Com.v. Leslie Brown, 71 A3d. 1009 (PaSuper 2013)

Sentencing-Mandatory Minimums-Applicability

Com. v. Joseph Ward, Jr., 856 A2d. 1273 (PaSuper 2004)
Com. v. Ellison Guilford, 861 A2d. 365 (PaSuper 2004)
Com. v. Austin Lewis, II, 885 A2d. 51 (PaSuper 2005)
Com. v. Steven W. Mitchell, 883 A2d. 1096 (PaSuper 2005)
Com. v. Jeffery Alford, 880 A2d. 666 (PaSuper 2005)
Com. v. Konrad Crist, 880 A2d. 696 (PaSuper 2005)
Com. v. Albert Shiffler, 879 A2d. 185 (Pa 2005)
Com. v. Paul Littlehales, 915 A2d. 662 (PaSuper 2007) (applicability of 42 Pa C.S. 9717 (a))
Com. v. Ravah Dickson, 918 A2d. 95 (Pa 2007) (42 Pa C.S 9712 does not apply to an unarmed co-conspirator)
Com. v. Omar Johnson, 920 A2d. 873 (PaSuper 2007) (measuring quantity for purposes of the mandatory in a PWID case)
Com. v. Hector Ramos, 920 A2d.1253 (PaSuper 2007) (a BB gun is a deadly weapon)
Com. v. Sidney Young, 922 A2d. 913 (PaSuper 2007) (mandatories set forth in Drug Act do not apply to inchoate crime of conspiracy)
Com. v. Myheime Boyd, 941 A2d. 1 (PaSuper 2007)
Com. v. Harold Ford, 947 A2d. 1251 (PaSuper 2008)
Com. v. Ernesto Sanes, 955 A2d. 369 (PaSuper 2008)(drug offense committed with a firearm 42 Pa.C.S. 9712.1)
Com. v. Brian Hoke, 962 A2d. 664 (Pa 2009) (mandatory minimum for manufacture of meth does not apply to conspiracy to manufacture)
Com. v. Robert Morris, Sr., 958 A2d. 569 (PaSuper 2008) (a defendant can be sentenced to life upon conviction for two counts of 3rd degree murder under the authority of 42 PaCSA 9715(a))
Com. v. Michael Rush, 959 A2d. 945 (PaSuper 2008)
Com. v. Antonio Gutierrez, 969 A2d. 584 (PaSuper 2009)
Com. v. Wayne McKibben, 977 A2d. 1188 (PaSuper 2009)
Com.v. Jeffrey Madeira, 982 A2d. 81 (PaSuper 2009)(applicability of 42 PaCSA 9718.3, failing to comply with registration of sexual offenders)
Com.v. Sue Zortman, 985 A2d. 238 (PaSuper 2009)(drug offense committed with a firearm; 42 PaCSA 9712.1); affirmed by Supreme Court at 23 A3d. 519 (Pa 2011)
Com.v. Juan Carpio-Santiago, 14 A3d. 903 (PaSuper 2011)
Com.v. Stanley Poland, 26 A3d. 518 (PaSuper 2011)(mandatory for a crime of violence occurring “in or near public transportation” under 42 PaCSA 9713 (a)).
Com.v. Bruce Person, 39 A3d. 302 (PaSuper 2012)
Com.v. Paul Stein, 39 A3d. 365 (PaSuper 2012)
Com.v. Felix Hawkins, 45 A3d. 1123 (PaSuper 2012)(drug offense committed with a firearm; 42 PaCSA 9712/1)
Com.v. William Hopkins, 67 A3d. 817 (PaSuper 2013)
Com.v. Jeffrey Baker, 78 A3d. 1044 (Pa 2013)

Sentencing-Mandatory Minimis-Alleyne Issues

Com.v. Herbert Munday, 78 A3d. 661 (PaSuper 2013)

Sentencing-Mandatory Minimums-Constitutionality

Com. v. Melvin Aponte, 855 A2d. 800 (Pa 2004)

Com. v. William Tustin, 888 A2d. 843 (PaSuper 2005) (10 year “look back” period under DUI statute is constitutional)

Sentencing-Merger-Aggravated Assault (2702(a)(1)/Aggravated Assault 2702(a)(4)

Com. v. Ross Rhoades, Jr., 8 A3rd. 919 (PaSuper 2010)(neither merges for sentencing purposes

Sentencing-Merger-Aggravated Assault (2702(a)(2)/Attempted Murder

Com. v. Benjamin Clayton Johnson, 874 A2d. 66 (PaSuper 2005)

Sentencing-Aggravated Assault/Endangering Welfare of a Child

Com. v. Melissa Baker, 963 A2d. 495 (PaSuper 2008)

Sentencing-Merger-Aggravated Assault/Homicide

Com. v. Ted Allen Shank, 883 A2d. 658 (PaSuper 2005)

Sentencing-Merger-Aggravated Assault (Causing serious bodily injury, felony 1)/Robbery (Inflicting serious bodily injury, felony 1)

Com. v. John Sheppard Payne, 868 A2d. 1257 (Pa Super 2005)

Com. v. Larry D. Walls, 950 A2d. 1028 (PaSuper 2008)

Com. v. Robert Ousley, 21 A3d. 1238 (PaSuper 2011)

Sentencing-Merger-Aggravated Assault While DUI/Reckless Endangerment

Com. v. Daniel Schmohl, 975 A2d. 1144 (PaSuper 2009)

Sentencing-Merger-Burglary/Criminal Trespass

Com. v. Andre Jones, 912 A2d. 815 (Pa 2006)

Com. v. Lawrence Quintua, 56 A3d. 399 (PaSuper 2012)

Sentencing-Merger-Burglary/PWID

Com. v. Carl Springer, 961 A2d. 1262 (PaSuper 2008)

Sentencing-Merger-Corruption of Minors/Indecent Assault

Com. v. Dereck Martz, 926 A2d. 514 (PaSuper 2007)

Sentencing-Merger-DUI/Involuntary Manslaughter

Com.v. Martin Allen, 24 A3d. 1058 (PaSuper 2011). No merger.

