

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 560 MAL 2015
	:	
Petitioner	:	
	:	Petition for Allowance of Appeal from
	:	the Order of the Superior Court
v.	:	
	:	
	:	
DERECK MICHAEL MARTZ,	:	
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 7th day of December, 2015, the Petition for Allowance of Appeal is **GRANTED**. The issues as stated by petitioner are:

- (1) Whether the common law Infancy Defense should no longer be recognized as a defense since the adoption of the Juvenile Act of 1976, *42 Pa.C.S.A. § 6301 et seq.*, and in light of the expansion of the Statute of Limitations for sexual assault crimes against minors, when its continued application results in inequitable and disparate treatment of offenders in the juvenile justice versus the adult criminal justice system for the same offenses, and is prejudicial to victims?

- (2) In the alternative, if the Infancy Defense is deemed a viable common law defense, is it an affirmative defense which can only be determined at Trial by the fact finder, and cannot be used to exclude evidence or dismiss charges prior to Trial.