

Commonwealth of Pennsylvania

v. .

Jonathan Peralta

IN THE COURT OF COMMON PLEAS OF  
PHILADELPHIA COUNTY, PENNSYLVANIA

CRIMINAL DIVISION

DOCKET NO: CP-51-CR-0009438-2015

**ORDER GRANTING PCRA PETITION-SENTENCE VACATED AND NEW TRIAL GRANTED**

AND NOW, this 22nd day of December, 2022, upon consideration of the petition under the Post Conviction Relief Act, filed by Defense, it is hereby **ORDERED AND DECREED** that the Petition is **GRANTED**.  
Petitioner's conviction and sentence are **VACATED** and a **NEW TRIAL** is **ORDERED**.

Judge: Diana L. Anhalt; ADA: M. Kelley; Atty: J. Brown; Court Clerk: ESharpe; Court Reporter: K. Camillo

Listed for status 1/20/2023 courtroom 807.

Prison: SCI Huntingdon

BY THE COURT:



Judge Diana L. Anhalt

Commonwealth of Pennsylvania  
Court of Common Pleas  
County of Philadelphia  
1st Judicial District



**Release of Prisoner**

Commonwealth of Pennsylvania

v.

Jamal R Sanders

Philadelphia Office of Judicial Records - Criminal  
1301 Filbert St.  
TD1202  
Philadelphia, PA 19107

Docket No: CP-51-CR-1010881-1997  
OTN: M 770913-3  
DOB: 09/17/1974

	<u>Charge(s)</u>
18 § 2502 §§ B (Lead)	Murder Of The Second Degree
18 § 3503	CRIM TRESPASS BLDGS/OCCUP STRUC
18 § 5126	FLIGHT TO AVOID APPREHENSION

Additional charges are listed on separate page.

To the Warden/Director of SCI Frackville:

You are ordered/directed to release Jamal R. Sanders on Docket No. CP-51-CR-1010881-1997 for the charges listed, for the following reasons:

Hearing to be held at:

Date:	Location:
Time:	

- Acquitted/Found Not Guilty by (Jury/Court)
- Case Dismissed
- Charges withdrawn by Prosecution
- Bail Posted
- Jamal R. Sanders has been placed on (Probation/Parole)

Other: On the 9/12/2022 the defendant's conviction was reversed and is now awaiting a new trial. While awaiting trial the court granted the defense's motion to release the defendant on bail with the condition of Pretrial House Arrest. The defendant is to be transported to County Prison from SCI Frackville by the Sheriff's Department and not to be released until the House Arrest is setup. A status date of 2/6/2023 in room 908 is set for 9:00am at the SCJC. PID#735453  
SCI Frackville PR#DV8482 Court Clerk: Lula Kitchens room 908

This release does not apply to any other commitment, hold order, or detainer against Jamal R. Sanders.

01/20/2023

Date

Eric Feder, Clerk of Courts

Commonwealth of Pennsylvania

v.

Jamal R Sanders

IN THE COURT OF COMMON PLEAS OF  
PHILADELPHIA COUNTY, PENNSYLVANIA

CRIMINAL DIVISION

DOCKET NO: CP-51-CR-1010881-1997

**ORDER GRANTING PCRA PETITION-SENTENCE VACATED AND NEW TRIAL GRANTED**

AND NOW, this 12th day of September, 2022, upon consideration of the petition under the Post Conviction Relief Act, filed by Defense Attorney Jerome Brown, it is hereby **ORDERED AND DECREED** that the Petition is **GRANTED**. Petitioner's **CONVICTION REVERSED** and sentence is **VACATED** and a **NEW TRIAL** is **ORDERED**.


Commonwealth granted a 30 day date for status of possible appeal. Defendant ordered to be held without bail.