Sentencing-Merger-DUI/Homicide by Motor Vehicle While DUI or Aggravated Assault While DUI

Com.v. Stacey Tanner, 61 A3d. 1043 (PaSuper 2013)

Sentencing-Merger-Endangering Welfare of Child/Simple Assault
Com. v. Lallitra Coppedge, 984 A2d. 562 (PaSuper 2009)

Sentencing-Merger-Firearms Possessed By Felon/Carrying Firearms Without a License

Com. v. Brandon Williams, 920 A2d. 887 (PaSuper 2007)
Com. v Gary Williams, 980 A2d. 667 (PaSuper 2009)

Sentencing-Merger-Fleeing and Eluding/Reckless Endangerment
Com. v. Jeffrey Ede, 949 A2d. 926 (PaSuper 2008)

Sentencing-Merger-Homicide by Vehicle/Racing on Highways
Heller v. Com., Dept. of Transp., (PaCmwlt2005)

Sentencing-Merger-Possession of Drug Paraphernalia/Possession/PWID
Com. v. Nathan Pitner, 928 A2d. 1104 (PaSuper 2007)

Sentencing-Merger-Rape/Statutory Sexual Assault
Com. v. Leon Parham, 969 A2d. 629 (PaSuper 2009)

Sentencing-Merger-Rape of a Child/Indecent Assault
Com. v. Ronald Lomax, 8 A3d. 1264 (PaSuper 2010)

Sentencing-Merger-Receiving Stolen Property/Chop Shop Act Violations
Com. v. Rory Nero, 58 A3d. 802 (PaSuper 2012)

Sentencing-Merger-Robbery By Threat of Serious Bodily Injury/Robbery of a Motor Vehicle

Com. v. Jesse Wade, 33 A3d. 108 (PaSuper 2011)(they do not merge)

Sentencing-Merger-Simple Assault/Reckless Endangerment
Com. v. Victor Thomas, 879 A2d. 246 (PaSuper 2005)
Com. v. Jamie Calhoun, 52 A3d. 281 (PaSuper 2012)

Sentencing-Merger-Two Inchoate Crimes (18 Pa C.S. 906)
Com. v. John Welch, Jr., 912 A2d. 857 (PaSuper 2006)
Com. v. Andre Jacobs, 39 A3d. 977 (Pa 2012)

Sentencing-Two Counts of Cocaine Possession (Cocaine Found in Two Different Places in Car)

Com. v. Michael Williams, 958 A2d. 522 (PaSuper 2008)

Sentencing-Modification-By Trial Court Sua Sponte To Correct Clerical Error
Com. v. Christopher Holmes, 933 A2d. 57 (Pa 2007)

Sentencing-Modification-By Trial Court To Correct Nonclerical Error

Com. v. Jeffrey Borrin, 12 A3rd. 466 (PaSuper 2011)

Sentencing-Modification For Medical Reasons

Com. v. Scott Kositi, 880 A2d. 648 (PaSuper 2005)

Com. v. Russell Folk, 40 A3d. 169 (PaSuper 2012)

Sentencing-Plea Agreement Violation

Com. v. Thomas Kerstetter, 877 A2d. 466 (PaSuper 2005)

Com. v. Stephen Parsons, 969 A2d. 1259 (PaSuper 2009)

Sentencing-Probation/Parole Conditions-What Is Appropriate

Com. v. Kelly Hartman, 908 A2d. 316 (PaSuper 2006)

Com. v. Robin Shrawder, 940 A2d. 436 (PaSuper 2007) (use of therapeutic polygraph testing as part of sexual offender counseling does not violate a defendant's right against self-incrimination)

Com. v. Ulises Nava, 966 A2d. 630 (PaSuper 2009) (cannot order an illegal immigrant to leave the state as a condition of parole)

Com. v. Gregory Mears, 972 A2d. 1210 (PaSuper 2009)

Com.v. Christina Houtz, 982 A2d. 537 (PaSuper 2009)

Com.v. Thomas Snavelly, 982 A2d. 1244 (PaSuper 2009)

Com.v. David Wilson, 11 A3d. 519 (PaSuper 2010)(**vacated and remanded by Supreme Court at 67 A3d. 736 (Pa 2013)**)

Com.v. Harry Galendez, 27 A3d. 1042 (PaSuper 2011)

Com.v. William Dewey, 57 A3d. 1267 (PaSuper 2012)

Sentencing-RRRI Eligibility

Com.v. Frederick Hansley, 994 A2d. 1150 (PaSuper 2010)(**affirmed by the Supreme Court at 47 A3d. 1180 (Pa 2012)**)

Com.v. Keith Main, 6 A3rd. 1026 (PaSuper 2010)

Com.v. Sandra Brown, 7 A3rd 868 (PaSuper 2010)

Com.v Abraham Gonzalez, 10 A3rd. 1260 (PaSuper 2010)

Sentencing-Resentencing-Delay Following Remand

Com. v. Jermaine Fox, 953 A2d. 808 (PaSuper 2008)

Sentencing-Resentencing-Evidence Permitted

Com. v. Omari Wilson, 866 A2d. 1131 (PaSuper 2005); Superior Court decision reversed 934 A2d. 1191 (Pa 2007)

Sentencing-Resentencing-Following Appeal/Harsher Sentence

Com. v. Dow Johnson, 860 A2d. 146 (PaSuper 2004)

Com. v. Scott McHale, 924 A2d. 664 (PaSuper 2007)

Com. v. Andre Robinson, 931 A2d. 15 (PaSuper 2007)

Sentencing-Resentencing -Following Probation Revocation

Com. v. Joseph Castro, 856 A2d. 178 (PaSuper 2004)
Com. v. Michael Fusselman, 866 A2d. 1109 (PaSuper 2004)
Com. v. Kareem Wallace, 870 A2d. 838 (Pa 2005)
Com. v. Benjamin Raphael, 879 A2d. 1264 (PaSuper 2005)
Com. v. Joseph Malovich, 903 A2d. 1247 (PaSuper 2006)
Com. v. William Hoover, 909 A2d. 321 (PaSuper 2006)
Com. v. Derek Carver, 923 A2d. 495 (PaSuper 2007)
Com. v. Edward Maxwell, 932 A2d. 941 (PaSuper 2007)
Com. v. Stephen Kalichak, 943 A2d. 285 (PaSuper 2008)
Com. v. Yusef Mitchell, 955 A2d. 433 (PaSuper 2008)
Com. v. David Ahmad, 961 A2d. 884 (PaSuper 2008)
Com. v. Demingo Williams, 997 A2d. 1205 (PaSuper 2010)
Com.v. Earl Kuykendall, 2 A3d. 559 (PaSuperior 2010)(revocation and resentencing from state IP program does not implicate double jeopardy)
Com.v. Robert Mazzetti, 9 A3d. 228 (PaSuper 2010)(**affirmed by the Supreme Court at 44 A3d. 58 (Pa 2012)**)
Com.v. Ricky Allshouse, 33 A3d. 31 (PaSuper 2011)
Com.v. James Kelly, 33 A3d. 638 (PaSuper 2011)
Com.v. Robert Milhomme, 35 A3d. 1219 (PaSuper 2011)
Com.v. Marquise Stratton, 50 A3d. 1284 (Pa 2012)
Com.v. Todd Schutzues, 54 A3d. 86 (PaSuper 2012)
Com.v. Pablo Infante, 63 A3d. 358 (PaSuper 2013)

Sentencing-Resentencing-Following Retrial/Harsher Sentence

Com.v. Sean Tapp, 997 A2d. 1201 (PaSuper 2010)

Sentencing-Resentencing-Jurisdiction

Com. v. Charles Salley, 957 A2d. 320 (PaSuper 2008) (cannot resentence following an appeal until the record is received from the Superior Court)

