[J-61-2022]
IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

TODD, C.J., DONOHUE, DOUGHERTY, WECHT, MUNDY, BROBSON, JJ.

COMMONWEALTH OF PENNSYLVANIA,	:	No. 16 WAP 2022
	:	
Appellee	:	Appeal from the Order of the
	:	Superior Court entered October 25,
v.	:	2021, at No. 355 WDA 2021,
	:	quashing the appeal from the Order
	:	of the Court of Common Pleas of
DAMIEN A. GREEN,	:	Blair County entered March 10,
	:	2021, at No. CP-07-CR-0000638-
Appellant	:	2020
	:	
	:	ARGUED: October 25, 2022

OPINION

DECIDED: OCTOBER 28, 2022
JUSTICE BROBSON **OPINION FILED: MARCH 21, 2023**

In this discretionary matter, Damien A. Green (Appellant) appeals from an order of the Superior Court, which quashed the Commonwealth's appeal from an order of the Court of Common Pleas of Blair County (trial court). In doing so, the Superior Court concluded that the trial court's order, granting decertification to a juvenile who was to be tried as an adult for murder,[1] constituted a legal nullity because the decertification order

[1] Pursuant to Section 6355 of the Juvenile Act, 42 Pa. C.S. § 6355, pertaining to the transfer of a juvenile to criminal proceedings,

> [w]here the petition [to transfer a juvenile's case] alleges conduct which if proven would constitute murder . . . , the court shall require the offense to be prosecuted under the criminal law and procedures, except where the case has been transferred pursuant to [S]ection 6322 (relating to transfer from criminal proceedings) from the division or a judge of the court assigned to conduct criminal proceedings.

(continued…)

was not filed within the time constraints set forth in Section 6322(b) of the Juvenile Act, 42 Pa. C.S. § 6322(b), and Pennsylvania Rule of Criminal Procedure 597 (Rule 597). Section 6322(b) of the Juvenile Act provides, in part, that "[i]f the court does not make its finding within 20 days of the hearing on the petition to transfer the case, the defendant's petition to transfer the case shall be denied by operation of law." Rule 597, which pertains to procedures following the filing of a motion[2] requesting transfer from criminal proceedings to juvenile proceedings, similarly provides, in part:

> (C) At the conclusion of the hearing, but in no case longer than 20 days after the conclusion of the hearing, the judge shall announce the decision in open court. The judge shall enter an order granting or denying the motion

---

Section 6322 of the Juvenile Act, 42 Pa. C.S. § 6322, sets forth a process—decertification—by which a juvenile charged with murder may seek to be transferred from criminal proceedings to the juvenile court system. Section 6322 provides, in part:

> (a) General rule.--. . . . If it appears to the court in a criminal proceeding charging murder . . . that the defendant is a child, the case may . . . be transferred [to the division or a judge of the court assigned to conduct juvenile hearings] and the provisions of this chapter applied. In determining whether to transfer a case charging murder . . . , the child shall be required to establish by a preponderance of the evidence that the transfer will serve the public interest. In determining whether the child has so established that the transfer will serve the public interest, the court shall consider the factors contained in [S]ection 6355(a)(4)(iii) (relating to transfer to criminal proceedings).
>
> (b) Order.--If the court finds that the child has met the burden under subsection (a), the court shall make findings of fact, including specific references to the evidence, and conclusions of law in support of the transfer order. *If the court does not make its finding within 20 days of the hearing on the petition to transfer the case, the defendant's petition to transfer the case shall be denied by operation of law.*

42 Pa. C.S. § 6322 (emphasis added).

[2] Section 6322 of the Juvenile Act refers to a "petition to transfer," whereas Rule 597 refers to a "motion for transfer." *See* 42 Pa. C.S. § 6322; Pa.R.Crim.P. 597. We perceive no difference in the terms, which are used interchangeably in this opinion.

> for transfer[] and set forth in writing or orally on the record the findings of fact and conclusions of law.
>
> (D) If the judge does not render a decision within 20 days of the conclusion of the hearing, the motion for transfer shall be denied by operation of law. The clerk of courts immediately shall enter an order on behalf of the judge.

We accepted review to consider "[w]hether, as a matter of first impression and in the interests of justice, a transfer order filed after the [20-]day limitation in [Section 6322 of the Juvenile Act] and [Rule] 597 is a legal nullity or should exceptions created by Pennsylvania jurisprudence [under] similar rules and statutes be applicable?" *Commonwealth v. Green*, 276 A.3d 202 (Pa. 2022) (per curiam) (some alteration in original). Following oral argument, we entered a per curiam order, dated October 28, 2022, affirming the Superior Court's order quashing the appeal. Our order also remanded the matter to the trial court for immediate entry of an order by the clerk of courts pursuant to Rule 597(D).[3] This opinion now follows.

