

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

IN THE INTEREST OF: G.C., A MINOR	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
APPEAL OF: G.C., MINOR	:	
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	:	No. 169 EDA 2026

Appeal from the Dispositional Order Entered December 11, 2025
In the Court of Common Pleas of Philadelphia County Juvenile Division at
No(s): CP-51-JV-0000052-2025

BEFORE: PANELLA, P.J.E., NICHOLS, J., and NEUMAN, J.

MEMORANDUM BY NEUMAN, J.:

FILED SEPTEMBER 29, 2026

Appellant, G.C., a minor, appeals from the order adjudicating him delinquent of unauthorized use of an automobiles (UUA), 18 Pa.C.S. § 3928, and conspiracy to commit UUA, 18 Pa.C.S. § 903. G.C. challenges the sufficiency of the evidence to sustain his adjudications. After careful review, we affirm.

The juvenile court summarized the facts of this case, as follows:

On January 18, 2025, at approximately 5:30 p.m., the complaining witness parked her silver Hyundai Sonata on the 1600 block of North Marshall Street in the city of Philadelphia. She went into her home for a couple of hours. She then went outside where she noticed that her vehicle was missing. She reported her car stolen on January 18, 2025. On January 19, 2025[,] at approximately 9:30 a.m., Philadelphia Police Officers [Sean] Johnson and [Christian] Irwin were travelling in their marked patrol car when they observed a silver Hyundai Sonata with a broken out rear right window that had a trash bag over it. The trash bag was protruding out of the vehicle. Officer Irwin testified that based on his training and experience, Hyundai Sonatas are

[frequently] stolen. Consequently, the [o]fficers ran the tag number and discovered that the car was in stolen status. The [o]fficers identified G.C. as an occupant of the car. According to Officer Irwin, G.C. was not the driver.

Officer Johnson's body worn camera (BWC) depicted G.C. and a companion running away from the scene. Officer Johnson identified the person seen running on the BWC []as G.C.

The Complainant testified that her car was not damaged prior to it[s] being stolen. Upon recovery, the damage to her car was a broken window, damage to the steering column[,] and [damage to] the lock on the driver's door[.] At the scene, Officer Irwin identified a cord [lying] on the seat in the car[,] which from his experience is used once "they pop the steering column off and finally gain access to the key port, they can use that cord to turn the ignition and start the vehicle[.]" Both [o]fficers identified [G.C.] in [c]ourt. The Complainant did not recognize [G.C.] in the [c]ourtroom because she had never met him. Furthermore, she never gave him permission to use her vehicle[.]

Juvenile Court Opinion (JCO), 3/4/26, at 2-3 (citations to the record omitted).

The juvenile court also summarized the pertinent procedural history of G.C.'s case, as follows:

On January 19, 2025, G.C. was arrested and the Philadelphia County District Attorney's Office filed a delinquent petition alleging the following delinquent acts were committed in violation of Pennsylvania Penal Laws: ... receiving stolen [property] (F3)[, 18 Pa.C.S. § 3925]; conspiracy (F3)...; [UUA] ... (M2); evading arrest or detention on foot[, 18 Pa.C.S. § 5104.2(a) (M2); and intentionally possessing a controlled substance (M), 35 Pa.C.S. § 780-113(a).

On February 18, 2025, at an adjudicatory hearing, the [juvenile court] deemed ... [G.C.] competent to stand trial. On March 21, 2025, the case was continued to April 22, 2025[,] ... due to a discovery issue. On April 22, 2025, after an adjudicatory hearing, the [court] ... found that the charges of conspiracy to commit [UUA] ... and [UUA] ... were substantiated. The remaining charges were unsubstantiated. [An] adjudication of delinquency was

deferred. [G.C.] was placed on interim probation with a list of conditions of release including: in home detention, GPS [monitoring], [an imposed] curfew, [the directive to] comply with and complete all court ordered programming, and [an order to] attend school with no unexcused absences, lateness, or suspensions.

From May [of] 2025 to October [of] 2025, adjudicatory/dispositional hearings were conducted before [the] court [regarding] ... [G.C.'s] progress on interim probation. On December 11, 2025, at an adjudicatory/dispositional hearing, the [court] found [G.C.] to be in need of treatment, rehabilitation[,] and supervision[,] and [G.C.] was adjudicated delinquent [on] the charges of: conspiracy to commit [UUA] ... and [UUA].... On January 12, 2026, ... G.C. filed a timely notice of appeal.^[1]

Id. at 2 (unnecessary capitalization omitted; some formatting altered).