Sentencing-Restitution

Com. v. Elwood Boone, 862 A2d. 639 (PaSuper 2004)
Com. v. Ruth Ann Redman, 864 A2d. 566 (PaSuper 2004)
Com. v. Joan Mariani, 869 A2d. 484 (PaSuper 2005)
In re J.E.D., Jr., 879 A2d. 288 (PaSuper 2005)
Com. v. Harry Whitman, 880 A2d. 1250 (PaSuper 2005)
Com. v. Demothy Wesley, 889 A2d. 636 (PaSuper 2005) (Erie County case. Commonwealth can move to modify the sentence for a higher restitution amount so long as the motion is timely filed under the Rules of Criminal Procedure)
Com. v. Jennifer Langoston, 904 A2d. 917 (PaSuper 2006)
Com. v. Rush, 909 A2d. 805 (PaSuper 2006)
Com. v. Omar Oree, 911 A2d. 169 (PaSuper 2006)
Com. v. Lesa Harriot, 919 A2d. 234 (PaSuper 2007)
Com. v. Ricky Lee Allshouse, 924 A2d. 1215 (PaSuper 2007)
Com. v. Robert Guerra, 955 A2d. 416 (PaSuper 2008)

Com. v. William Barger, 956 A2d. 458 (PaSuper 2008)
Com. v. Gregory Brown, 956 A2d. 992 (PaSuper 2008) (Medicare entitled to restitution)
Com. v. Cory Smith, 956 A2d. 1029 (PaSuper 2008) (DPW entitled to restitution)
Com. v. Robert Lebarre, 961 A2d. 176 (PaSuper 2008)
Com. v. Matthew Dietrich, 970 A2d. 1131 (Pa 2009)
Com. v. Grace Nuse, 976 A2d. 1191 (PaSuper 2009)
Com.v. Gregory Brown, 981 A2d. 893 (Pa 2009)
Com.v. Brian Karth, 994 A2d. 606 (PaSuper 2010)
Com.v. Andre Hall, 994 A2d. 1141 (PaSuper 2010)
Com.v. Christopher Atanasio, 997 A2d. 1181 (PaSuper 2010)
Com.v. Daniel Griffiths, III, 15 A3d. 73 (PaSuper 2010)
Com.v. Ronald Solomon, 25 A3d. 380 (PaSuper 2011)
Com.v. Jamey McKee, 38 A3d. 879 (PaSuper 2012)
Com.v. Fred Stradley, 50 A3d. 769 (PaSuper 2012)
Com.v. Ronald Burwell, 58 A3d. 790 (PaSuper 2012)
Com.v. Ruston Kinnan, 71 A3d. 983 (Pasuper 2013)

Sentencing-Revocation of Parole

Hufmen v. Board of Probation and Parole, 58 A2d. 860 (PaCmwltb)(cannot revoke parole for a summary conviction only, even if it is entered by a Common Pleas judge because in that scenario the Court is not a “court of record.”)

Sentencing-Revocation of Probation/Parole-Delay

Com. v. Eugene Smith, 860 A2d. 142 (PaSuper 2004)
Com. v. Russell Woods, 965 A2d.1225 (PaSuper 2009)

Sentencing-Revocation of Probation/Parole-Hearing Required Before Revocation

Com. v. Craig Heilman, 876 A2d. 1021 (PaSuper 2005)

Sentencing-Revocation of Probation/Parole-Intervening Criminal Conduct

Com. v. Jose Infante, 888 A2d. 783 (Pa 2005)

Sentencing-Revocation of Probation/Parole-Presentence Report-When Required

Com. v. Dwayne Flowers, 950 A2d. 330 (PaSuper 2008)
Com. v. Felix Carrillo-Diaz, 64 A3d. 722 (PaSuper 2013)

Sentencing-Revocation of Probation/Parole-Sufficiency of Evidence

Com. v. Brian MacGregor, 912 A2d. 315 (PaSuper 2006)
Com. v. Allen C. Perreault, 930 A2d. 353 (PaSuper 2007)
Com. v. Todd Allshouse, 969 A2d. 1236 (PaSuper 2009)
Com. v. Charles Ortega, 995 A2d. 879 (PaSuper 2010)
Com. v. Ernest Simmons, 56 A3d. 1280 (PaSuper 2012)

Sentencing-Sentencing Entrapment

Com. v. Ronald Paul, 925 A2d. 825 (PaSuper 2007)
Com.v. Steven T. Smith, 982 A2d. 1241 (PaSuper 2009)
Com.v. Andre Kittrell, 19 A3d. 532 (PaSuper 2011)

Sentencing-Signed Sentencing Orders

Com. v. Bernard Messmer, 863 A2d. 567 (PaSuper 2004)

Sentencing-Speedy Sentencing Rights Under Rule 704

Com.v. Michael Diaz, 51 A3d. 884 (PaSuper 2012)

Sentencing-Three Strikes Law (42 Pa. C.S. 9714)

Com. v. Joseph Ward, Jr., 856 A2d. 1273 (PaSuper 2004)
Com. v. Michael Lee Smith, 866 A2d. 1138 (PaSuper 2005)
Com. v. Earl Forbes, 867 A2d. 1268 (PaSuper 2005)
Com. v. Albert Shiffler, 879 A2d. 185 (Pa 2005)
Com. v. Scott Knowles, 891 A2d. 745 (PaSuper 2006)
Com. v. John McClintic, 909 A2d. 1241 (Pa 2006)
Com. v. Otis Leverette, 911 A2d. 998 (PaSuper 2006)
Com. v. Thomas Henderson, 938 A2d. 1063 (PaSuper 2007) (Erie County case)
Com. v. Michael Lane, 941 A2d. 34 (PaSuper 2008)
Com. v. Edward Gordon, 942 A2d. 174 (Pa 2007) (a determination of whether predicate crimes arise from separate criminal transactions, for purposes of sentencing under the three-strikes statute, is a legal question related to a sentencing factor. No right to a jury trial on the determination)
Com. v. Eric Samuel, 961 A2d. 57 (Pa 2008) (whether a defendant has been convicted of a crime of violence is to be determined by the sentencing court.)
Com.v. Carl Northrup, 985 A2d. 734 (Pa 2009)
Com.v. Michael Greene, 25 A3d. 359 PaSuper 2011)
Com.v. Anthony Armstrong, 74 A3d. 228 (PaSuper 2013)

Sentencing-Work Release-Eligibility

Com. v. Anthony Baio, 898 A2d. 1095 (PaSuper 2006)

Specific Offenses-Accidents Involving Personal Injury or Death

Com. v. Kathleen Mae Kinney, 863 A2d. 581 (PaSuper 2004)
Com. v. Richard Hurst, 889 A2d. 624 (PaSuper 2005)
Com. v. Gregory Wisneski, 29 A3d. 1150 (Pa 2011)
Com. v. Christopher Lowry, 55 A3d. 743 (PaSuper 2012)

