

This is an entirely new Rule.

Rule 420. Challenge to the Weight of Evidence

- A) **Timing of challenge.** A claim that the ruling on the offense(s), the adjudication of delinquency, or the transfer to criminal proceedings is against the weight of the evidence shall be raised with the court in a motion for reconsideration in any of the following ways:
- 1) orally, on the record, at any time before disposition;
 - 2) by filing a written motion at any time before disposition; or
 - 3) by filing a post-dispositional motion.
- B) **Timing of decision.**
- 1) If the claim is raised before disposition, the court shall decide the motion before imposing disposition.
 - 2) The court shall not extend the date for disposition or otherwise delay the dispositional proceeding in order to dispose of the motion.
- C) **Timing of appeal.** An appeal of the court's decision of the motion under this rule shall be governed by the timing requirements for appeals pursuant to Pa.R.A.P. 903 or a post-dispositional motion pursuant to Rule 620(B)(2) or (3), whichever applies.

COMMENT

The purpose of this rule is to make it clear that a challenge to the weight of the evidence is to be raised with the juvenile court or it will be waived. Appellate review of a weight of the evidence claim is limited to a review of the court's exercise of discretion. See *In re J.B.*, 106 A.3d 76 (Pa. 2014); *Commonwealth v. Lee*, 703 A.2d 470 (Pa. Super. Ct. 1997). See also *Commonwealth v. Widmer*, 689 A.2d 211 (Pa. 1997); *Commonwealth v. Brown*, 648 A.2d 1177, 1189 - 1192 (Pa. 1994).

When a claim is raised prior to disposition, the juvenile may, but need not, raise the issue again in a post-dispositional motion. See Rule 620(A)(2).

If there is a claim that the disposition, change in disposition, or a revocation of probation is against the weight of evidence, those claims must be preserved on the record or raised in a post-dispositional motion pursuant to Rule 620.