NCD 10/12/2022 in room 908

Hon. Tracy Brandeis-Roman room 908 Atty. Jerome Michael Brown ADA: Jonathan Frisby Steno: Monmoney

Prak Court Clerk: Lula Kitchens room 908

BY THE COURT:



Judge Tracy Brandeis-Roman

Order Granting PCRA Petition - Sentence Vacated, New Trial Ordered

Dwane Handy  
CP-51-CR-0013034-2011

EVIDENTIARY HEARING HELD.

PCRA GRANTED ON AFTER DISCOVERY EVIDENCE.

DEFENDANT STATEMENT IS SUPPRESSED.

NEW TRIAL ORDERED.

ORIGINAL SENTENCE VACATED.

CONTINUE TO 6-2-22 FOR STATUS OF TRIAL.

NO BAIL.

JUDGE: DEFINO-NASTASI  
ADA: CARI MAHLER  
ATTY: JEROME BROWN  
STENO: KEVIN FLANAGAN  
COURT CLERK: TERRY THOMAS

RECEIVED

MAY 21 2021

Hon. Lillian H. Ransom

IN THE COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY, PENNSYLVANIA

COMMONWEALTH	:	IN THE COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY, PENNA.
VS.	:	CRIMINAL DIVISION
	:	CP-51-CR-0013001-2010
RONALD THOMAS	:	

ORDER GRANTING NEW TRIAL

AND NOW, this 25<sup>th</sup> day of May, 2021 it is hereby **ORDERED** that the defendant Ronald Thomas's (PPN: 974012) **MOTION FOR A NEW TRIAL IS GRANTED.**

See Pa. Rule of Criminal Procedure 720(C) and 704(B).

It is further ordered, the **DEFENDANT IS HELD WITHOUT BAIL.**

The time is ruled excludable until the next court date, June 3, 2021, for plea or spin.

By the Court:

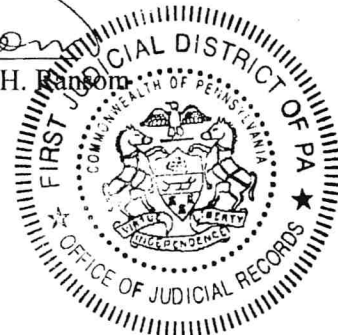
*L. H. Ransom*

The Honorable Lillian H. Ransom  
Common Pleas Judge

CP-51-CR-0013001-2010 Comm. v. Thomas Ronald  
Order Granting Motion for New Trial



8633455831



2021 MAY 25 PM 2:55

**IN THE SUPREME COURT OF PENNSYLVANIA  
EASTERN DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 346 EAL 2020
	:	
Respondent	:	
	:	
v.	:	Petition for Allowance of Appeal
	:	from the <b>Unpublished</b>
	:	<b>Memorandum and Order</b> of the
	:	Superior Court at No. 3639 EDA
	:	2018 entered on August 20, 2020,
WILFREDO SANTIAGO,	:	<b>affirming</b> the PCRA Order of the
	:	Philadelphia County Court of
Petitioner	:	Common Pleas at No. CP-51-CR-
	:	0902211-1985 entered on
	:	November 28, 2018

**ORDER**

**PER CURIAM**

**AND NOW**, this 9<sup>th</sup> day of January, 2023, the Petition for Allowance of Appeal is **GRANTED**, limited to the issue of whether the Superior Court of Pennsylvania erred in holding that Petitioner Santiago waived his ineffective assistance of counsel claim against PCRA counsel. The judgment of the Superior Court is **VACATED**, and the matter is **REMANDED** for reconsideration in light of *Commonwealth v. Bradley*, 261 A.3d 381 (Pa. 2021).

Allocatur is **DENIED** as to all remaining issues.