Specific Offenses-Aggravated Assault

Com. v. Scott McHale, 858 A2d. 1209 (PaSuper 2004)
Com. v. Shenique Thomas, 867 A2d. 594 (PaSuper 2005)
Com. v. Chaka Matthews, 870 A2d. 924 (PaSuper 2005)
Com. v. Brian Frisbie, 889 A2d. 1271 (PaSuper 2005)
Com. v. Chaka Matthews, 909 A2d. 1254 (PaSuper 2006)

Com. v. Trevor Lewis, 911 A2d. 558 (PaSuper 2006)
Com. v. Nicholas Patrick, 933 A2d. 1043 (PaSuper 2007)
Com. v. Terrance Thompson, 934 A2d. 1281 (PaSuper 2007)
Com. v. Larry Miller, 955 A2d. 419 (PaSuper 2008) (mens rea requirement to sustain a felony one Ag Assault conviction arising out of a traffic accident)
Com. v. Edmond Jackson, 955 A2d. 441 (PaSuper 2008) (evidence sufficient to sustain a conviction under doctrine of transferred intent)
Com.v. Darryl Burton, 2 A3d. 598 (PaSuper 2010)(one punch causing serious bodily injury is, for now at least, enough to sustain a conviction for ag assault)
Com.v. James Martuscelli, 54 A3d. 940 (PaSuper 2012)
Com.v. Bysheer Riggs, 63 A3d. 780 (PaSuper 2012)

Specific Offenses-Aggravated Assault on Law Enforcement Officer (18 PaCSA 2702.1 (a))

Com.v. William Landis, 21 A3d 1272 (PaSuper 2011)(affirmed by en banc panel at 48 A3d. 432 (PaSuper 2012))
Com.v. James Martuscelli, 54 A3d. 940 (PaSuper 2012)
Com.v. Wali Rahman, 75 A3d. 497 (PaSuper 2013)

Specific Offenses-Aggravated Harassment By Prisoner

Com. v. Albert Leonberger, 932 A2d. 218 (PaSuper 2007)

Specific Offenses-ARD

Com. v. Dana A. Sohnleitner, 884 A2d. 307 (PaSuper 2005)
Com. v. Brian Fleming, 955 A2d. 450 (PaSuper 2008)

Specific Offenses-Bigamy

Com.v. Hap Seiders, 11 A3rd. 495 (PaSuper 2010)

Specific Offenses-Bribery

Com. v. Kenny Johnson, 910 A2d. 80 (PaSuper 2006)
Com. v. Fred Moran, 5 A3rd. 273 (PaSuper 2010)

Specific Offenses-Burglary

Com. v. Thomas Graham 949 A2d. 939 (PaSuper 2008) (discusses the meaning of the term “occupied structure”; conviction reversed by the Supreme Court in an opinion at 9 A3rd. 196 (Pa 2010))
Com.v. Juan Rivera, 983 A2d. 767 (PaSuper 2009)
Com.v Donn Waters, 988 A2d. 681 (PaSuper 2009)
Com.v. Patrick Donohue, 62 A3d. 1033 (PaSuper 2013)
Com.v. Milton Sloan, 67 A3d. 808 (PaSuper 2013)

Specific Offenses-Careless Driving

Com.v. Nancy Gezovich, 7 A3rd. 300 (PaSuper 2010)

Specific Offenses-Criminal Conspiracy/Aggravated Assault

Com.v. Christopher Thomas, 65 A3d. 939 (PaSuper 2013)

Specific Offenses-Conspiracy/Escape

Com. v. Craig Saunders, 946 A2d. 776 (PaSuper 2008)

Specific Offenses-Conspiracy/Murder

Com. v. Marcus Lloyd, 878 A2d. 867 (PaSuper 2005)

Com. v. Crystal Weimer, 977 A2d. 1103 (Pa 2009)

Specific Offenses-Conspiracy/PWID

Com.v. Eddie Feliciano, 67 A3d. 19 (PaSuper 2013)

Specific Offenses-Corrupt Organizations

Com. v. John McCurdy, 943 A2d. 299 (PaSuper 2008)

Specific Offenses-Criminal Attempt-Generally

Com. v. Chester Sims, 919 A2d. (Pa 2007) (can be convicted of an attempt crime even if charged with the substantive offense only. An attempt is a lesser included offense of the substantive charge)

Specific Offenses-Criminal Attempt-Burglary

Com. v. David Brown, 886 A2d. 256 (PaSuper 2005)

Specific Offenses-Criminal Attempt-Escape

Com. v. Chester Sims, 883 A2d. 593 (PaSuper 2005)

Specific Offenses-Criminal Attempt-IDS

Com. v. Jimmy Jacob, 867 A2d. 614 (PaSuper 2005)

Specific Offenses- Criminal Attempt-Luring a Child Into a Motor Vehicle

Com. Terrence Gallagher, 874 A2d. 49 (PaSuper 2005); affirmed 924 A2d. 636 (Pa 2007)

Com. v. Lynn Strouse, 909 A2d. 368 (PaSuper 2006)

Com. v. Walter Hart, 28 A3d. (Pa 2011)

Specific Offenses-Criminal Attempt-Theft By Unlawful Taking

Com. v. James McCollum, 926 A2d. 527 (PaSuper 2007)

Specific Offenses-Criminal Attempt-Unlawful Contact With A Minor (18 Pa C.S. 6318)

Com. v. Phillip Crabill, 926 A2d. 488 (PaSuper 2007)

Specific Offenses-Criminal Mischief

Com. v. William Adams, 882 A2d. 496 (PaSuper 2005)

Com. v. Joseph Herman, 924 A2d. 1231 (PaSuper 2007)

Specific Offenses-Criminal Solicitation to Commit Sex Offenses Involving Children

Com.v. Lisa Hacker, 15 A3d 333 (Pa 2011)

Com.v. James Bricker, 41 A3d. 872 (PaSuper 2012)

Specific Offenses-Criminal Trespass

Com v. Nicholas Pellecchia, 925 A2d. 848 (PaSuper 2007) (F3 Criminal Trespass is a lesser included offense of F2 Criminal Trespass)

Specific Offenses-Criminal Use of a Communication Facility (18 Pa C. S. 7512)

Com. v. Phillip Crabill, 926 A2d. 488 (PaSuper 2007)

Specific Offenses-Cruelty to Animals (18 Pa C.S. 5511)

Com. v. Wyatt Ingram, 926 A2d. 470 (PaSuper 2007)

Com. v. Wendy Kneller, 971 A2d. 495 (PaSuper 2009); reversed at 987 A2d. 716; judgement of sentence then affirmed by Superior Court at 999 A2d. 608

Com.v. Holly Crawford, 24 A3d. 396 (PaSuper 2011)

