

SUPERIOR COURT OF PENNSYLVANIA

Commonwealth v. McAllister, Shabnam

2026 Pa. Super. 172 · No. 622 EDA 2025 · Decided August 3, 2026

SUMMARY

The Pennsylvania Superior Court affirmed Shabnam McAllister’s judgment of sentence for theft by deception and financial exploitation of an older adult or care-dependent person. The court held that McAllister’s post-sentence motions filed nunc pro tunc after her notice of appeal were legal nullities, but that the notice of appeal itself was timely. The opinion addresses the sufficiency of the evidence, the corpus delicti doctrine, and the application of the sentencing statute governing offenses against older adults.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Ford Elliott, P.J.E.; Panella, P.J.E.; King, J.
JURISDICTION	Pennsylvania
DECIDED	August 3, 2026
DOCKET	622 EDA 2025
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a judgment of sentence following a bifurcated nonjury trial and convictions for theft by deception through false impression and financial exploitation of an older adult or care-dependent person.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed de novo with plenary scope, viewing the evidence and all reasonable inferences in the light most favorable to the verdict winner. The court may not reweigh evidence or substitute its judgment for that of the fact-finder. A discretionary sentencing challenge is reviewed for an abuse of discretion and must be preserved at sentencing or in a timely post-sentence motion.
PRECEDENTIAL VALUE	published precedential opinion of the Superior Court of Pennsylvania
PARTIES	Shabnam McAllister v. Commonwealth of Pennsylvania

TOPICS

criminal procedure

appellate procedure

standard of review

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statutory interpretation

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support convictions for theft by deception through false impression and financial exploitation of an older adult or care-dependent person.
2. Whether the corpus delicti rule required the appellate court to disregard McAllister's statement to police when reviewing the sufficiency of the evidence.
3. Whether the trial court improperly applied 42 Pa.C.S. § 9717 in calculating the sentencing guideline range and imposing sentence.
4. Whether McAllister preserved her challenge to the application of 42 Pa.C.S. § 9717.

HOLDINGS

1. Because McAllister filed her notice of appeal before the trial court ruled on her motion to file post-sentence motions nunc pro tunc, the notice of appeal divested the trial court of jurisdiction. The trial court's subsequent orders granting nunc pro tunc relief and ruling on the post-sentence motions were legal nullities, except for the ruling on modified bail, an ancillary matter the trial court could address during the appeal.
2. The evidence was sufficient to prove beyond a reasonable doubt that McAllister intentionally obtained Gulati's property by deception. The bank records, testimony concerning the agreed wage, McAllister's access to and control over the checks, the systematic excess wage payments, and her statement that she wrote herself more checks than she deserved supported the conviction.
3. The evidence was sufficient to prove that McAllister committed financial exploitation of an older adult or care-dependent person while in a position of trust.
4. McAllister waived her corpus delicti argument by failing to raise it before the trial court's deliberation. In addition, an unpreserved corpus delicti claim cannot be used to restrict the scope of appellate review of a sufficiency challenge; the appellate court considers all evidence actually admitted at trial.
5. McAllister's sentencing challenge was a challenge to the discretionary aspects of her sentence, not a legality-of-sentence challenge, and it was waived because she did not object at sentencing and her post-sentence motions were untimely legal nullities.

KEY QUOTATIONS

“Because evidentiary sufficiency is a question of law, our standard of review is de novo, and our scope of review is plenary.” (at 16)

“We decline to interpret the second phase of the corpus delicti analysis as a limit on the scope of our review of a sufficiency challenge.” (at 22)

“Properly reviewing the trial evidence consistent with our standard of review, we find that the bank documents showing apparent overpayments to Appellant, methodically distributed over a three-year span and contrary to the testimony reflecting Ms. Gulati’s unchanging salary agreement with Appellant, proved the necessary elements of theft by deception and financial exploitation of older adult or care-dependent person.”
(at 28)

FACTUAL BACKGROUND

McAllister worked as a caregiver for Usha Gulati, an older adult, from 2017 through December 2021 and was responsible for household and caregiving tasks. McAllister had access to Gulati's checks and filled out the checks for Gulati to sign. A police review of Gulati's bank records showed that McAllister received substantially more weekly wage checks than the agreed-upon compensation, including excess payments totaling \$113,400 for 2019 through 2021. The trial court found that McAllister used her position of trust to obtain the excess funds through deception, while declining to attribute other miscellaneous payments to theft because they could have reimbursed expenses.

PROCEDURAL HISTORY

The Montgomery County Court of Common Pleas convicted McAllister of theft by deception and financial exploitation and acquitted her of theft by unlawful taking, forgery, and access device fraud. The court imposed fourteen months to ten years' imprisonment for theft by deception, a concurrent seven-year probationary term for financial exploitation, restitution of \$113,400, and additional conditions. McAllister filed a notice of appeal and a motion for permission to file post-sentence motions nunc pro tunc on February 28, 2025. The Superior Court held that the notice of appeal was timely, but that the trial court's subsequent orders concerning the untimely post-sentence motions were legal nullities because the notice of appeal divested the trial court of jurisdiction.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Dreves, 839 A.2d 1122 (Pa. Super. 2003)
- Commonwealth v. Gordon, 477 A.2d 1342 (Pa. Super. 1984)
- Commonwealth v. Ailey, 350 A.3d 1034 (Pa. Super. 2025)
- Commonwealth v. Nischan, 928 A.2d 349 (Pa. Super. 2007)
- Commonwealth v. Marberger, 344 A.3d 403 (Pa. Super. 2025)
- Commonwealth v. Murray, 174 A.3d 1147 (Pa. Super. 2017)
- Commonwealth v. Bullock, 170 A.3d 1109 (Pa. Super. 2017)
- Commonwealth v. Young, 904 A.2d 947 (Pa. Super. 2006)
- Commonwealth v. Lassends, 2026 WL 571902 (Pa. Super. Mar. 2, 2026)
- Commonwealth v. Chambliss, 847 A.2d 115 (Pa. Super. 2004)
- Commonwealth v. Quel, 27 A.3d 1033 (Pa. Super. 2011)

- Commonwealth v. Stetler, 95 A.3d 864 (Pa. Super. 2014)
- Commonwealth v. N.M.C., 172 A.3d 1146 (Pa. Super. 2017)
- Commonwealth v. Littlehales, 915 A.2d 662 (Pa. Super. 2007)
- Commonwealth v. Hardy, 918 A.2d 766 (Pa. Super. 2007)
- Commonwealth v. Beatty, 227 A.3d 1277 (Pa. Super. 2020)
- Commonwealth v. Byrd, 657 A.2d 961 (Pa. Super. 1995)
- Commonwealth v. Santone, 757 A.2d 963 (Pa. Super. 2000)
- Commonwealth v. Martinez, 141 A.3d 485 (Pa. Super. 2016)
- Commonwealth v. Cartrette, 83 A.3d 1030 (Pa. Super. 2013) (en banc)