---

[3] Our order provided:

> **AND NOW**, this 28th day of October, 2022, the order of the Superior Court, dated October 25, 2021, is **AFFIRMED**, and the matter is **REMANDED** directly to the [trial court] for immediate entry of an order by the clerk of courts pursuant to . . . Rule . . . 597(D), from which the defendant may wish to seek an interlocutory appeal by permission to the Pennsylvania Superior Court pursuant to Chapter 13 of the Pennsylvania Rules of Appellate Procedure. *See* Pa.R.Crim.P. 597(D) ("If the judge does not render a decision within 20 days of the conclusion of the hearing [on a motion requesting transfer from criminal proceedings to juvenile proceedings], the motion for transfer shall be denied by operation of law. The clerk of courts immediately shall enter an order on behalf of the judge.") The Office of the Prothonotary of the Supreme Court shall promptly **REMIT** the record directly to the trial court. Opinion(s) of the Supreme Court to follow.
>
> Jurisdiction relinquished.

(Supreme Court Order, 10/28/2022 (alterations in original).)

I.

As background, Appellant and three other individuals, all juveniles, were charged in criminal court—*i.e.*, thus as adults—with several crimes in connection with a murder and robbery that occurred on February 27, 2020. Appellant was charged as an adult with robbery, conspiracy to commit robbery, and murder of the second degree. The Commonwealth filed a written joinder to join all cases and proceedings involving Appellant and the three other juveniles (co-defendants). Appellant and his co-defendants separately filed petitions to decertify their cases, seeking the appointment of an expert and the transfer of their cases to juvenile court. The trial court appointed an expert and scheduled separate decertification hearings for each juvenile. Relevant here, the trial court held a two-day remote hearing on Appellant's decertification petition. At the conclusion of the hearing on January 19, 2021, the trial court observed that it had 20 days to issue an order and opinion on the matter, *i.e.*, until February 8, 2021.[4] (Notes of Testimony (N.T.), 1/19/2021, at 256.)

On March 9, 2021—49 days after the hearing—the trial court issued an order wherein it first stated that it made its "decision and finding in this matter on

[4] In making this observation, the trial court explained:

> I think[,] based on the totality of the testimony over the two days that the [c]ourt understands the viewpoints of both [of] the parties sufficiently that [it] can do an [o]rder and [o]pinion on this. I can do it within the 20 days that I have to do it in.

(N.T., 1/19/2021, at 256.) Shortly thereafter, the trial court stressed that, by the time it received the transcript for Appellant's two-day hearing, it would likely only have about ten days to draft and issue the order and opinion. (*Id*.)

February 2, 2021."[5] (Trial Ct. Order, dated 3/9/2021, at 1.) In this regard, the trial court further stated

> that its recent request to the parties for waiver[6] was in regard to the time frame to publicly issue a written [o]pinion with its [o]rder, because the issuance of said [o]pinion could influence ongoing testimony in the joined co-defendant's [p]etition for [d]ecertification. The Commonwealth having indicated to the [trial court its] opposition to waiver, and [Appellant] having consented to waiver, the [trial court] memorializes its previous decision and findings in [o]rder form here, and will issue an [o]pinion under seal, which will be released at the conclusion of [the] hearing for the co-defendant.

(*Id*.) In the same order, the trial court concluded that Appellant had "met his burden of proof . . . as to his timely amenability to treatment" and "that the interest of society is served by decertification." (*Id*.) The trial court thereafter sealed its opinion in support of that order pending the final decertification hearing for one of Appellant's co-defendants.[7]

The Commonwealth thereafter filed an interlocutory appeal of the trial court's March 9, 2021 order to the Superior Court. In its statement of matters complained of on appeal, the Commonwealth argued, *inter alia*, that Appellant's decertification petition was automatically denied by operation of law when the trial court failed to issue its decision

---

[5] On appeal, the Superior Court observed—and the parties did not disagree—that, in the case *sub judice*, the docket was "devoid of any indication that the [trial] court issued a 'decision and finding' on February 2, 2021, or otherwise communicated with the parties after the January 19, 2021 hearing." *Commonwealth v. Green*, 265 A.3d 798, 799 n.2 (Pa. Super. 2021). Neither party on appeal to this Court nor the record suggests that the trial court announced any decision on February 2, 2021, and, therefore, we do not further consider this statement by the trial court in our analysis.

[6] Before this Court, the Commonwealth asserts that on March 8, 2021, the trial court asked both parties—via telephone—to "verbally waive the [20-]day deadline imposed by [Section of 6322(b) of the Juvenile Act] and [Rule] 597([D])." (Commonwealth's Br. at 6.) Appellant's brief before this Court is silent in this regard. We do not consider the concept of waiver in this appeal.