Com.v. Shannon Clarke, 70 A3d. 1281 (PaSuper 2013)

Specific Offenses-Deceptive Business Practices (18 Pa C.S. 4107)

Com. v. Paul Eline, 940 A2d. 421 (PaSuper 2007)

Specific Offenses-Direct Criminal Contempt

Com.v. Katrina Moody, 46 A3d. 765 (PaSuper 2012)

Specific Offenses-Discharge of Firearm Into Occupied Structure (18 Pa C.S. 2707.1)

Com. v. James McCoy, 928 A2d. 306 (PaSuper 2007); reversed at 962 A2d. 1160 (Pa 2009)

Specific Offenses-Disorderly Conduct

Com. v. Lieselotte Maerz, 879 A2d. 1267 (PaSuper 2005)

Com. v. Jennifer Fedorek, 913 A2d. 893 (PaSuper 2006)

Com. v. Robert O'Brien, 939 A2d. 912 (PaSuper 2007)

Com. v. Jennifer Fedorek, 946 A2d. 93 (Pa 2008)

Com. v. Wali Rahman, 75 A3d. 497 (PaSuper 2013)

Specific Offenses-Dog Law (3 P.S. 59-305)

Com. v. Simon Raban, 31 A3d. 699 (PaSuper 2011)

Specific Offenses-DUI-ARD

Com. v. William Love, 957 A2d. 765 (PaSuper 2008) (revocation from ARD for a subsequent DUI means the ARD offense counts as a conviction for enhancement purposes)

Specific Offenses-DUI-Checkpoints

Com. v. Richard Paes, 862 A2d. 625 (PaSuper 2004)
Com. v. Gary Beaman, 880 A2d. 578 (Pa 2005)
Com. v. Mark Worthy, 957 A2d. 720 (Pa 2008)
Com. v. John Marconi, 996 A2d. 1070 (PaSuper 2010)
Com. v. Cipriano Garibay, 72 A3d. 623 (PaSuper 2013)

Specific Offenses-DUI-Constitutionality

Com. v. Thomas A. Ciccola, 894 A2d. 774 (PaSuper 2006)
Com. v. Ray D. McCoy, 895 A2d. 18 (PaSuper 2006); affirmed 975 A2d. 586 (Pa 2009)
Com. v. Brian Semuta, 902 A2d. 1254 (PaSuper 2006)
Com. v. George Thur, 906 A2d. 552 (PaSuper 2006)
Com. v. Lorraine Spease, 911 A2d. 952 (PaSuper 2006)
Com. v. Jeffrey Beshore, 916 A2d. 1128 (PaSuper 2007)
Com. v. Nathan Etchison, 916 A2d. 1169 (PaSuper 2007)
Com. v. Bradley Duda, 923 A2d. 1138 (Pa 2007)
Com. v. Michael Finchio, 926 A2d. 968 (Pa 2007)
Com. v. Joseph Morrison, 934 A2d. 709 (PaSuper 2007)

Specific Offenses-DUI-Ignition Interlock

Com. v. John Alexander, 880 A2d. 552 (Pa 2005)

Specific Offenses-DUI-Implied Consent Warnings

Com. v. James Jagers, 903 A2d. 33 (PaSuper 2006)
Com. v. Laurie Smith, 904 A2d. 30 (PaSuper 2006)
Com. v. Daniel Smith, 77 A 3d. 562 (Pa 2013)
Com. v. James Barr, 79 A3d. 668 (PaSuper 2013)

Specific Offenses-DUI- Right to Choose Testing Method

Com.v. William Barker, 70 A3d. 849 (PaSuper 2013)

Specific Offenses-DUI-Sentencing

Com. v. Dean Pleger, 934 A2d. 715 (PaSuper 2007) (in case anyone has doubts: this case says a prior ARD counts as a conviction for DUI sentencing purposes)
Com. v. Leo Stafford, 932 A2d. 214 (PaSuper 2007)
Com. v. Christine Nieves, 935 A2d. 887 (PaSuper 2007)
Com. v. Joseph Stemple, 940 A2d. 504 (PaSuper 2008) (discusses proper way to sentence and charge for Homicide while DUI when multiple victims are involved)
Com. v. Don Cook, 941 A2d. 7 (PaSuper 2007) (proper calculation of prior DUI's in the PRS)
Com. v. Hope Williams, 941 A2d. 14 (PaSuper 2008) (an IP sentence can be imposed for a second offense DUI)
Com. v. Michael Misner, 946 A2d. 119 (PaSuper 2008)
Com. v. Michael Zampier, 952 A2d. 1179 (PaSuper 2008) (date of first offense for someone revoked from ARD for DUI is the date he is sentenced following

revocation)

Com.v. Patrick A. Haag, Sr., 981 A2d. 902 (Pa 2009)

Com.v. Crystal Catt, 994 A2d. 1158 (PaSuper 2010)

Com.v. Laura Sarapa, 13 A3d 961 (PaSuper 2011)

Com.v. Alice Xander, 14 A3d 174 (PaSuper 2011)

Com.v. Andre Mobley, 14 A3d 887 (PaSuper 2011)

Com.v. Derek Mentzer, 18 A3d. 1200 (PaSuper 2011)

Com.v. Jeremy Shawver, 18 A3d. 1190 (PaSuper 2011)

Com.v. Jamar Bowers, 25 A3d. 349 (PaSuper 2011)

Com.v. Vincent Pombo, 26 A3d. 1155 (PaSuper 2011)(the NY DWAI statute is substantially similar to the PA DUI statute so that a defendant is subject to a sentencing enhancement for a prior offense if he has a conviction in NY for that offense)

Com.v. Pablo Infante, 63 A3d. 358 (PaSuper 2013)

Specific Offenses-DUI-Sufficiency of Evidence

Com. v. Evan James, 863 A2d. 1179 (PaSuper 2004)

Com. v. Michael Sullivan, 864 A2d. 1246 (PaSuper 2004)

Com. v. John Brotherson, 888 A2d. 901 (PaSuper 2005)

Com. v. Anthony Williams, 871 A2d. 254 (PaSuper 2005)

Com. v. Carl Lippert, 887 A2d. 1277 (PaSuper 2005) (low BAC; conflicting expert testimony)

Com. v. Mark A. Hartle, 894 A2d. 800 (PaSuper 2006)

Com. v. Randy Young, 904 A2d. 947 (PaSuper 2006)

Com. v. Timothy Kerry, 906 A2d. 1237 (PaSuper 2006)

Com. v. Paul Segida, 912 A2d. 841 (PaSuper 2006) (reversed and remanded by Supreme Court at 985 A2d. 871)

Com. v. Nathan Etchison, 916 A2d. 1169 (PaSuper 2007) (first published opinion on the drugged-driving law)

Com. v. Matthew Sibley, 972 A2d. 1218 (PaSuper 2009)

