

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Dellisanti, 583 Pa. 106

876 A.2d 366 (2005) · Decided June 21, 2005

SUMMARY

The Supreme Court of Pennsylvania reversed the Superior Court and reinstated Margaret Dellisanti’s convictions under the Pennsylvania Corrupt Organizations Act. The court held that the Act’s plain language encompassed her repeated sales of drug paraphernalia through her retail business and that the 1996 statutory amendments superseded prior limitations recognized in Commonwealth v. Bobitski. A dissent argued that applying the Act absent evidence of organized crime conflicted with its legislative purpose.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Newman; Chief Justice Cappy; Justice Castille; Justice Nigro; Justice Saylor; Justice Eakin; Justice Baer
JURISDICTION	Pennsylvania
DECIDED	June 21, 2005
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Commonwealth appealed from the Superior Court's order reversing the judgment of sentence entered by the Montgomery County Court of Common Pleas. The appeal concerned whether Dellisanti's conduct supported convictions under Pennsylvania's Corrupt Organizations Act.
STANDARD OF REVIEW	Statutory interpretation is reviewed de novo. The court determines first whether the statutory language is explicit and unambiguous, in which case the plain meaning controls and resort to statutory construction is unnecessary.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Pennsylvania
PARTIES	Commonwealth of Pennsylvania v. Margaret Dellisanti

TOPICS

- statutory interpretation
- plain meaning rule
- legislative intent
- criminal procedure
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether the Pennsylvania Corrupt Organizations Act applies to a business owner who conducts a legitimate retail business through repeated sales of drug paraphernalia, even absent evidence of traditional organized crime, force, fraud, corruption, violence, intimidation, or a connection to an organized-crime organization.
2. Whether the 1996 amendments to the Corrupt Organizations Act altered the effect of *Commonwealth v. Bobitski* by defining organized crime and enterprise broadly enough to encompass Dellisanti's conduct.
3. Whether the Superior Court properly relied on the perceived purpose and legislative findings of the Act rather than the Act's express definitions and operative provisions.

HOLDINGS

1. The Corrupt Organizations Act applies because Dellisanti engaged in a pattern of racketeering activity through an enterprise with which she was associated. Repeated sales of drug paraphernalia satisfied the statute's racketeering-pattern requirement, her retail store qualified as an enterprise, and her ownership satisfied the association requirement.
2. The Act's express definitions and operative provisions do not require proof of traditional organized crime, force, fraud, corruption, violence, intimidation, or a separate organized-crime nexus when the statutory elements are otherwise satisfied.
3. The 1996 amendments supplied a new definition of organized crime and expanded the definition of enterprise, bringing conduct such as Dellisanti's within the current statutory boundaries and displacing the contrary limitations recognized in *Bobitski*.

KEY QUOTATIONS

“because the meaning of the Corrupt Organizations Act is plain on its face, it was unnecessary to resort to statutory construction, and Appellee's conviction under the statute was proper.” (876 A.2d at 366)

“The definition of organized crime and the elements of the offense set forth in Section 911(b) do not impose the limitations on the scope of corrupt organizations that the Superior Court applied.” (876 A.2d at 371)

“Once the General Assembly supplied this definition of organized crime, we became obligated to apply the plain meaning of the definition provided by the legislature.” (876 A.2d at 372)

FACTUAL BACKGROUND

Margaret Dellisanti owned Main Changes, a retail store in Norristown, Pennsylvania. On four occasions, an undercover detective purchased Inositol and colored plastic baggies from Dellisanti or the store manager; a later search seized substantial quantities of drug paraphernalia and business records. A jury found Dellisanti guilty of corrupt-organizations offenses based on the sales and her ownership of the store.

PROCEDURAL HISTORY

After withdrawing a nolo contendere plea, Dellisanti was tried by a jury and convicted of two counts of corrupt organizations, five counts of possession with intent to deliver drug paraphernalia, and five counts of criminal conspiracy to violate the Controlled Substance, Drug, Device and Cosmetic Act. The trial court denied her post-verdict motions and imposed sentence. The Superior Court reversed the corrupt-organizations convictions, concluding that her conduct did not constitute the type of organized crime targeted by the statute. The Supreme Court of Pennsylvania reversed the Superior Court and remanded for action consistent with its opinion.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter was remanded to the lower court for action consistent with the Supreme Court's opinion after reinstatement of the trial court's judgment.

CASES CITED

- Commonwealth v. Dellisanti, 831 A.2d 1159, 1171-1172, 1178 (Pa. Super. Ct. 2003)
- City of Philadelphia v. Workers' Compensation Appeal Board (Williams), 578 Pa. 207, 851 A.2d 838, 844 (2004)
- Department of Transportation v. Taylor, 576 Pa. 622, 841 A.2d 108, 112 (2004)
- Garcia v. United States, 469 U.S. 70, 76 n.3, 105 S. Ct. 479, 83 L. Ed. 2d 472 (1984)
- Commonwealth v. Bobitski, 534 Pa. 310, 632 A.2d 1294, 1296-1297 (1993)
- Commonwealth v. Sitkin's Junk Co., 412 Pa. 132, 194 A.2d 199, 202 (1963)
- Commonwealth v. Rickabaugh, 706 A.2d 826 (Pa. Super. Ct. 1997), appeal denied, 558 Pa. 607, 736 A.2d 603 (1999)
- Commonwealth v. Besch, 544 Pa. 1, 674 A.2d 655, 659-661 (1996)