

2026 PA Super 112

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
JAMES CARUSO	:	
	:	
	:	No. 1216 EDA 2025
Appellant	:	

Appeal from the Judgment of Sentence Entered January 23, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0002474-2023

BEFORE: MURRAY, J., LANE, J., and STEVENS, P.J.E.*

CONCURRING OPINION BY LANE, J.:

FILED JUNE 1, 2026

I agree with the Majority's determination that ***Commonwealth v. Williams***, 341 A.3d 144 (Pa. Super. 2025), *appeal granted in part*, 352 A.3d 455 (Pa. 2026), is binding on this appeal, and accordingly no relief is due on the issues raised by James Caruso ("Caruso"). Nevertheless, I write separately to share my view, consistent with my dissent in ***Commonwealth v. Sumpter***, 340 A.3d 977 (Pa. Super. 2025),¹ that neither ***New York State Rifle & Pistol Ass'n v. Bruen***, 597 U.S. 1, nor ***United States v. Rahimi***,

* Former Justice specially assigned to the Superior Court.

¹ In ***Sumpter***, on March 16, 2026, the Pennsylvania Supreme Court held the Commonwealth's petition for allowance of appeal pending disposition in ***Commonwealth v. Livingston***, 346 A.3d 750 (Pa. 2025) (granting allowance of appeal). ***Livingston***, in turn, presented the question of "whether 18 Pa.C.S. § 6108 violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and Article I, Sections 1 and 26 of the Pennsylvania Constitution as it relates to persons in Philadelphia." ***Id.***

602 U.S. 680 (2024), stands for the proposition that individuals enjoy an unfettered constitutional right to carry firearms without **any** form of licensing. Accordingly, I concur with the affirmance of Caruso's judgment of sentence.