Com.v. Michelle Griffith, 985 A2d. 230 (PaSuper 2009)(expert testimony required to prove causal link between defendant's ingestion of prescription medication and erratic driving in a prosecution for violation of 3802(d)(2)(**reversed by the Supreme Court at 32 A3d. 1231 (Pa 2011)**)

Com.v. Francis Rakowski, 987 A2d. 1215 (PaSuper 2010)

Com.v. Steven DiPanfilo, 993 A2d. 1262 (PaSuper 2010)

Com.v. Keith Miller, 996 A2d. 508 (PaSuper 2010)(Commonwealth under no obligation to prove a blood sample taken at a hospital was taken for medical purposes)

Com. v. Jennifer Barton-Martin, 5 A3d. 363 (PaSuper 2010)

Com. v Mary Dyarman, 33 A3d. 104 (PaSuper 2011)

Com. v. Corey Hutchins, 42 A3d. 302 (PaSuper 2012)

Com. v. Nicole Tarrach, 42 A3d. 343 (PaSuper 2012)

Com. v. Nelson Haight, 50 A3d. 137 (PaSuper 2012)

Com. v. Charles Karns, 50 A3d. 158 (PaSuper 2012)

Com. v. Grace Enick, 70 A3d. 843 (Pasuper 2013)

Com. v. James Teems, 74 A3d. 142 (PaSuper 2013)

Specific Offenses-DUI-Trafficway

Com.v. John Wyland, 987 A2d. 802 (PaSuper 2010)

Specific Offenses-Drug Offenses-Drug Delivery Resulting in Death (18 Pa. C.S. 2506)

Com. v. Anthony Costa, 861 A2d. 358 (PaSuper 2004)

Com. v. Gregory Ludwig, 874 A2d. 623 (Pa 2005)

Specific Offenses-Drug Offenses-Manufacture of Marijuana

Com. v. Shawn Van Aulen, 952 A2d. 1183 (PaSuper 2008)

Specific Offenses-Drug Offenses-Possession of Drug Paraphenalia

Com.v. Sabor Coleman, 984 A2d. 998 (PaSuper 2009)

Specific Offenses-Drug Offenses-Possession of a Small Amount of Marijuana/Possession of Other Controlled Substances

Com. v. Kevin Gordon, 897 A2d. 504 (PaSuper 2006)\

Com. v. Abdl-Mussawir James, 46 A3d. 776 (PaSuper 2012)

Com. v. Keithphinine Gerald, 47 A3d. 858 (PaSuper 2012)

Com. v. Taheir Brown, 48 A3d. 426 (PaSuper 2012)

Specific Offenses-Drug Offenses-PWID

Com. v. Henry McCree, 857 A2d. 188 (PaSuper 2004)

Com. v. Domingo Nieves, 876 A2d. 423 (PaSuper 2005)

Com. v. Michael Little, 879 A2d. 293 (PaSuper 2005)

Com. v. Robert Ratsamy, 885 A2d. 1005 (PaSuper 2005)

Com. v. Richard Bricker, 882 A2d. 1008 (PaSuper 2005)

Com. v. Henry Clark, 895 A2d. 633 (PaSuper 2006)

Com. v. Donald Heater, 899 A2d. 1126 (PaSuper 2006)

Com. v. Kenneth McCall, 911 A2d. 992 (PaSuper 2006)

Com. v. Orlando Perez, 931 A2d. 703 (PaSuper 2007)

Com. v. Michael West, 937 A2d. 516 (PaSuper 2007)

Com. v. Henry Carpenter, 955 A2d. 411 (PaSuper 2008)

Com. v. Lawrence Lee, 956 A2d, 1024 (PaSuper 2008)

Com. v. Abdirisak Mohamud, 15 A3rd. 80 (PaSuper 2010)(case of first impression dealing with “khat.”)

Specific Offenses-Endangering Welfare of a Child (18 PaCSA 4304)

Com. v. Lili Winger, 957 A2d. 325 (PaSuper 2008)

Com. v. David Retkofsky, 860 A2d. 1098 (PaSuper 2004)

Specific Offenses-Escape (18 Pa C.S. 5121)

Com. v. Stanley Woody, 939 A2d. 359 (PaSuper 2007)

Com. v. Dean Santana, 959 A2d. 450 (PaSuper 2008)

Com. v. Felipo Maldonado, 966 A2d. 1144 (PaSuper 2009)
Com. v. Desmond Scott, 967 A2d. 995 (PaSuper 2009)

Specific Offenses-Ethnic Intimidation (18 PaCSA 2701)

In Re M.J.M., 858 A2d. 1259 (PaSuper 2004)
Com. v. Eric Magliocco, 883 A2d. 479 (Pa 2005)
Com. v. Daniel Sinnott, 976 A2d. 1184 (PaSuper 2009)(**reversed by the Supreme Court and conviction reinstated at 30 A3d. 1105 (Pa 2011)**)

Specific Offenses- False ID to Law Enforcement (18 Pa C. S. 4914)

Specific Offenses-Firearms-Firearms Not To Be Carried Without License (18 Pa C.S, 6106)

Com v. Kohath Coto, 932 A2d. 933 (PaSuper 2007)
Com.v. Jamar Downing, 990 A2d. 788 (PaSuper 2010)
Com.v. Tarvus Gainer, 7 A3rd. 291 (PaSuper 2010)
Caba v. Weaknecht, 64 A2d. 39 (PaCmwlt 2012)(deals with procedural safeguards required when a sheriff revokes a concealed firearms permit)
Com.v. Manuel Mendozajr, 71 A3d. 1023 (PaSuper 2013)
Com.v. Hobson McKown, 79 A3d. 678 (PaSuper 2013)

Specific Offenses-Firearms-Felon Not to Possess (18 Pa CSA 6105)

Com.v. Richard Thomas, 988 A2d. 669 (PaSuper 2009)
Com.v. Anthony Jones, 2 A3rd. 650 (PaSuper 2010)(possessing multiple firearms constitutes separate offenses)
Com.v. Mark Clegg, 27 A3d. 1266 (Pa 2011)(attempted burglary is not a qualifying offense under 6105)
Com.v. William Stiver, 50 A3d. 702 (PaSuper 2012)(interprets the exemption language and requirements of 6105(d))

Specific Offenses-Firearms-Obliterating Serial Number (18 Pa CSA 6117)

Com.v. Richard Taggart, 997 A2d. 1189 (PaSuper 2010)

Specific Offenses-Firearms-Providing False Information (18 Pa CSA 6111(g)(4)

Com.v. Charles Baxter, 956 A2d. 465 (PaSuper 2008)
Com.v. Robert Taylor, 63 A3d. 327 (PaSuper 2013)

Specific Offenses-Fleeing and Eluding (75 PaCSA 3733 and 6503(a))

Com.v. Lawrence Ruffin, 16 A3d. 537 (PaSuper 2011)
In Re R.C.Y., 27 A2d. 227 (PaSuper 2011)

