

SUPERIOR COURT OF PENNSYLVANIA

Commonwealth v. Henck

2025 Pa. Super. 158 · No. 1316 WDA 2024 · Decided July 24, 2025

SUMMARY

The Pennsylvania Superior Court affirmed Anthony Jacob Henck’s judgment of sentence for home improvement fraud under 73 P.S. § 517.8(a)(1). The court held that the evidence, including misleading statements about the project’s completion time, false contact information, and subsequent contradictory excuses, was sufficient to support an inference of intent to defraud. The court also rejected Henck’s challenge to the discretionary aspects of his sentence.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Bender, P.J.E.; Bowes, J.; Olson, J.
JURISDICTION	Pennsylvania Superior Court
DECIDED	July 24, 2025
DOCKET	1316 WDA 2024
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment of sentence entered after a jury convicted Anthony Jacob Henck of one count of false statement to induce agreement for home improvement services under 73 P.S. § 517.8(a)(1).
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed de novo with a plenary scope of review, viewing the evidence in the light most favorable to the Commonwealth as verdict winner. Discretionary sentencing claims are reviewed for abuse of discretion under 42 Pa.C.S. § 9781; a sentence is disturbed only for legal error, manifest unreasonableness, partiality, prejudice, bias, ill will, or a lack of support making the determination clearly erroneous.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Anthony Jacob Henck v. Commonwealth of Pennsylvania

TOPICS

- criminal procedure
- statutory interpretation
- sentencing
- evidence
- contracts

PRACTICE AREAS

criminal law

criminal procedure

consumer protection

sentencing

statutory interpretation

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to prove that Henck made a false or misleading statement to induce the Storinos to enter a home-improvement agreement, with intent to defraud or injure them, in violation of 73 P.S. § 517.8(a)(1).
2. Whether the sentencing court abused its discretion by imposing sentence without a presentence investigation report and without stating adequate reasons for the sentence.

HOLDINGS

1. The evidence was sufficient to support Henck's conviction under 73 P.S. § 517.8(a)(1). The home-improvement fraud statute does not contain the theft-by-deception statute's restriction that intent to deceive may not be inferred solely from subsequent nonperformance; therefore, nonperformance may be considered with other circumstances as evidence of intent. Henck's false or misleading representations concerning the completion time, incorrect contact information, contradictory excuses, and refusal to disclose the cabinets' location supported the jury's finding that he intended to defraud the Storinos when he induced them to enter the contract.
2. The sentencing court did not abuse its discretion by sentencing Henck without a presentence investigation report or by imposing a high-end standard-range sentence of 16 to 32 months followed by 24 months of probation. Henck waived any challenge to the absence of a PSI, and, in any event, the sentencing court had sufficient information about the offense, Henck's criminal history, mental-health and substance-use issues, and rehabilitative prospects to make an informed sentencing decision.

KEY QUOTATIONS

“Thus, in interpreting the home improvement fraud statute under review in this case, the fact that Appellant did not perform the requested work may be a factor, although perhaps not an exclusive factor, in the court’s consideration of whether Appellant intended to defraud the Storinos.” (at 10-11)

“Appellant’s providing incorrect contact information and his actions taken after he had possession of the cabinets, especially his offering contradictory reasons for the delay and his refusal to tell Mr. Storino where the cabinets were located, were clearly acts of dishonesty and deceit.” (at 18)

“Where a sentence is within the standard range of the guidelines, Pennsylvania law views the sentence as appropriate under the Sentencing Code.” (at 26)

FACTUAL BACKGROUND

Anthony Jacob Henck contracted with Paul and Louri Storino to repaint their kitchen cabinets after representing that he could complete the project within a short period. The Storinos paid Henck a \$350 deposit, and Henck removed all of their cabinets but never returned them or the deposit. Henck gave contradictory explanations for the delay, refused to disclose where the cabinets were located, and had provided an incorrect business address.

The jury inferred that Henck made false or misleading statements with intent to defraud the Storinos when inducing them to enter the home-improvement contract.

PROCEDURAL HISTORY

Henck was tried before a jury on charges including theft by deception, home improvement fraud, receiving advance payment for services and failing to perform, and misrepresenting or concealing contractor identifying information. The jury convicted him only of home improvement fraud. The Court of Common Pleas of Allegheny County sentenced him to 16 to 32 months of incarceration followed by 24 months of probation, denied his post-sentence motion, and Henck timely appealed. The Superior Court affirmed the judgment of sentence.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Williams, 176 A.3d 298, 305 (Pa. Super. 2017)
- Commonwealth v. Toomer, 159 A.3d 956, 960-61 (Pa. Super. 2017)
- Commonwealth v. Ewida, 333 A.3d 1269, 1279 (Pa. Super. 2025)
- Commonwealth v. Gallo, 373 A.2d 1109 (Pa. 1977)
- Commonwealth v. Bentley, 448 A.2d 628 (Pa. Super. 1982)
- Commonwealth v. Sanchez-Frometa, 256 A.3d 440, 447-48 (Pa. Super. 2021)
- Sivick v. State Ethics Commission, 238 A.3d 1250, 1264 (Pa. 2020)
- Commonwealth v. Alexander, 383 A.2d 887, 889 (Pa. 1978)
- Commonwealth v. Jacquez, 113 A.3d 834, 839 (Pa. Super. 2015)
- Commonwealth v. Donohue, No. 908 WDA 2019, unpublished memorandum (Pa. Super. filed Dec. 4, 2020)
- Commonwealth v. Donohue, 282 A.3d 682 (Pa. 2022)
- Commonwealth v. Lawrence, 313 A.3d 265, 285 (Pa. Super. 2024)
- Commonwealth v. Mouzon, 812 A.2d 617, 621 (Pa. 2002)
- Commonwealth v. Morrobel, 311 A.3d 1153, 1156 (Pa. Super. 2024)
- Commonwealth v. Grays, 167 A.3d 793, 816 (Pa. Super. 2017)
- Commonwealth v. Goggins, 748 A.2d 721, 727-29 (Pa. Super. 2000) (en banc)
- Commonwealth v. Flowers, 950 A.2d 330, 332 (Pa. Super. 2008)
- Commonwealth v. Schoff, 911 A.2d 147, 158 (Pa. Super. 2006)
- Commonwealth v. Moury, 992 A.2d 162, 171 (Pa. Super. 2010)
- Commonwealth v. Simpson, 829 A.2d 334, 338 (Pa. Super. 2003)

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