

**Pennsylvania Commission on Sentencing
Caselaw Highlights (PA Reporter through May 23, 2008)**

	Carter	656 A.2d 463	3/23/1995	PA	Sentence	Min/Max	No prejudice by omission found where total maximum sentence not indicated in colloquy but sentence imposed was less than maximum defendant could receive for single count; differs from Com. v. Persinger (615 A.2d 1305) where total max. not specified.
	Bell	645 A.2d 211	7/25/1994	PA	Sentence	Min/Max	An exception to the min/max provision is permitted if min or max specifically provided in statute. Where 18Pa.CS7508 provides min of 5 years and 35Pa.CS 113F2 provides a max of 5 years, a flat 5 yr.sentence is permitted. Also, min3 and max5 permitted.
Torres	PBPP	765 A.2d 418	11/26/2000	PA Cmwlth	Sentence	Min/Max	Sentence imposed for a criminal offense is the 'maximum term'; 'minimum term' merely sets the date prior to which a prisoner may not be paroled. Prisoner has absolutely no right to be released on parole upon expiration of prisoner's minimum term; prisoner has a right only to apply for parole at expiration of his/her minimum term and have that application considered by the PBPP, and thus, significance of parolee's minimum term is that it establishes a parole eligibility date.
	Frisbie	889 A.2d 1271	12/27/2005	PA Super	Sentence	Min/Max	Remand for resentencing on conviction for aggravated assault was necessary, since original sentence of 66 months to 120 months was improper pursuant to requirement that minimum sentences be no more than one-half of the length of maximum sentences.
	Baney	860 A.2d 127	9/3/2005	PA Super	Sentence	Min/Max	Minimum-maximum rule under which defendant's minimum sentence could not exceed half maximum sentence did not apply to aggregate sentence of 240 to 468 months on negotiated guilty pleas to 30 drug charges imposed pursuant to statute specifically governing sentencing for drug trafficking offenses. 18 Pa.C.S.A. § 7508(a); 42 Pa.C.S.A. § 9756(b).
	Van Fossen	749 A.2d 510	3/20/2000	PA Super	Sentence	Min/Max	This provision of the sentencing code is mandatory and it is not within the trial court's discretion to impose a minimum sentence that is greater than one-half the maximum. (42/9756(b)).
	Barzyk	692 A.2d 211	4/4/1997	PA Super	Sentence	Min/Max	Sentencing code requires that for every sentence of total confinement, trial court must impose both a maximum and minimum sentence, and where trial court neglects to include minimum, appropriate remedy is to vacate judgment of sentence and remand for res
	Camperson	650 A.2d 65	11/2/1994	PA Super	Sentence	Min/Max	Sentence of 8 - 16 years illegal for violation of Controlled Substance act; sentence should have been 8 - 10 years, since specific statutory language for min. and max. sentence supersedes the min/max provision.

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	Cain	637 A.2d 656	3/1/1994	PA Super	Sentence	Min/Max	A flat sentence of incarceration of 1 year for contempt is technically illegal because no minimum sentence was specified. Any crime punishable by imprisonment must be imposed according to the Sentencing Code, which mandates a min/max.
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