Specific Offenses-Flight to Avoid Apprehension (18 PaCSA 5126)

Com.v. James Steffey, 36 A3d. 1109 (PaSuper 2012)

Specific Offenses-Forgery

Com.v. Charles Smith, 883 A2d. 612 (PaSuper 2005)

Com.v. Joshua Ryan, 909 A2d. 839 (PaSuper 2006)
Com.v. Sunceray Paantalion, 957 A2d. 1267 (PaSuper 2008)
Com.v. Brian Hughes, 986 A2d. 159 (PaSuper 2009)

Specific Offenses-Furnishing Alcohol to Minors

Com. v. Braeden D. Maloney, 876 A2d. 1002 (PaSuper 2005)
Com. v. Koratich's Golden Rail, Inc., 950 A2d. 340 (PaSuper 2008)

Specific Offenses-Gambling (18 PaCSA 5513)

Com.v.Diane Dent, 992 A2d. 190 (PaSuper 2010)(Texas Hold 'Em Poker is unlawful gambling even though that term is not defined in the statute)

Specific Offenses-Harassment

Com.v. Jere Hartzell, 988 A2d. 141 (PaSuper 2009)
Com.v. Lindsey Cox, 72 A3d. 719 (PaSuper 2013)

Specific Offenses-Homicide by Motor Vehicle (75 Pa C.S. 3732)

Com.v. Louis Matroni, Jr., 923 A2d. 444 (PaSuper 2007)
Com.v. Joseph Carroll, 936 A2d. 1148 (PaSuper 2007)
Com.v. Richard Pedota, 64 A3d. 634 (PaSuper 2013)

Specific Offenses-Homicide of Unborn Child (18 Pa C.S. 2603)

Com.v. Matthew Bullock, 913 A2d. 207 (Pa 2006)

Specific Offenses-Identity Theft (18 Pa C.S. 4120)

Com.v. Joyce Newton, 994 A2d. 1127 (PaSuper 2010)

Specific Offenses-Indecent Assault

Com. v. Dauntel Evans, 901 A2d. 528 (PaSuper 2006)
Com. v. Richard Andrulewicz, 911 A2d. 162 (PaSuper 2006)
Com. v. Kevin Fisher, 47 A3d. 155 (PaSuper 2012)
Com. v. Thomas Provenzano, 50 A3d. 148 (PaSuper 2012)

Specific Offenses-Indecent Exposure

Com. v. Joseph Thiry, 919 A2d. 961 (PaSuper 2007)

Specific Offenses-Indirect Criminal Contempt

Com. v. Richard McMullen, 881 A2d. 612 (PaSuper 2005); reversed by the PA Supreme Court at 961 A2d. 842 (Pa 2008) (no constitutional right to a jury trial)
Com. v. David Brumbaugh, II, 932 A2d. 108 (PaSuper 2007)
Stamus v. Dutcavich, 938 A2d. 1098 (PaSuper 2007) (trial court must order a contempt hearing after an ICC complaint is filed; can't modify a PFA order absent a petition for modification)
Com.v. Garrick Moore, 978 A2d. 988 (PaSuper 2009)(a defendant is entitled to a post-sentence evidentiary on his claims of ineffective assistance of counsel)
Com. v. Jerome Walsh, 36 A3d. 613 (PaSuper 2012)

Specific Offenses-Insurance Fraud (18 Pa CSA 4117 (a)(2))

Com.v. Daniel Goodson, 33 A3d. 611 (Pa 2011)

Specific Offenses-Intimidation of Witnesses (18 Pa CSA 4952 (b)(2))

Com.v. Calvin Lynch, 72 A3d.706 (PaSuper 2013)

Com.v. Selina Felder, 75 A3d. 513 (PaSuper 2013)

Specific Offenses-Involuntary Deviate Sexual Intercourse (Child Victim Under 13)

Com. v. William Castelhun, 889 A2d. 1228 (PaSuper 2005)

Com. v. Gerald Mawhinney, 915 A2d. 107 (PaSuper 2006)

Com. v. Marc Brooks, 7 A3rd. 852 (PaSuper 2010)

Specific Offenses-Involuntary Manslaughter

Com. v. Frank Rossetti, 863 A2d. 1185 (PaSuper 2004)

Com. v. Joseph Carroll, 936 A2d. 1148 (PaSuper 2007)

Com. v. Edward Nunn, 947 A2d. 756 (PaSuper 2008)

Com. v. Mark Fabian, 60 A3d. 146 (PaSuper 2012)

Specific Offenses-Kidnapping

Com. v. Ted Allen Shank, 883 A2d. 658 (PaSuper 2005)

Com. v. Joseph Eckrote, 12 A3rd. 383 (PaSuper 2010)

Specific Offenses-Murder-Accomplice Liability

Com. v. Kimbrough, 872 A2d. 1244 (PaSuper 2005)

Com. v. Tony Bennett, 19 A3d. 541 (PaSuper 2011)

Com. v. Stanley Roebuck, 32 A3d. 613 (Pa 2011)

Specific Offenses-Murder-Second Degree

Com. v. Randall Austin, 906 A2d. 1213 (PaSuper 2006)(disapproved in Com.v. Antoine Miller, 35 A2d. 1206 (Pa 2012))

Specific Offenses-Murder-Third Degree

Com.v. Edwin Marquez, 980 A2d. 145 (PaSuper 2009)

Com v. Edward Dunphy, 20 A3d. 1215 (PaSuper 2011)

Com.v. Son Truong, 36 A3d. 592 (PaSuper 2012)

Specific Offenses-Murder-State of Mind-Malice

Com. v. Oscar Santos, 876 A2d. 360 (Pa 2005)

Com. v. Edward Dunphy, 20 A3d. 1215 (PaSuper 2011)

Com. v. Keith Devine, 26 A3d. 1139 (PaSuper 2011)

Com. v. Schneider Chine, 40 A3d. 1239 (PaSuper 2012)

Specific Offenses-Murder-Sufficiency of Evidence

Com. v. Ken Kim, 888 A2d. 847 (PaSuper 2005)

Com. v. Jose Cruz, 919 A2d. 279 (PaSuper 2007)
Com. v. Keith Devine, 26 A3d. 1139 (PaSuper 2011)

Specific Offenses-Open Lewdness (18 Pa.C.S. 5901)

Com. v. Ronald Laudadio, 938 A2d. 1055 (PaSuper 2007) (multiple punishments barred where there is more than one victim)

Specific Offenses-Operating Unregistered Vehicle (75 Pa.C.S. 3742)

Com. v. Jonathyn Gravelle, 55 A3d. 753 (PaSuper 2012)

Specific Offenses-Perjury (18 Pa. C.S. 4902)

Com. v. Duane King, 939 A2d. 877 (Pa 2007)

Specific Offenses-Persons Not to Possess Firearms (18 Pa.C.S. 6105)

