

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 54 MAP 2021
	:	
Appellant	:	Appeal from the Judgment of
	:	Sentence of the Adams County
v.	:	Court of Common Pleas, Criminal
	:	Division, at No. CP-01-CR-0000190-
	:	2020 dated November 24, 2020.
	:	
GARRETT JAMES HAYES,	:	
	:	
Appellee	:	

ORDER

PER CURIAM

The Superior Court transferred this matter, suggesting that this Court has exclusive jurisdiction under 42 Pa.C.S. § 722(7).¹ However, the trial court performed a constitutional analysis within its Pa.R.A.P. 1925(a) Opinion, not as a part of its order. Because the trial court resolved the matter on non-constitutional grounds and there is no final order holding any statute unconstitutional, Section 722(7) is inapplicable.

¹ Section 722(7) provides, in relevant part, as follows:

The Supreme Court shall have exclusive jurisdiction of appeals from final orders of the court of common pleas in the following classes of cases:

. . .

(7) Matters where the court of common pleas has held invalid as repugnant to the Constitution, treaties or laws of the United States, or to the Constitution of this Commonwealth, any treaty or law of the United States or any provision of the Constitution of, or of any statute of, this Commonwealth, or any provision of any home rule charter.

Accordingly, on this 22nd day of September, 2021, we **TRANSFER** this matter back to the Superior Court to address the Commonwealth's challenges to the trial court's order.