G.C. and the court complied with Pa.R.A.P. 1925. Herein, G.C. raises two issues for our review:

A. Was the evidence insufficient to ... adjudicate [G.C.] delinquent where the evidence failed to establish that G.C. committed the act of [UUA], as there was no evidence that G.C. operated the vehicle, or knew of, or was at least reckless with respect to, the owner's lack of consent to operate the vehicle?

B. Was the evidence insufficient to ... adjudicate [G.C.] delinquent where the evidence failed to establish that G.C. committed the act

¹ The thirtieth day after December 11, 2025, was Saturday, January 10, 2026. Thus, Appellant had until Monday, January 12, 2026, to file a timely notice of appeal. **See** Pa.R.A.P. 903(a) ("Except as otherwise prescribed by this rule, the notice of appeal required by Rule 902 (manner of taking appeal) shall be filed within 30 days after the entry of the order from which the appeal is taken."); Pa.R.J.A. 107(b) ("Whenever the last day of any such period shall fall on Saturday or Sunday, or on any day made a legal holiday by the laws of this Commonwealth or of the United States, such day shall be omitted from the computation."); **see also** Pa.R.A.P. 107 (effective Jan. 1, 2024) ("In the construction of the Pennsylvania Rules of Appellate Procedure, the principles set forth in Pa.R.J.A. 104 to 115 shall be observed.") (footnote omitted).

of conspiracy, as there was no evidence of a conspiratorial agreement?

G.C.'s Brief at 2.

We review a challenge to the sufficiency of the evidence to sustain an adjudication of delinquency under the following standard:

When a juvenile is charged with an act that would constitute a crime if committed by an adult, the Commonwealth must establish the elements of the crime by proof beyond a reasonable doubt.

When considering a challenge to the sufficiency of the evidence following an adjudication of delinquency, we must review the entire record and view the evidence in the light most favorable to the Commonwealth.

In determining whether the Commonwealth presented sufficient evidence to meet its burden of proof, the test to be applied is whether, viewing the evidence in the light most favorable to the Commonwealth, and drawing all reasonable inferences therefrom, there is sufficient evidence to find every element of the crime charged. The Commonwealth may sustain its burden of proving every element of the crime beyond a reasonable doubt by wholly circumstantial evidence.

The facts and circumstances established by the Commonwealth need not be absolutely incompatible with a defendant's innocence. Questions of doubt are for the hearing judge, unless the evidence is so weak that, as a matter of law, no probability of fact can be drawn from the combined circumstances established by the Commonwealth.

As an appellate court, we must review the entire record ... and all evidence actually received[. T]he trier of fact while passing upon the credibility of witnesses and the weight of the evidence produced is free to believe all, part[,] or none of the evidence. Because evidentiary sufficiency is a question of law, our standard of review is *de novo* and our scope of review is plenary.

Int. of D.J.B., 230 A.3d 379, 386–87 (Pa. Super. 2020) (citations omitted).

Here, G.C. challenges his conviction for UUA and conspiracy to commit UUA.

A person is guilty of UUA, a misdemeanor of the second-degree, if he operates the automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle of another without consent of the owner. In order to establish the *mens rea* element of the crime of unauthorized use of automobiles, the Commonwealth must prove that the accused was at least reckless with respect to the owner's lack of consent to the accused's operation of the vehicle. The mere possession of stolen property is insufficient to permit an inference of guilty knowledge; there must be additional evidence, circumstantial or direct, which would indicate that the defendant knew or had reason to know that the property was stolen. The Pennsylvania Supreme Court has held:

It is difficult to enumerate every circumstance that would warrant a conclusion that the appellant had reason to know the property was stolen. Some of the significant circumstances can be the appellant's conduct; the appellant's relationship to the victim; the elapsed time between the appellant's possession and the theft; the situs of the theft and the situs of the possession; the kind of property; the quantity of the property; and the identifying characteristics of the property.

The possession of an automobile which does not belong to the driver is not so strange, unusual, or unique that it points to guilty knowledge as more likely than innocent knowledge on the part of the driver. The borrowing or leasing of an automobile for temporary use is not an uncommon occurrence. If every person possessing an automobile which they did not own would be held accountable as having knowledge that the automobile was stolen, every person who borrowed a car would be in peril of conviction.