Com. v. Deon Williams, 911 A2d. 548 (PaSuper 2006)
Com. v. Jose Alvarez-Herrera, 35 A3d. 1216 (PaSuper 2011)
Com. v. James Moore, 49 A3d. 896 (PaSuper 2012)

Specific Offenses-Possessing Instruments of Crime (18 Pa.C.S. 907 (b))

Com.v. James Moore, 49 A3d. 896 (PaSuper 2012)
Com.v. Alex Naranjo, 53 A3d. 66 (PaSuper 2012)

Specific Offenses-Possession of Child Pornography (18 Pa. C.S. 6312(d))

Com. v. Anthony Diodoro, 932 A2d.172 (PaSuper 2007); conviction affirmed by the Pa Supreme Court at 970 A2d. 1100 (2009)
Com. v. Joseph Davidson, 860 A2d. 575, affirmed at 938 A2d.198 (Pa 2007)

Specific Offenses-Prohibited Offensive Weapons (18 Pa. C.S. 908)

Com. v. Anthony Lawson, 977 A2d. 583 (PaSuper 2009)

Specific Offenses-Rape of a Child (18 Pa C.S. 3121)

Com. v. Daniel Kerrigan, 920 A2d. 190 (PaSuper 2007)
Com. v. Michael Wall, 953 A2d. 581 (PaSuper 2008)

Specific Offenses-Rape/Forcible Compulsion

Com. v. Joseph Eckrote, 12 A3rd. 383 (PaSuper 2010)

Specific Offenses-Reckless Driving

Com. v. Jacob Greenberg, 885 A2d. 1025 (PaSuper 2005)
Com. v. Joshua Fieldler, 931 A2d. 745 (PaSuper 2007)
Com. v. Joseph Carroll, 936 A2d. 1148 (PaSuper 2007)
Com. v. Gilbert Jeter, 937 A2d. 466 (PaSuper 2007)

Specific Offenses-Recklessly Endangering Another Person-HIV

Com. v. Samuel Cordoba, 902 A2d. 1280 (PaSuper 2006)

Specific Offenses-Resisting Arrest

Com. v. Adam Stevenson, 894 A2d. 759 (PaSuper 2006)
Com. v. Marjorie Thompson, 922 A2d. 926 (PaSuper 2007)
Com. v. Brian Jackson, 924 A2d. 618 (PaSuper 2007)
Com. v. John McDonald, 17 A3d. 1282 (PaSuper 2011)
Com. v. Shawn Coleman, 19 A3d. 1111 (PaSuper 2011)

Specific Offenses-Retail Theft

Com.v. Lenora Rodruquez, 989 A2d. 29 (PaSuper 2010)
Com.v. Carol Graeff, 13 A. 3rd. 516 (PaSuper 2011)

Specific Offenses-Retaliation Against Witnesses (18 Pa. C.S. 4953)

Com v. Gerald E. Brewer, 876 A2d.1029 (PaSuper 2005)
Com. v. Jeremiah D. Ostrosky, 866 A2d.423 (PaSuper 2005); 909 A2d. 1224 (Pa 2006)

Specific Offenses-Risking a Catastrophe (18 Pa C.S. 3302)

Com. v. Karetny, 880 A2d. 505 (Pa 2005)
Com. v. John V. Salamone, 897 A2d. 1209 (PaSuper 2006)
Com. v. Brian Hoke, 928 A2d. 300 (PaSuper 2007)

Specific Offenses-Robbery (18 Pa C.S. 3701)

Com. v. Danny Robinson, 936 A2d. 107 (PaSuper 2007)
Com. v. Anthony Brunson, 938 A2d. 1057 (PaSuper 2007)
Com. v. Albert Jannett, 58 A3d. 818 (PaSuper 2012)

Specific Offenses-Robbery of Motor Vehicle (18 PaCS 3702)

Com.v. Terrence Bonner, 27 A3d.255 (PaSuper 2011)

Specific Offenses-Sexual Abuse of Children (18 Pa. C.S. 6312)

Com. v. Jason Pepe, 897 A2d. 463 (PaSuper 2006) (statute is constitutional)
Com. v. John Koehler, 914 A2d. 427 (PaSuper 2006) (Erie County)
Com. v. Keith Tiffany, 926 A2d. 503 (PaSuper 2007)

Specific Offenses-Sexual Assault

Com. v. Joseph Smith, 863 A2d. 1172 (PaSuper 2004)
Com. v. Richard Andrulewicz, 911 A2d. 162 (PaSuper 2006)

Specific Offenses-Simple Assault

Com. v. Joseph Eckrote, 12 A3d. 383 (PaSuper 2010)
Com. v. Michael Norley, 55 A3d. 526 (PaSuper 2012)(a factfinder can convict for M3 Simple Assault even if the defendant is only charged with M2 simple assault. The grading and finding of mitigating facts is appropriately determined by the sentencing court).

Specific Offenses-Soliciting the Rape of a Child

Com. v. Lisa Hacker, 959 A2d. 380 (PaSuper 2008)

Specific Offenses-Stalking (18 Pa C.S. 2709.1)

Com. v. Thomas Bortz, 909 A2d. 1221 (Pa 2006)
Com. v. Ibrahim Abed, 989 A2d. 23 (PaSuper 2010)

Specific Offenses-Statutory Sexual Assault (18 Pa C.S. 3122.1)

Com. v. Delmar Hooks, 921 A2d. 1199 (PaSuper 2007) (proof victim under 16)

Specific Offenses-Tampering with Evidence (18 Pa C.S. 4910)

Com. v. Aaron Jones, 904 A2d. 24 (PaSuper 2006)

Specific Offenses-Terroristic Threats (18 Pa C.S. 2706(a))

Com. v. Daniel Sinnott, 976 A2d. 1184 (PaSuper 2009)

Specific Offenses-Theft By Deception (18 Pa C.S. 3922)

Com.v. Michael Figueroa, 859 A2d. 793 (PaSuper 2004)
Com.v. Dominic Goins, 867 A2d. 526 (PaSuper 2004)
Com.v. Lenora Rodriquez, 989 A2d. 29 (PaSuper 2010)
Com.v. Audrey Quel, 27 A3d. 1053 (PaSuper 2011)

Specific Offenses-Theft From a Motor Vehicle (18 Pa C.S. 3934)

Com.v. Aaron Foster, 33 A3d. 632 (PaSuper 2011)

Specific Offenses-Unauthorized Use of an Auto

Com. v. Roberto Marrero, 914 A2d. 870 (PaSuper 2006)

Specific Offenses-Unlawful Contact With a Minor (18 Pa C.S 6318)

Com. v. Jason Morgan, 913 A2d. 906 (PaSuper 2006)
Com. v. William Oliver, 946 A2d. 1111 (PaSuper 2008)
Com. v. Richard Reed, 9 A3d. 1138 (Pa 2010)
Com. v. Primitivo Velez, 51 A3d. 260 (PaSuper 2012)