

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
PI DELTA PSI, INC.	:	
	:	
Appellant	:	No. 458 EDA 2018

Appeal from the Judgment of Sentence January 8, 2018
 In the Court of Common Pleas of Monroe County Criminal Division at
 No(s): CP-45-CR-0002578-2015

BEFORE: LAZARUS, J., KUNSELMAN, J., and COLINS*, J.

DISSENTING OPINION BY COLINS, J.:

FILED MAY 23, 2019

I must respectfully dissent from the scholarly and well authored opinion of the majority as to its affirmance of the trial court’s exclusion of David L. Westol’s testimony regarding the Corporation’s having met a “national standard of care” regarding the promulgation and enforcement of an anti-hazing policy. In the instant matter the prosecution’s theory as to the guilt of the National Fraternity was basically one of vicarious liability and to exclude the proffered testimony, in my opinion, amounts to a manifest abuse of discretion.

I would vacate the conviction and remand for a new trial allowing the Westol testimony.

* Retired Senior Judge assigned to the Superior Court.