A True Copy  
As Of 01/09/2023

Attest:   
Patricia A. Johnson  
Chief Clerk  
Supreme Court of Pennsylvania



Superior Court of Pennsylvania

Eastern District

Joseph D. Seletyn, Esq.  
Prothonotary  
Benjamin D. Kohler, Esq.  
Deputy Prothonotary

530 Walnut Street  
Suite 315  
Philadelphia, PA 19106  
(215) 560-5800

February 3, 2023

[www.pacourts.us/courts/superior-court](http://www.pacourts.us/courts/superior-court)

RE: Com. v. Santiago, W.  
3639 EDA 2018  
J-S29013-20

**NOTICE**

On April 11, 2017 the Supreme Court of Pennsylvania vacated this Court's disposition in the above-captioned matter and remanded the matter to this Court for further consideration.

This letter apprises you, pursuant to Pa.R.A.P. 2140, that unless the parties to this appeal are notified otherwise, further briefing in this matter shall not be required.

Should you have any questions, feel free to contact this office.

Very truly yours,

Benjamin D. Kohler, Esq.  
Deputy Prothonotary

cc: All Counsel  
The Honorable Charles A. Ehrlich, Judge

IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT

COMMONWEALTH OF PENNSYLVANIA, : No. 659 MAL 2021  
: :  
Respondent : :  
: :  
v. : Petition for Allowance of Appeal  
: from the **Unpublished**  
: **Memorandum and Order** of the  
: Superior Court at No. 1368 EDA  
: 2020 entered on September 15,  
JOHN TAYLOR HOVATTER, : 2021, **affirming** the Judgment of  
: Sentence of the Bucks County Court  
Petitioner : of Common Pleas at No. CP-09-CR-  
: 0003051-2019 entered on June 9,  
: 2019

ORDER

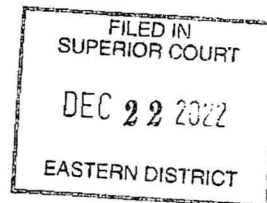
PER CURIAM

DECIDED: December 1, 2022

AND NOW, this 1<sup>st</sup> day of December, 2022, the Petition for Allowance of Appeal is **GRANTED**, the Superior Court's order is **VACATED**, and this matter is **REMANDED** to the Superior Court for further proceedings consistent with *Commonwealth v. Thorne*, \_\_\_ A.3d \_\_\_, 2022 WL 2231821 (Pa. filed June 22, 2022).

Judgment Entered 12/01/2022

  
DEPUTY PROTHONOTARY





**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF  
: PENNSYLVANIA

v.

JOHN TAYLOR HOVATTER

Appellant

No. 1368 EDA 2020

Appeal from the Judgment of Sentence Entered June 9, 2019  
In the Court of Common Pleas of Bucks County Criminal Division at  
No(s): CP-09-CR-0003051-2019

BEFORE: KUNSELMAN, J., NICHOLS, J., and STEVENS, P.J.E.\*

JUDGMENT ORDER BY STEVENS, P.J.E.:

**FILED MARCH 7, 2023**

This matter was remanded from the Pennsylvania Supreme Court for reconsideration in light of its decision in **Commonwealth v. Thorne**, 276 A.3d 1192 (Pa. 2022), in which the Court held that constitutional challenges to Revised Subchapter H of the Pennsylvania Sentencing Code, 42 Pa.C.S. §§ 9799.10-.42, which properly implicate the legality of a defendant's sentence cannot be waived.<sup>1</sup> **Id.** at 1197-98. After further review, we remand to the

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\* Former Justice specially assigned to the Superior Court.

<sup>1</sup> In this Court's first adjudication of the present matter, we held, *inter alia*, that Appellant's several constitutional claims regarding his registration requirements under Subchapter H of the Pennsylvania Sentencing Code were waived due to his failure to raise them in the trial court. On December 1, 2022, however, the Pennsylvania Supreme Court vacated our holding and remanded to this Court for reconsideration in light of **Thorne**, 276 A.3d at 1197-98. **See Commonwealth v. Hovatter**, 264 A.3d 371 (unpublished memorandum) (Pa. Super. filed Sept. 15, 2021) *appeal granted, vacated by Commonwealth v Hovatter*, (Pa. filed Dec. 1, 2022).

trial court for the development of a full factual record concerning Appellant's constitutional challenges that implicate the legality of his sentence.

