

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA

Appellee

v.

JAMES J. SEVERINO, JR.

Appellant

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 1856 WDA 2013

Appeal from the Judgment of Sentence October 23, 2013
In the Court of Common Pleas of Allegheny County
Criminal Division at No(s): CP-02-SA-0000925-2013

BEFORE: PANELLA, J., JENKINS, J., and MUSMANNO, J.

DISSENTING STATEMENT BY PANELLA, J. **FILED SEPTEMBER 15, 2014**

I respectfully disagree with my esteemed colleagues in the Majority that there was no evidence in the record indicating that Appellant's suspension was DUI-related. The Majority notes that the Commonwealth relied on the police officer's testimony to establish the suspension rather than admitting into evidence a printout of the JNET records. The Majority finds that the police officer's testimony was inadmissible hearsay. **See** Memorandum Decision at 7. The police officer's testimony was indeed hearsay. However, Appellant never objected to the testimony. In the absence of an objection, the testimony is competent evidence. I would affirm the conviction.

Judge Musmanno and Judge Jenkins do not join in dissenting statement.