SUPERIOR COURT OF PENNSYLVANIA

COMMONWEALTH, : Docket No. 2154 MDA 2012
:
Appellee, :
:
v. : Trial Court Docket No.
: CP-22-CR-4272-2009

Appellant

ANNAMARIE PERRETTA-ROSEPINK : (Dauphin County)

BRIEF OF APPELLANT, ANNAMARIE PERRETTA-ROSEPINK

Appeal from the May 23, 2012 Sentencing Order of the Dauphin County Court of Common Pleas

Docket # CP-22-CR-4272-2009

Michael O. Palermo, Jr., Esquire Attorney for Appellant 3300 Trindle Road Camp Hill, PA 17011 (717) 635-9591 Supreme Court I.D.93334

Pennsylvania Office of Attorney General 16th Floor – Strawberry Sq. Harrisburg, PA 17120 For Appellee, Comm. of PA

DATE FILED 7 16 13	SESSION:
JOURNAL NUMBER	PANEL



TABLE OF CONTENTS

Table of Authorities	4-7
Statement of Jurisdiction	3
Statement of Scope and Standard of Review	8-10
Order in Question	11-12
Questions Presented	13-14
Statement of the Case	15-19 20-21
Argument	56 56
Conclusion and Statement of Relief Sought	75
Certificate of Service	76



I. STATEMENT OF JURISDICTION

This case is within the jurisdiction of the Superior Court of Pennsylvania in that it is an appeal from a final order of a lower court and not within the original jurisdictional confines of the Supreme Court of Pennsylvania or Commonwealth Court. See Pa.R.C.P. 341.



TABLE OF CITATIONS

PAGE(S)

CASES

Commonwealth v. Omar, 981 A.2d 179 (Pa. 20	8
Commonwealth v. Karkaria	8
625 A.2d 1167 (Pa. 1993)	
Commonwealth v. Santana	8
333 A.2d 876 (Pa. 1975)	
Commonwealth v. Chambers	2
599 A.2d 630 (Pa. 1991)	
Commonwealth v. Clinton	. 2
137 A.2d 463	
Commonwealth v. Robinson	
817 A.2d 1153, 1158 (Pa. Super. 2003)	3
Commonwealth v. Scott	
597 A.2d 1220, 1221 (Pa. Super. 1991)	3
Commonwealth v. Johnson	
42 A.3d 1017, 1027 (Pa. 2012)	3
Commonwealth v. Picchianti	
600 A.2d 597, 599 (Pa. Super. 1991)	. 3
Commonwealth v. Atanasio	
997 A.2d 1181, 1182-1183 (Pa. Super. 2010)	.3, 45, 46, 48
Commonwealth v. Stradley	
2012 Pa. Super 162, 2012 WL 3265097	3
Skilling v. United States	
130 S. Ct. 2896 (2010)	12, 14, 17,
	18, 19
Commonwealth v. DeWeese	
528 MDA 2012	14
Commonwealth v. Orie	
31 WM 2011, 33 WDM 2011, 470 WAL 2011	14
Commonwealth v. Cott	
1192 MDA 2010	14
Commonwealth v. Perretta-Rosepink	
2154 MDA 2012, 1925 MDA 2012	14
Commonwealth v. Feese	
338 MDA 2012	15, 57
Aiello v. City of Wilmington	
623 F.2d 845 (3d Cir. 1980)	17
Connally v. General Construction Company	
269 U.S. 385 (1926)	17
Grayned v. City of Rockford	
408 U.S. 104	17



Kolender v. Lawson	•
461 U.S. 352, 357 (1983)	17, 18
Commonwealth v. Haybay	,
934 A.2d 732 (Pa. Super. 2007)	19, 20
Commonwealth v. Davidson	
938 A.2d 198 (Pa. 2007)	20, 23
Buckley v. Valeo	
424 U.S. 1, 15 (1976)	20
Randall v. Sorrell	
548 U.S. 230, 240 (2006)	20, 21
Citizens United v. Federal Election Commission	
130 S. Ct. 876, 898 (2010)	20, 21
Pap's A.M. v. City of Erie	
812 A.2d 591, 605	21
Bureau of Professional & Occupational Affairs	
v. State Board of Physical Therapy	
728 A.2d 340 (Pa. 1999)	21
Ins. Adjust. Bureau v. Ins. Commr.	
542 A.2d 1317, 1324 (Pa. 1988)	21
Commonwealth v. Tate	
432 A.2d 1382, 1391 (Pa. 1981)	21
DePaul v. Commonwealth	•
969 A.2d 536 (Pa. 2009)	21
United States v. Stevens	
130 S.Ct. 1577	23
Keller v. State Ethics Commission	
816 A.2d 659 (Cmwlth Court 2004)	23-25, 29
Commonwealth v. Sinclair	
897 A.2d 1218	31, 35-36, 43
Commonwealth v. Brown	
727 A.2d 541 (Pa. 1999)	32, 48-50
Commonwealth v. DeSumma	
559 A.2d 521, 523 (Pa. 1989)	37
Commonwealth v. Grekis	
601 A.2d 1284, 1288 (Pa. Super 1982)	37
Commonwealth v. Hoke	
928 A.2d 300 (Pa. Super. 2007)	37
Commonwealth v. Hobson	
604 A.2d 717, 722 (Pa. Super. 1992)	44
Commonwealth v. Pleger	
934 A.2d 715 (Pa. Super. 2007)	. 45-46
Commonwealth v. Ortiz	
854 A.2d 1280 (Pa. Super. 2004)	46



DOCKET

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

