NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA Appellant v. DWAYNE JOHNSON	: : : : : : : : :	IN THE SUPERIOR COURT OF PENNSYLVANIA No. 3301 EDA 2025

Appeal from the Order Entered November 26, 2025
In the Court of Common Pleas of Monroe County Criminal Division at
No(s): CP-45-CR-0000060-2025

BEFORE: LAZARUS, P.J., PANELLA, P.J.E., and STEVENS, P.J.E.*

JUDGEMENT ORDER BY STEVENS, P.J.E.: **FILED NOVEMBER 5, 2026**

Appellant, the Commonwealth, appeals from the order entered in the Court of Common Pleas of Monroe County on November 20, 2025, granting the motion *in limine* of Defendant/Appellee, Dwayne Johnson. We dismiss the appeal.

In light of our disposition, a detailed history is unnecessary. Briefly, the alleged victim called 911 following a domestic dispute on October 2, 2024. Police arrived and Appellee was arrested. The alleged victim was not going to testify at trial, so the Commonwealth intended to admit the 911 call audio and the police body worn camera footage as evidence.

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* Former Justice specially assigned to the Superior Court.

Appellee filed a motion *in limine* on November 19, 2025, seeking to exclude the 911 call and the body camera footage. Appellee argued that under ***Crawford v. Washington***, 541 U.S. 36 (2004), the statements made on the call and in the footage are testimonial in nature and that admitting them as evidence would violate his rights under the Confrontation Clause. The trial court held a hearing on the motion on November 20, 2025, and thereafter entered an order granting the motion. The Commonwealth filed a motion to reconsider on November 21, 2025. The trial court denied the motion on December 11, 2025. This appeal followed.

The Commonwealth raises one issue for our review:

> Whether the trial court erred by precluding the Commonwealth's evidence of a 911 call and body worn police camera footage containing hearsay statements and substantive evidence and finding that those statements did not meet a present sense impression or excited utterance exception. Also whether the trial court erred in finding that those statements on the 911 call and body worn police camera footage were testimonial in natur[e] and should have been precluded from the Commonwealth's case in chief.

Appellant's Br. at 4.

Our standard of review is as follows:

> When ruling on a trial court's decision to grant or deny a motion *in limine*, we apply an evidentiary abuse of discretion standard of review. A trial court has broad discretion to determine whether evidence is admissible, and a trial court's ruling regarding the admission of evidence will not be disturbed on appeal unless that ruling reflects manifest unreasonableness, or partiality, prejudice, bias, or ill-will, or such lack of support to be clearly erroneous. If the evidentiary question is purely one of law, our review is plenary.

Commonwealth v. Belani, 101 A.3d 1156, 1160 (Pa. Super. 2014) (internal citations and quotation marks omitted).

At the outset, we note that the Commonwealth has failed to meet its burden of providing this Court with a complete record; specifically, it has failed to provide us with the 911 call audio, the body camera footage, or a transcript of either, in violation of Pa.R.A.P. 1911. It is well settled that "it is an appellant's duty to ensure that the certified record is complete for purposes of review." ***Commonwealth v. Lopez***, 57 A.3d 74, 82 (Pa. Super. 2012) (citation and brackets omitted).

In order to determine if the statements made by the alleged victim on the 911 call and to the police are testimonial and therefore inadmissible, or nontestimonial and therefore should have been admitted by the trial court, this Court must review the statements themselves and the circumstances under which they were made. Courts have a duty under ***Crawford*** and ***Davis v. Washington***, 547 U.S. 813 (2006), to examine the statements and the surrounding circumstances and determine if the statements' primary purpose was to enable police assistance to meet an ongoing emergency or to establish past events that may be relevant in a future prosecution. ***Davis***, 547 U.S. 822.

Without access to the alleged victim's statements, this Court is unable to provide meaningful review of the trial court's decision to exclude the evidence. Accordingly, the Commonwealth's failure to complete the certified

record has hampered our review of his claim. When a claim is dependent on materials not provided in the certified record, that claim is considered waived. ***Commonwealth v. Lassen***, 659 A.2d 999, 1008 (Pa. 1995); ***Commonwealth v. Preston***, 904 A.2d 1, 6-7 (Pa. Super. 2006) ("In the absence of an adequate certified record, there is no support for an appellant's arguments and, thus, there is no basis on which relief could be granted.") Because the record does not contain the necessary materials for this Court to perform its duty, we dismiss the appeal.

Appeal dismissed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/5/2026