

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
TRIAL DIVISION, CRIMINAL SECTION

COMMONWEALTH OF PENNSYLVANIA **Received** CP-51-CR-0301152-1953

V.

NOV 28 2016

JOSEPH LIGON

Office of Judicial Records  
Appeals/Post Trial

COMMONWEALTH OF PENNSYLVANIA CP-51-CR-1102961-1987

V.

KEMPIS SONGSTER

COMMONWEALTH OF PENNSYLVANIA CP-51-CR-0207921-1973

V.

KEVIN VAN CLIFF

COMMONWEALTH OF PENNSYLVANIA CP-51-CR-1229872-1991

V.

THEODORE BURNS

COMMONWEALTH OF PENNSYLVANIA CP-51-CR-0400013-1992

V.

SHARVONNE ROBBINS

COMMONWEALTH OF PENNSYLVANIA CP-51-CR-1003691-1995

V.

TAMIKA BELL

COMMONWEALTH OF PENNSYLVANIA CP-51-CR-0634051-1981

V.

ALPHONSO LEAPHART

COMMONWEALTH'S QUESTION OF LAW PURSUANT TO  
GENERAL COURT REGULATION #1 OF 2016

THE COMMONWEALTH OF PENNSYLVANIA, by R. Seth Williams, District Attorney of Philadelphia and his undersigned assistant, Hugh J. Burns, Jr., Chief, Appeals Unit, respectfully states an issue raised by the Commonwealth for resolution of the en banc panel in the above matters, and so states:

*Miller v. Alabama*, 132 S. Ct. 2455 (2012), *Commonwealth v. Batts*, 66 A.3d 286 (Pa. 2013), and *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016), concern imposing on an offender who was a juvenile when committing the murder, a sentence of life without possibility of parole. The Commonwealth is not seeking life without possibility of parole in the instant cases. The Commonwealth concedes and stipulates for purposes of resentencing that the instant defendants are not “permanently incorrigible,” “irreparably corrupt,” or “irretrievably depraved.” The issue is whether each defendant has standing to litigate defense issues 1, 4, 5, 6, 7, 9, and 13.

Respectfully Submitted,

/s/  
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Hugh J. Burns, Jr.  
Chief, Appeals Unit

## PROOF OF SERVICE

The undersigned certifies that the attached document (COMMONWEALTH'S QUESTION OF LAW PURSUANT TO GENERAL COURT REGULATION #1 OF 2016) was served on the following by (inter alia) first class mail on November 28, 2016.

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Respectfully Submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
Hugh J. Burns, Jr.  
Chief, Appeals Unit