

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

	Matthews	870 A.2d 924	3/14/2005	PA Super	Sentence	Suspended Sentence	Trial court lacked authority to impose suspended sentences for theft by unlawful taking, two counts of possessing instrument of crime, and carrying firearm on public street. 42 Pa.C.S.A. § 9721(a). Indefinitely suspended sentences are illegal sentences that serve no valid purpose. A district justice or trial judge lacks the authority to impose an indefinitely suspended sentence. 42 Pa.C.S.A. § 9721(a).
	Duffy	681 A.2d 219	8/2/1996	PA Super	Sentence	Suspended Sentence	Citing Com. v. Harrison (398 A.2d 1057, Pa. Super 1979), the court noted that when sentence of incarceration is suspended on condition of counseling, all due process rights applicable in probation revocation are implicated; susp. sent. akin to probation.
	Hamilton	488 A.2d 277	2/8/1985	PA Super	Sentence	Suspended Sentence	Court of common pleas did not have authority to impose a suspended sentence for burglary; such a sentence is not provided in the sentencing code.
	Ferrier	473 A.2d 1375	3/9/1984	PA Super	Sentence	Suspended Sentence	Citing Com. v. Duff (200 A.2d 773, PA 1964), the court held that theories of implied probation and indefinite suspension of are contrary to legislative intent and promote confusion where none should exist; not a sanctioned sentencing alternative.
	Brown	434 A.2d 838	9/11/1981	PA Super	Sentence	Suspended Sentence	Where it could not be determined whether the trial court's intention in imposing suspended sentence was to not sentence or to sentence no further penalty, case remanded for clarification of sentences.
	Harrison	398 A.2d 1057	3/2/1979	PA Super	Sentence	Suspended Sentence	Sentencing order, which conditioned suspension of sentence on defendant's successful completion of treatment program, had the effect of placing defendant on probation.