

**[J-53-2022] [MO: Dougherty, J.]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 86 MAP 2021
	:	
Appellee	:	Appeal from the Order of the
	:	Superior Court dated January 25,
	:	2021 at No. 459 MDA 2020
v.	:	affirming the Judgment of Sentence
	:	of the Cumberland County Court of
	:	Common Pleas, Criminal Division,
HERMAN ALBERT ARMOLT, JR.,	:	dated February 11, 2020 at No. CP-
	:	21-CR-3273-2018
Appellant	:	
	:	ARGUED: September 15, 2022

CONCURRING OPINION

CHIEF JUSTICE TODD

DECIDED: May 16, 2023

While I agree with the majority’s determination that the protections of the Juvenile Act extend only to individuals who commit certain criminal offenses prior to reaching 18 years of age and are prosecuted before turning age 21, I do so based solely upon the plain and unambiguous language of the Juvenile Act. As such, I would end my analysis there and would refrain from venturing into an application of other statutory construction tools as does the majority. See Majority Opinion at 13-15. Indeed, our Court has repeatedly stressed that the paramount factor in discerning the meaning of a statute is the plain and unambiguous language thereof. See, e.g., *Pa. Rest. & Lodging Ass’n v. City of Pittsburgh*, 211 A.3d 810, 822 (Pa. 2019) (“In seeking the General Assembly’s intent, our inquiry begins and ends with the plain language of the statute if that statute is unambiguous.”); *Oliver v. City of Pittsburgh*, 11 A.3d 960, 965 (Pa. 2011) (“[I]t is well

established that resort to the rules of statutory construction is to be made only when there is an ambiguity in the provision.”).

Notably, our constitution provides that the courts of common pleas have “unlimited original jurisdiction in all cases except as may otherwise be provided by law.” Pa. Const. art. V, § 5. The General Assembly further demarcated the jurisdiction of our trial courts in Section 931(a) of the Judicial Code, which provides that:

Except where exclusive original jurisdiction of an action or proceeding is by statute or by general rule adopted pursuant to section 503 (relating to reassignment of matters) vested in another court of this Commonwealth, the courts of common pleas shall have unlimited original jurisdiction of all actions and proceedings, including all actions and proceedings heretofore cognizable by law or usage in the courts of common pleas.

42 Pa.C.S. § 931(a). Stated differently, “the courts of common pleas have unlimited original jurisdiction of all actions, except where otherwise provided by law.” *Domus, Inc. v. Signature Bldg. Sys. of Pa., LLC*, 252 A.3d 628, 636 (Pa. 2021) (citations omitted). Thus, in this matter, our Court is essentially tasked with determining the extent to which the Juvenile Act limits a trial court’s general jurisdiction, in light of the express statutory language of the relevant provisions.

Pertinently, to that end, Section 6303(a) of the Juvenile Act delineates that the provisions thereof apply “exclusively” in the following circumstances:

- (1) Proceedings in which a child is alleged to be delinquent or dependent.
- (2) Transfers under section 6322 (relating to transfer from criminal proceedings).
- (3) Proceedings arising under Subchapter E (relating to dispositions affecting other jurisdictions).

(4) Proceedings under the Interstate Compact on Juveniles, as set forth in section 731 of the act of June 13, 1967 (P.L. 31, No. 21), known as the Public Welfare Code.

(5) Proceedings in which a child is charged with a summary offense arising out of the same episode or transaction involving a delinquent act for which a petition alleging delinquency is filed under this chapter. The summary offense shall be included in any petition regarding the accompanying delinquent act. Upon finding a child to have committed a summary offense, the court may utilize any disposition available to the minor judiciary where a child is found to have committed a summary offense, including a finding of guilt on the summary offense.

42 Pa.C.S. § 6303(a) (internal footnote omitted). Additionally, Section 6302 of the Juvenile Act clarifies that a “child” is an individual who:

(1) is under the age of 18 years;

(2) is under the age of 21 years who committed an act of delinquency before reaching the age of 18 years; or

(3) is under the age of 21 years and was adjudicated dependent before reaching the age of 18 years, who has requested the court to retain jurisdiction and who remains under the jurisdiction of the court as a dependent child

Id. § 6302.

Critically, Section 6303 lacks any ambiguity with respect to the scope of the Juvenile Act, limiting applicability thereof to scenarios involving “child” offenders, including, as relevant herein, instances in which “a *child* is alleged to be delinquent or dependent.” *Id.* § 6303(a) (emphasis added). Likewise, the definition of “child” contained in Section 6302 leaves no room for interpretation beyond the plain language drafted by our legislature. Indeed, Section 6302, in conjunction with Section 6303(a), indicates that an alleged offender is a child — who is, thus, entitled to the protections afforded in the Juvenile Act — if that individual committed the relevant criminal offense while under the age of 18 and is prosecuted for said offense prior to turning age 21. Consequently, given

that the relevant statutory language is plain and unambiguous, it is neither necessary nor appropriate to engage in further analysis of the rules of statutory construction to bolster our determination that the trial court rightfully possesses jurisdiction over offenders, such as Appellant, who commit criminal offenses while under the age of 18, but are not prosecuted until after they have surpassed the age 21.

Relatedly, while, in my view, this case has highlighted a litany of potential constitutional concerns with the Juvenile Act's differentiations based on age, I am, unfortunately, constrained to agree with the majority's determination that Appellant waived his various constitutional challenges related to the Juvenile Act's treatment of aged-out child offenders such as himself. As the majority explained, Appellant failed to include his *ex post facto* claim in his Pa.R.A.P. 1925(b) statement of matters complained of on appeal, and, in any event, neglected to develop his argument on the issue, and he likewise failed to sufficiently develop his underlying arguments with respect to his equal protection, due process, and cruel and unusual punishment claims. Consequently, our Court cannot address these constitutional challenges to the Juvenile Act at this time.