Commonwealth v. Henderson, 304 A.2d 154, 156-157 (Pa. 1973).

Int. of K.G., 278 A.3d 934, 939 (Pa. Super. 2022) (cleaned up).

Regarding conspiracy, this Court has explained:

A juvenile may be adjudicated delinquent of conspiracy if the Commonwealth sufficiently proves the elements set forth in 18 Pa.C.S.[] § 903, which provides, in relevant part, the following:

A person is guilty of conspiracy with another person or persons to commit a crime if with the intent of promoting or facilitating its commission he:

(1) agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime or an attempt or solicitation to commit such crime; or

(2) agrees to aid such other person or persons in the planning or commission of such crime or of an attempt or solicitation to commit such crime.

18 Pa.C.S.[] § 903(a).

This requires proof that: 1) the juvenile entered into an agreement with another to commit or aid in the commission of a crime; 2) he shared the criminal intent with that other person; and 3) an overt act was committed in furtherance of the conspiracy. This overt act need not be committed by the juvenile; it need only be committed by a co-conspirator.

The essence of a criminal conspiracy is a common understanding, no matter how it came into being, that a particular criminal objective be accomplished. Therefore, an adjudication of delinquency for conspiracy requires proof of the existence of a shared criminal intent. An explicit or formal agreement to commit crimes can seldom, if ever, be proved and it need not be, for proof of a criminal partnership is almost invariably extracted from the circumstances that attend its activities. Thus, a conspiracy may be inferred where it is demonstrated that the relation, conduct, or circumstances of the parties, and the overt acts of the co-conspirators sufficiently prove the formation of a criminal confederation. The conduct of the parties and the circumstances surrounding their conduct may create a web of evidence linking the accused to the alleged conspiracy beyond a reasonable doubt. Even if the conspirator did not act as a principal in committing the underlying crime, he is still criminally liable for the actions of his co-conspirators in furtherance of the conspiracy.

In re V.C., 66 A.3d 341, 349 (Pa. Super. 2013) (cleaned up). Additionally, mere presence at the scene of a crime and knowledge of the commission of criminal acts is not sufficient to establish a conspiracy. Nor is flight from the scene of a crime, without more, enough. However, such factors, combined with other direct or

circumstantial evidence, may provide sufficient evidence sustaining an adjudication of delinquency for conspiracy.

Id. at 349-50 (cleaned up).

In the instant case, G.C. contends his UUA adjudication is not supported by sufficient evidence because he did not know the car was stolen, or “possess the discernment necessary to deduce that it might be stolen,” given he was only 12 years old and had “been found incompetent just three months prior” to his adjudication of delinquency.² G.C.’s Brief at 6. G.C. also argues he was merely present in the car, and he only fled from police because his adult cohort ran. He insists there was no evidence suggesting he was involved in the theft of the car, knew the car was stolen, or agreed with the driver to commit any crime. Thus, he maintains the evidence was insufficient to sustain his adjudications of delinquency for UUA.

Viewing the facts in the light most favorable to the Commonwealth, we disagree with G.C. and conclude the evidence was sufficient to sustain his adjudications. This Court’s decision in ***In the Interest of: W.C.***, No. 169 EDA 2024, unpublished memorandum (Pa. Super. filed June 27, 2025), is instructive.³ There, police officers stopped a vehicle that had been reported stolen a day prior. **Id.** at 1. After the officers pulled up behind the stopped

² G.C. explains there were three, pre-adjudication evaluations of his competency: in July and October of 2024, “he was found not competent to stand trial[,]” but was found competent in February of 2025. G.C.’s Brief at 5.

³ Pursuant to Pa.R.A.P. 126(b), non-precedential decisions of the Superior Court filed after May 1, 2019, may be cited for their persuasive value.

vehicle in their marked patrol car, both the driver of the vehicle and the passenger, W.C., exited the vehicle and “attempted to run.” **Id.** at 2. Ultimately, W.C. and the driver were apprehended, and inside the car, it was discovered that “the vehicles [*sic*] entire steering and ignition column was completely damaged, and all the internal components were exposed.” **Id.** W.C. was adjudicated delinquent of receiving stolen property, UUA, and conspiracy. **Id.** at 1.

