

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania :  
 :  
v. : No. 975 C.D. 2017  
 :  
All that Certain Lot or Parcel of Land :  
Located at 2322 Easton Turnpike :  
Waymart, Wayne County, Pennsylvania :  
and Described with Particularity at Deed :  
Book 318, Pages 444-447, in the Office :  
of the Recorder of Deeds, Wayne :  
County, Pennsylvania, Tax Map :  
No. 24-0-0271-0039 :  
 :  
Appeal of: Angelo J. Pozza :

**PER CURIAM**

FILED: April 20, 2018

**MEMORANDUM OPINION AND ORDER**

Before this Court is the appeal of Angelo J. Pozza, who challenges an order of the Court of Common Pleas of Wayne County directing the forfeiture of certain of his property pursuant to Sections 6801 and 6802 of the former act commonly known as the Controlled Substances Forfeiture Act, 42 Pa. C.S. §§6801-6802.<sup>1</sup> Appellant asserts that this forfeiture exacted an excessive fine in violation of the Eighth Amendment to the United States Constitution and Article I, Section 13 of the Pennsylvania Constitution. On May 25, 2017, the Pennsylvania Supreme Court issued its ruling in *Commonwealth v. 1997 Chevrolet and Contents Seized from Young*, 160 A.3d 153, 192 (Pa. 2017) (*Young*), which, *inter alia*, directed a remand to the trial court because it “did not have the benefit of our explication” of the

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<sup>1</sup> Former Sections 6801 and 6802 of the Forfeiture Act were repealed by the Act of June 29, 2017, P.L. 247. The new version of the Forfeiture Act, which became effective July 1, 2017, is codified at 42 Pa. C.S. §§5801-5808.

constitutional analysis to be applied. Likewise, here, the Court of Common Pleas of Wayne County did not have the benefit of the Supreme Court's analysis in *Young* when it issued its order on March 3, 2017. Accordingly, the order of the trial court will be vacated for a new consideration of Appellant's constitutional challenge to the forfeiture of his property using the Supreme Court's explication in *Young*, 160 A.3d 153.

### **ORDER**

AND NOW, this 20<sup>th</sup> day of April, 2018, the order of the Court of Common Pleas of Wayne County, dated March 3, 2017, is hereby VACATED and this matter is REMANDED for proceedings using the specific factors set forth in *Young*, 160 A.3d 153.

Jurisdiction relinquished.