

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Sansone

No. 555 MAL 2024 · No. 555 MAL 2024 · Decided March 18, 2025

SUMMARY

The Supreme Court of Pennsylvania granted Michael L. Sansone’s petition for allowance of appeal, vacated the Superior Court’s decision, and remanded for reassessment of his ineffectiveness claim. The Court cited *Commonwealth v. Maconeghy* regarding the inadmissibility of expert testimony that vouches directly or indirectly for a child sexual-abuse complainant’s credibility.

OPINION

PER CURIAM.

IN THE SUPREME COURT OF PENNSYLVANIA MIDDLE DISTRICT COMMONWEALTH OF PENNSYLVANIA,; No. 555 MAL 2024 Respondent:: Petition for Allowance of Appeal: from the Unpublished v.: Memorandum and Order of the: Superior Court at No. 961 MDA: 2023 entered on October 7, 2024, MICHAEL L. SANSONE,; affirming the PCRA Order of the: Luzerne County Court of Common Petitioner: Pleas at No. CP-40-CR-0002413-: 2016 entered on June 28, 2023 ORDER PER CURIAM DECIDED: March 18, 2025 AND NOW, this 18th day of March, 2025, Petition for Allowance of Appeal is GRANTED.

Further, the decision of the Superior Court is VACATED and the case is REMANDED for the Superior Court to reassess Petitioner’s ineffectiveness claim. See, *Commonwealth v. Maconeghy*, 171 A.3d 707, 713, 715 (Pa. 2017) (holding “that expert testimony opining that a child has been sexually abused—which is predicated on witness accounts and not physical findings—is inadmissible” and acknowledging “no material distinction between direct vouching (e.g., “I believe the complainant is telling the truth”) and indirect vouching (e.g., ‘I conclude that the complainant was sexually assaulted based upon the history she related.’”)).