On appeal, he first argued the evidence was insufficient to sustain his UUA conviction, claiming, similarly to G.C. herein, “that he did not know that the vehicle was stolen; that ... his presence at the scene [was] insufficient; and that the flight of a juvenile is not indicative of guilt.” **Id.** at 5 (relying on ***In re Waldron***, 353 A.2d 43 (Pa. Super. 1975) (explaining flight by a juvenile is not always indicative of guilt, inasmuch as juveniles may panic and depart from the scene of a crime regardless of guilt)). We explained:

In [***In re Waldron***], [Waldron] admitted he had driven the vehicle in question, but claimed he had permission from his friend. As [Waldron] and his friend fled the scene of an accident that occurred while the friend was driving, [Waldron] claimed his friend told him, for the first time, that the vehicle was stolen. This Court reversed [Waldron’s] adjudication of delinquency[,] reasoning as follows:

The fact that [Waldron] fled after the accident does not establish that he knew prior to the accident that the vehicle had been stolen. It is a matter of common knowledge that many drivers, particularly juveniles, panic after an accident and leave the scene—even without receiving such disconcerting information. [Waldron’s] conduct was not so inconsistent with innocence as to lead us to conclude that the conviction was predicated on anything more than mere conjecture of suspicion.

[**Waldron**, 353 A.2d] at 48.

Id. (footnote omitted).

The **W.C.** panel concluded **Waldron** was distinguishable, stating:

As described above, the instant record reflects that [W.C.] fled from the passenger side of the stolen vehicle after the police attempted to stop the vehicle. The record also reflects that the steering column was visibly damaged in a way that was necessary to operate the vehicle without the key. Because the car's interior contained visible evidence that the car was stolen, the instant facts are distinguishable from **Waldron**.

Id. at 5-6. The **W.C.** panel also noted "there [was] no argument in the instant case that [W.C.] was fleeing in panic from the scene of an accident, because there was no accident." **Id.** at 6.

The same is true in the instant case. There was no evidence G.C. was fleeing from the vehicle in panic after an accident, as no accident had occurred. Moreover, like in **W.C.**, the car had visible damage indicating it was stolen; namely, the "rear back right window [was] broken out with a trash bag over it[,]" N.T., 4/22/25, at 18, and "the steering column was damaged[,]" **id.** at 7. Although G.C. contends his young age, "cognitive functioning," and inexperience driving made him "less able to objectively assess the condition of this car compared to that of any other non-stolen car[,]" G.C.'s Brief at 14, he ignores that our standard of review requires us to view the evidence in the light most favorable to the Commonwealth, and draw all reasonable inferences therefrom in its favor. **See Int. of D.J.B., supra; see also W.C., supra**, at 7 ("[W.C.] would have us ignore ... that there is no evidence that he observed the damage to the steering column, but

[his] argument invites us to draw inferences unfavorable to the Commonwealth. Our standard of review requires us to draw reasonable inferences in favor of the Commonwealth.”) (citation omitted). Under this standard of review, it is reasonable to infer G.C. observed the damage to the vehicle and knew it had been stolen **before** he fled. **See W.C., supra**, at 7 (“Because [W.C.] was the passenger in a car with visible evidence of theft, it is reasonable to infer that G.C. observed the damage.”); **see also id.** (“Moreover, there is no evidence here, as there was in **Waldron**, that [W.C.] first learned of the vehicle’s theft **after** he began to flee. Rather, the condition of the vehicle’s interior supports the opposite inference.”) (emphasis in original). Moreover, G.C. presented no evidence to support his argument that his 2024 incompetency determinations somehow prove he was unable to understand the car was stolen. Therefore, the evidence was sufficient to support his adjudication of delinquency for UUA.

Likewise, the evidence was sufficient to sustain G.C.’s adjudication for delinquency for conspiracy. As above, G.C. contends his “mere presence in the car being driven by his cousin, who is not [G.C.’s] peer but instead [is] ten years his senior, is not sufficient to prove the existence of a conspiratorial agreement.” G.C.’s Brief at 17. Additionally, G.C. reiterates his claims that “the facts presented at trial do not circumstantially establish that G.C. knew the car was stolen[,]” again insisting “[t]he condition of the car and his flight are insufficient to prove that someone with G.C.’s particular characteristics knew his cousin was driving a stolen car....” **Id.** (citation omitted). In support

of his argument, G.C. argues his case is similar to several other decisions in which we concluded “the Commonwealth failed to demonstrate that the defendant was part of the active plan to commit or participate in the underlying crime[,]” *id.* at 22, or that the cohorts possessed a “shared criminal intent.” *Id.* Most notably, Appellant relies on ***Commonwealth v. Emmi***, 434 A.2d 142 (Pa. Super. 1981).

