

SUPERIOR COURT OF PENNSYLVANIA

Commonwealth v. Broomes

2026 Pa. Super. 103 · No. 1457 EDA 2025 · Decided May 20, 2026

SUMMARY

The Pennsylvania Superior Court quashed the Commonwealth’s interlocutory appeal from an order denying its motion in limine. The motion sought to preclude the defendant from cross-examining the alleged domestic-violence victim about withdrawn theft and identity-theft charges arising from withdrawals from the defendant’s accounts. The court held that Pennsylvania Rule of Appellate Procedure 311(d) does not authorize a Commonwealth appeal from an order denying a motion to preclude defense evidence.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Murray, J.; Lane, J.; Stevens, P.J.E.
JURISDICTION	Pennsylvania Superior Court
DECIDED	May 20, 2026
DOCKET	1457 EDA 2025
DISPOSITION	quashed
PROCEDURAL POSTURE	The Commonwealth appealed from the Monroe County Court of Common Pleas order denying its motion in limine to preclude the defendant from cross-examining the alleged domestic-violence victim about her prior arrest and withdrawn theft-related charges.
STANDARD OF REVIEW	Appealability and appellate jurisdiction are questions of law reviewed de novo, with plenary scope of review.
PRECEDENTIAL VALUE	Published Pennsylvania Superior Court opinion; precedential within the court's jurisdiction.
PARTIES	Commonwealth of Pennsylvania v. Errol R. Broomes

TOPICS

- interlocutory appeal
- appellate jurisdiction
- appellate procedure
- criminal procedure
- evidence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Commonwealth may take an interlocutory appeal as of right under Pennsylvania Rule of Appellate Procedure 311(d) from an order denying its motion in limine to preclude defense evidence concerning the alleged victim's prior arrest and withdrawn charges.

HOLDINGS

1. Pennsylvania Rule of Appellate Procedure 311(d) does not authorize the Commonwealth's interlocutory appeal from an order denying a motion to preclude defense evidence, even when the Commonwealth certifies in good faith that the order will substantially handicap or terminate the prosecution.

KEY QUOTATIONS

“ “[T]he Commonwealth may take an appeal as of right from an order that does not end the entire case[,] where the Commonwealth certifies in the notice of appeal that the order will terminate or substantially handicap the prosecution.” ” (at 6)

“However, the Cosnek Court ultimately concluded that “the Commonwealth’s right to file an interlocutory appeal does not extend to appealing the admission of defense evidence.” ” (at 8)

“Consequently, we conclude that the trial court’s order, which denied the Commonwealth’s motion to preclude defense evidence regarding the victim’s prior arrest, is interlocutory and not appealable pursuant to Pa.R.A.P. 311(d).” (at 12)

FACTUAL BACKGROUND

Errol R. Broomes was charged with attempted homicide, aggravated assault, and related offenses arising from allegations that he struck the victim with a large rock and drove a vehicle containing her over an embankment. The defense sought to use the victim's prior arrest for theft, identity theft, and related charges involving withdrawals from Broomes's bank and credit accounts; those charges were withdrawn before a preliminary hearing. The trial court denied the Commonwealth's motion to exclude that defense evidence, and the Commonwealth appealed before trial.

PROCEDURAL HISTORY

The trial court denied the Commonwealth's motion in limine on June 4, 2025, before the jury was sworn. The Commonwealth filed a notice of appeal certifying under Pennsylvania Rule of Appellate Procedure 311(d) that the order would substantially handicap or terminate the prosecution. The Superior Court issued a rule to show cause concerning appealability, referred the issue to the merits panel, and quashed the appeal as taken from a non-appealable interlocutory order.

DISPOSITION

quashed

CASES CITED

- Mezzacappa v. Northampton County, 334 A.3d 268 (Pa. 2025)
- Commonwealth v. Berry, 323 A.3d 641 (Pa. 2024)
- Commonwealth v. Dugger, 486 A.2d 382 (Pa. 1985)
- Commonwealth v. Dixon, 907 A.2d 468 (Pa. 2006)
- Commonwealth v. Cohen, 605 A.2d 1212 (Pa. 1992)
- Beltran v. Piersody, 748 A.2d 715 (Pa. Super. 2000)
- Commonwealth v. Merced, 265 A.3d 786 (Pa. Super. 2021)
- Commonwealth v. McKnight, 305 A.3d 582 (Pa. Super. 2023), appeal denied, 327 A.3d 184 (Pa. 2024)
- Commonwealth v. Pownall, 278 A.3d 885 (Pa. 2022)
- Commonwealth v. Luckey, 333 A.3d 480 (Pa. Super. 2025) (per curiam), appeal denied, 346 A.3d 316 (Pa. 2025)
- Commonwealth v. Loughran, 348 A.3d 1186 (Pa. Super. 2025)
- Commonwealth v. Bosurgi, 190 A.2d 304 (Pa. 1963)
- Commonwealth v. Cosnek, 836 A.2d 871 (Pa. 2003)
- Commonwealth v. Gordon, 673 A.2d 866 (Pa. 1996)
- Commonwealth v. Matis, 710 A.2d 12 (Pa. 1998)
- Commonwealth v. Shearer, 882 A.2d 462 (Pa. 2005)
- Commonwealth v. White, 910 A.2d 648 (Pa. 2006) (plurality)
- Lewis v. Court of Common Pleas of Lebanon County, 260 A.2d 184 (Pa. 1969)