

NON-PRECEDENTIAL DECISION – SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
v.	:	
	:	
ANGELA MARINUCCI,	:	
	:	
Appellant	:	No. 1758 WDA 2015

Appeal from the Judgment of Sentence July 1, 2015
in the Court of Common Pleas of Westmoreland County,
Criminal Division, No(s): CP-65-CR-0000850-2010

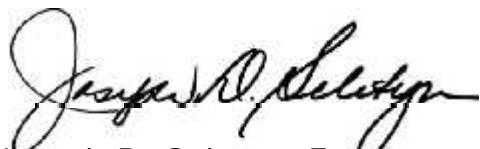
BEFORE: BOWES, STABILE and MUSMANNO, JJ.

JUDGMENT ORDER BY MUSMANNO, J.: FILED NOVEMBER 17, 2017

In view of the Supreme Court of Pennsylvania’s August 24, 2017 Order, which vacated this Court’s disposition of this matter and remanded the case for reconsideration in light of Commonwealth v. Batts, 163 A.3d 410 (Pa. 2017), we conclude that the judgment of sentence imposed on Angela Marinucci (“Marinucci”) at resentencing is unconstitutional under the Eighth Amendment to the United States Constitution, and therefore an illegal sentence. Accordingly, we remand this matter to the trial court for resentencing in light of Batts.

Case remanded for resentencing. Superior Court jurisdiction relinquished.

Judgment Entered.



Joseph D. Seletyn, Esq.
Prothonotary

Date: 11/17/2017