Again, our decision in ***W.C.*** is persuasive, as W.C. challenged his adjudication for conspiracy on essentially the same grounds as G.C. does herein. ***See W.C., supra***, at 8 (stating W.C.’s argument “centers on whether [his] presence in a vehicle with visible evidence of its theft, combined with his flight from police, is sufficient to prove that he conspired with his partner ... to commit an unlawful act”). Notably, W.C. also relied on ***Emmi*** to support his arguments. The ***W.C.*** panel explained that in ***Emmi***,

the defendant drive[r] was convicted of conspiring with three unidentified passengers to steal the vehicle in which he was stopped for running a red light. Because the Commonwealth provided no evidence to support a conclusion that the three unidentified passengers knew that the defendant was driving a stolen vehicle—at least not until after they fled from the vehicle—this Court reversed the conspiracy conviction. [***Emmi***, 434 A.2d] at 146. “Such knowledge is crucial to the process of inferring that there was a shared intent or conspiratorial agreement between [defendant] and at least one of the unknown passengers.” *Id.* Thus, no evidence in *Emmi* indicated that the passengers knew of the vehicle’s theft.

W.C., supra, at 9. In contrasting ***Emmi*** with the facts in ***W.C.***, we reasoned:

[W.C.’s] argument in the instant case, and his reliance on ***Emmi*** in challenging his conspiracy adjudication, rests on his theory that his flight, combined with the condition of the steering column, are

insufficient to demonstrate his own timely knowledge of the vehicle's theft in this case. We have already rejected that argument above. Further, the **Emmi** Court wrote that a conviction for conspiracy in that case rested on nothing but conjecture or surmise. That is not true in the instant case, in which the record contains evidence from which a fact finder could reasonably infer that both [W.C.] and the driver were aware that the vehicle was stolen before they fled from the police.

Id.

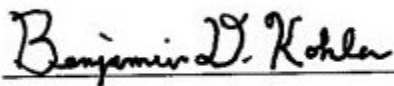
Here, as in **W.C.**, we reject G.C.'s reliance on **Emmi** and the other cases he cites, as we have concluded, for the reasons set forth *supra*, that the visible damage to the vehicle and G.C.'s flight from police were sufficient to prove he knew the vehicle in which he was riding was stolen before he fled. **See also Commonwealth v. Murray**, 371 A.2d 910, 913 (Pa. Super. 1977) (finding sufficient evidence to sustain a conspiracy conviction where Murray was a passenger in a stolen vehicle, he immediately fled when police stopped the car, the car had no keys in the ignition, and the ignition wires were hanging down under the dashboard). Additionally, G.C.'s cohort was his cousin, and they were stopped less than sixteen hours after the car was stolen. **See** N.T. at 6 (the victim's stating she left her car outside at around 5:30 p.m. on January 18, 2025, and noticed it was gone "a couple hours" later); **id.** at 10 (Officer Johnson's testifying he first observed the car around 9:30 a.m. on January 19, 2025). G.C.'s close relationship with the driver of the stolen vehicle, the short time between the theft and when he was observed riding in the car, the observable damage to the car indicating it was stolen, and G.C.'s immediate flight upon being stopped by police are sufficient, when viewed in the light most favorable to the Commonwealth, to prove G.C. agreed with his

cohort to use the stolen vehicle without the authority of its owner. **Compare with Commonwealth v. Mills**, 478 A.2d 30 (Pa. Super. 1984) (reversing Mills' conspiracy conviction where there was no evidence he agreed with another individual to procure drugs, or that he had previously engaged in the sale of methamphetamine with that person, especially where there were no statements by either alleged conspirator indicating a joint criminal intent to purchase drugs); **Commonwealth v. Fields**, 333 A.2d 745 (Pa. 1975) (finding the evidence insufficient to prove Fields had prior knowledge of his cohort's criminal intent where they approached the victim, asked him a question, and, before the victim could respond, Fields' cohort shot him, after which both men fled).

As G.C.'s adjudications of delinquency for UUA and conspiracy are supported by sufficient evidence, we affirm the dispositional order.

Order affirmed.

Judgment Entered.

A handwritten signature in cursive script that reads "Benjamin D. Kohler". The signature is written in black ink and is positioned above a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 9/29/2026