Our prior memorandum decision set forth pertinent facts and the initial procedural history of this case before the trial court, which we summarize. A then-77 year-old Appellant had befriended the female victim's family through church in 2015 and frequently visited their family home over the next four years. In January 2019, the nine-year-old victim disclosed to her parents that Appellant had touched her genitals. Following a forensic interview, Appellant admitted he placed his hands on the victim's vagina and anus, but only over her clothing and with no penetration. He entered a negotiated guilty plea to one count of Indecent Assault pursuant to 18 Pa.C.S. § 3126(a)(7). **See** 42 Pa.C.S. §§ 9799.14(d)(8), 9799.15(a)(3) (categorizing that the commission of indecent assault against a complainant "less than 13 years of age" requires registration for "the life of the individual"). Appellant was also determined not to be a sexually violent predator ("SVP"). No post-sentence motion was filed, and Appellant appealed to this Court. In his concise statement of errors pursuant to Pa.R.A.P. 1925(b), Appellant raised for the first time several claims under the United States and Pennsylvania Constitutions regarding the validity of Revised Subchapter H.

Upon the present remand, we note that the crux of Appellant's appeal is a challenge that Subchapter H of Pennsylvania's Sexual Offender Registration and Notification Act (SORNA) 42 Pa.C.S. §§ 9799.10-9799.42

constitutes undue punishment both facially and as applied. In this regard, he alleges Revised Subchapter H unconstitutionally relies upon an irrebuttable presumption that all sexual offenders are dangerous and pose a high risk of committing additional sexual offenses. Because Appellant has raised his issues for the first time on appeal, and they implicate the legality of sentencing and, thus, cannot be waived, we follow the guidance of **Commonwealth v. Torsilieri**, 232 A.3d 567 (Pa. 2020) and remand “to allow the parties to address whether a consensus has developed to call into question the relevant legislative policy decisions impacting offenders’ constitutional rights.” **Id.** at 595.

Unlike the defendant in **Torsilieri**, however, Appellant has not offered any specific scientific evidence or learned testimony in support of his position. **Cf. id.** at 596 (“[I]t will be a rare situation where a court would reevaluate a legislative policy determination, which can only be justified in a case involving the infringement of constitutional rights and a consensus of scientific evidence undermining the legislative determination.”).

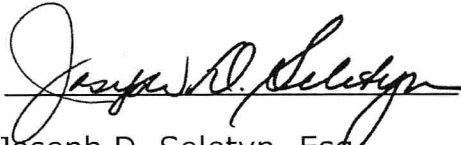
This Court has held that cases raising arguments in conformity with **Torsilieri** are entitled to remand to the trial court for an evidentiary hearing where the claims have been raised for the first time on appeal, thereby precluding the creation of an adequate factual record. **See Commonwealth v. Boyd**, --- A.3d ----, 2022 WL 17983088, at \*2 (Pa. Super. Dec. 29, 2022); **Commonwealth v. Thorne**, 285 A.3d 908 (unpublished

memorandum) (Pa. Super. filed September 7, 2022); **Commonwealth v. Snyder**, No. 2060 EDA 2019, 2023 WL 315608 (Pa. Super. filed Jan. 19, 2023).<sup>2</sup>

Thus, in accordance with the Supreme Court's jurisprudence in **Thorne** and **Torsilieri**, we remand to the trial court for an evidentiary hearing and an opportunity for Appellant to supplement his arguments with scientific evidence.

Case remanded. Jurisdiction relinquished.

Judgment Entered.

A handwritten signature in black ink, appearing to read "Joseph D. Seletyn", written over a horizontal line.

Joseph D. Seletyn, Esq.  
Prothonotary

Date: 3/7/2023

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<sup>2</sup> **See** Pa.R.A.P. 126(b) (unpublished non-precedential decisions of the Superior Court filed after May 1, 2019, may be cited for their persuasive value).