

SUPERIOR COURT OF PENNSYLVANIA

Commonwealth v. John Lewis Kramer

2025 Pa. Super. 282 · No. 306 MDA 2025 · Decided December 18, 2025

SUMMARY

The Pennsylvania Superior Court reviews John Lewis Kramer's convictions and sentence for multiple sexual offenses involving his minor daughter. The court holds that the trial court could correct clerical errors in the written incarceration terms but lacked jurisdiction to increase the probationary term from three years to fifteen years after the statutory modification period had expired. The court also finds waiver of Kramer's weight-of-the-evidence and discretionary-sentencing claims and addresses his evidentiary challenge concerning cross-examination.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Stevens, P.J.E.; Lazarus, P.J.; Kunselman, J.
JURISDICTION	Pennsylvania Superior Court
DECIDED	December 18, 2025
DOCKET	306 MDA 2025
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Direct appeal nunc pro tunc from a judgment of sentence following jury convictions for multiple sexual offenses involving a child. During the appeal, the trial court entered a corrected sentencing order, and the Superior Court reviewed whether the trial court had jurisdiction to make those corrections.
STANDARD OF REVIEW	Questions concerning a trial court's jurisdiction to modify a sentence are reviewed under the governing statutory and inherent-authority principles. Weight-of-the-evidence and discretionary-sentencing claims are waived if not timely preserved. Evidentiary rulings are reviewed for abuse of discretion, and relief requires harmful or prejudicial error.
PRECEDENTIAL VALUE	Published and precedential Pennsylvania Superior Court opinion
PARTIES	John Lewis Kramer v. Commonwealth of Pennsylvania

TOPICS

sentencing

criminal procedure

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preservation of error

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PRACTICE AREAS

criminal law

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evidence

QUESTIONS PRESENTED

1. Whether the trial court had inherent authority, after expiration of the thirty-day period in 42 Pa.C.S.A. § 5505, to correct the written sentencing order to conform to clear and unambiguous sentencing terms announced in open court.
2. Whether the trial court had jurisdiction to increase the original three-year probationary tail to fifteen years based on the defendant's multiple Tier III sexual-offense convictions.
3. Whether Kramer's challenge to the weight of the evidence was preserved.
4. Whether Kramer's challenges to the discretionary aspects of his sentence were preserved.
5. Whether the trial court's limitation of cross-examination concerning an FBI agent's alleged prior inconsistent testimony constituted reversible evidentiary error.

HOLDINGS

1. A trial court retains limited inherent authority after expiration of the thirty-day period in 42 Pa.C.S.A. § 5505 to correct clear clerical or patent and obvious errors in a sentencing order, including correcting written terms that plainly conflict with the sentence unambiguously announced at the sentencing hearing.
2. The trial court lacked jurisdiction to increase the original three-year probationary term more than thirty days after sentencing because the original term was not a patent and obvious clerical error, and Section 9718.5 does not expressly require separate consecutive three-year probationary periods for multiple Tier III convictions.
3. Kramer's weight-of-the-evidence claim was waived because his post-sentence motion was filed after the ten-day deadline and no timely motion or objection preserved the claim.
4. Kramer's challenges to the discretionary aspects of his sentence were waived because he did not raise them at sentencing or in a timely post-sentence motion.
5. Even assuming the proposed cross-examination was improperly limited, Kramer was not entitled to relief because he failed to demonstrate prejudice in light of the overwhelming corroborating evidence of guilt.

KEY QUOTATIONS

"An exception to this general rule exists to correct "clear clerical errors." (at 9)

"As the trial court's stated intentions at the sentencing hearing were clearly and unambiguously declared, the trial court was permitted to resolve these clerical errors in its corrected order to reflect the sentence it entered in open court." (at 10)

“Accordingly, while the trial court properly exercised its inherent authority to issue a corrected sentencing order to reflect the correct individual and aggregate sentences of incarceration, the trial court had no jurisdiction to increase the probationary tail of Appellant’s sentence more than thirty days after the entry of sentence, absent a patent and obvious error in the probationary term.” (at 13)

FACTUAL BACKGROUND

Kramer's fifteen-year-old daughter testified that he repeatedly sexually assaulted her from approximately age twelve until his arrest, including at the family home and at Lutheran Academy. Evidence included videos extracted from Kramer's phone, photographs and sex contracts discovered by Kramer's wife, contraceptives found in a lockbox, and Kramer's admissions that he had vaginal, anal, and oral sex with his daughter and had blindfolded and recorded her. The sentencing hearing and the written sentencing order contained conflicting terms concerning several incarceration periods, the concurrency of certain sentences, the aggregate sentence, and the duration of probation.

PROCEDURAL HISTORY

A Lackawanna County jury convicted Kramer of rape of a child, IDSI, statutory sexual assault, unlawful contact with a minor, aggravated indecent assault of a child, incest, and EWOC. The trial court imposed sentence on August 5, 2022. Kramer filed an untimely post-sentence motion and no timely direct appeal; after two PCRA proceedings, his direct-appeal rights were reinstated nunc pro tunc. While the appeal was pending, the trial court entered a corrected sentencing order that corrected several incarceration terms but increased the probationary tail from three years to fifteen years. The Superior Court held that some corrections were permissible clerical corrections but that the increase in probation was outside the trial court's jurisdiction, rejected or found waived Kramer's remaining claims, and remanded for correction of the aggregate sentence and restoration of the three-year probation term.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must enter a corrected sentencing order accurately reflecting an aggregate term of imprisonment of 30 to 64 years and restore the original three-year probationary term after release from confinement. The Application to Remand and Stay was denied, and jurisdiction was relinquished.

CASES CITED

- Commonwealth v. Quinlan, 433 Pa. Super. 111, 639 A.2d 1235 (1994), appeal dismissed as improvidently granted, 544 Pa. 183, 675 A.2d 711 (1996)
- Commonwealth v. Borrin, 12 A.3d 466, 471-73 (Pa. Super. 2011) (en banc)
- Commonwealth v. Holmes, 593 Pa. 601, 933 A.2d 57 (2007)
- Commonwealth v. Kremer, 206 A.3d 543, 548 (Pa. Super. 2019)
- Commonwealth v. Isabell, 503 Pa. 2, 467 A.2d 1287 (1983)

- Commonwealth v. Baio, 898 A.2d 1095, 1099 (Pa. Super. 2006)
- Commonwealth v. Santone, 757 A.2d 963 (Pa. Super. 2000)
- Commonwealth v. Rivera, 238 A.3d 482, 497 (Pa. Super. 2020)
- Commonwealth v. Wrecks, 931 A.2d 717, 719-20 (Pa. Super. 2007)
- Commonwealth v. Sherwood, 603 Pa. 92, 982 A.2d 483, 494 (2009)
- Commonwealth v. Conte, 198 A.3d 1169, 1173 (Pa. Super. 2018)
- Commonwealth v. Reed, 292 A.3d 601, 605 (Pa. Super. 2023)
- Commonwealth v. Talley, 236 A.3d 42, 55 (Pa. Super. 2020)
- Commonwealth v. Briggs, 12 A.3d 291, 335 (Pa. 2011)

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