

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 153 MM 2024
	:	
Respondent	:	
	:	
	:	
v.	:	
	:	
	:	
MITCHELL D. DIVENTURA,	:	
	:	
Petitioner	:	

ORDER

PER CURIAM

AND NOW, this 8th day of July, 2025, the “Motion to Ensure Complete Brief” is GRANTED to the extent it seeks leave to submit certain materials from the proceedings before the Court of Common Pleas of Northampton County. In all other respects, the “Motion to Ensure Complete Brief” is DENIED.

The Court of Common Pleas of Northampton County’s transfer of Petitioner’s “Petition to Vacate Conviction Pursuant to 42 Pa.C.S. § 6503” is REJECTED, and that court’s October 15, 2024 order is VACATED.

The Court of Common Pleas of Northampton County recognized that Petitioner framed his “Petition to Vacate Conviction Pursuant to 42 Pa.C.S. § 6503” as seeking habeas corpus “or other collateral,” *i.e.*, Post Conviction Relief Act (“PCRA”), relief. Trial Court Order, dated Oct. 15, 2024, at 1. The Court of Common Pleas of Northampton County has jurisdiction over the requests for relief advanced in the “Petition to Vacate Conviction Pursuant to 42 Pa.C.S. § 6503.” See 42 Pa.C.S. § 9545(a) (indicating that the

common pleas courts have original jurisdiction over PCRA petitions); *cf. Commonwealth v. Lantzy*, 736 A.2d 564, 570 (Pa. 1999) (explaining that the PCRA provides the exclusive remedy for certain post-conviction claims seeking restoration of appellate rights); *see also Brown v. Dep't of Corr.*, 81 A.3d 814, 815 (Pa. 2013) (*per curiam*) (explaining that habeas corpus petitions “lie in the jurisdiction and venue of the court of record from which the order of detention came”).

Transfer of a matter is authorized only when the transferor court lacks jurisdiction. See 42 Pa.C.S. § 5103. Given that the Court of Common Pleas of Northampton County has jurisdiction over the “Petition to Vacate Conviction Pursuant to 42 Pa.C.S. § 6503,” it improperly attempted to transfer the matter to this Court.

This matter is REMANDED to the Court of Common Pleas of Northampton County to address the “Petition to Vacate Conviction Pursuant to 42 Pa.C.S. § 6503.”