[7] In its opinion, which the trial court did not unseal until March 19, 2021—59 days after Appellant's decertification hearing—the trial court did not address its delay in issuing its order and supporting opinion.

within the statutorily mandated 20-day time frame provided for by Section 6322(b) of the Juvenile Act and Rule 597. In rejecting the Commonwealth's argument, the trial court explained in a subsequent opinion[8] that it held separate hearings for each of the four co-defendants because "the burden of proof in decertification is individual to each defendant" and the "interests of justice dictate that each juvenile [receive] separate consideration." (Trial Ct. 1925(a) Op., 4/14/2021, at 5.) The trial court then observed that, given the various logistical challenges attendant to the four co-defendants' hearings and related volume of material that it would have to review prior to rendering four separate decisions, it suggested at the conclusion of Appellant's decertification hearing that "it would be difficult to release a written opinion within the 20-day period set out in the statute." (*Id*. at 6.) The trial court then stated that, given the Commonwealth's use of a sole expert witness to collectively evaluate the four co-defendants, "it became obvious" to the trial court as it wrote its opinion in Appellant's case "that[,] if the [trial court's] opinion in [Appellant's] case, which dealt heavily with the Commonwealth's expert opinion, was published before the decertification hearing in [one of Appellant's co-defendant's] case, the [trial court's] writing could prejudice either the Commonwealth or [Appellant], or otherwise shape the testimony in that matter." (*Id*. at 6-7.)

The trial court then extensively set forth additional details regarding the above-mentioned logistical challenges before indicating that it "had a true dilemma" because, while the trial court fully acknowledged "its duty to follow" the 20-day time frame provided by Section 6322(b) of the Juvenile Act, it was "further . . . guided by its duty to operate in the interests of justice." (*Id*. at 8.) Thus, the trial court remarked, it was "caught between competing duties" and "could find no authority to guide it." (*Id.*) In this context,

[8] The trial court issued the subsequent opinion pursuant to Pennsylvania Rule of Appellate Procedure 1925(a).

the trial court requested—albeit unsuccessfully—that the parties waive the statutory 20-day time frame. (*Id.*) The trial court then reasoned that, although it initially sealed its opinion in support of its order granting Appellant's decertification petition, it made "its decision and findings public" when it issued its March 9, 2021 order. (*Id*.) The trial court also noted that the March 9, 2021 order allowed the Commonwealth to appeal its ruling.

Before the Superior Court, the Commonwealth relied upon Section 6322(b) of the Juvenile Act and Rule 597(D) to argue that, because the trial court "'did not take action until March 9, 2021 (approximately [50] days after the hearing),' the [trial] court 'lost jurisdiction to take action'" on Appellant's decertification petition. *Green*, 265 A.3d at 798 (quoting Commonwealth's Superior Ct. Br. at 23). The Commonwealth, therefore, asked the Superior Court to "deem the [trial court's] untimely order granting decertification a legal nullity." (*Id*. (quoting Commonwealth's Superior Ct. Br. at 24).) In its published decision, the Superior Court first addressed the Commonwealth's argument relative to the legal nullity. In so doing, the Superior Court relied on Section 6322 of the Juvenile Act to outline the procedure a trial court must follow where a juvenile, who has been charged with murder, requests decertification to transfer the case to juvenile court. The Superior Court then emphasized: "If the court does not make its finding within 20 days of the hearing on the petition to transfer the case, the defendant's petition to transfer the case shall be denied by operation of law." *Id*. (emphasis omitted) (quoting Section 6322(b) of the Juvenile Act). Thereafter, the Superior Court explained that if "a court issues an order after statutory time limits have passed, that order is a legal nullity." *Id*. (citing *Commonwealth v. Martinez*, 141 A.3d 485, 490-91 (Pa. Super. 2016)). Based on the foregoing, the Superior Court concluded that because the trial court only had 20 days after the conclusion of Appellant's hearing—*i.e.*, until February 8, 2021—to act on Appellant's petition to transfer, the trial court's order, dated March 9, 2021, granting

decertification was a legal nullity.[9] The Superior Court further concluded that the Commonwealth's appeal was, therefore, also a legal nullity, and it quashed the appeal.[10]

II.

Before this Court, Appellant[11] acknowledges that Section 6322 of the Juvenile Act and Rule 597 do not provide an exception to the 20-day time frame at issue. Nevertheless, Appellant argues that the outcome of this matter offends the absurdity doctrine and Section 1922 of the Statutory Construction Act of 1972 (Statutory Construction Act), 1 Pa. C.S. § 1922.[12]

As to the absurdity doctrine, Appellant submits that the "interests of justice" do not support rigid application of this time frame, which, he contends, "creates an unreasonable and absurd outcome." (Appellant's Br. at 5, 8.) Appellant relies on concepts interspersed into early decisions of the United States Supreme Court. *See Sturges v. Crowninshield*,

---

[9] The Superior Court also observed that, pursuant to Rule 597, where the trial court fails to "announce its decision regarding the transfer of the case in open court no later than 20 days after the hearing," the motion for transfer "shall be denied by operation of law" and "[t]he clerk of courts immediately shall enter an order on behalf of the judge." *Green*, 265 A.3d at 800 n.5 (quoting Pa.R.Crim.P. 597). The Superior Court additionally observed that "[t]he court in this case did not follow this rule." *Id*.

[10] Although Appellant appeals from this order, he does not argue that the Superior Court erred in concluding that the trial court's order granting decertification was a legal nullity, such that the appeal should be quashed. As Appellant does not challenge this conclusion, we do not address it in our opinion.

[11] The Juvenile Law Center (JLC) filed an *amicus* brief in support of Appellant. The gravamen of JLC's position is that strict application of the 20-day time frame that the statute and Rule 597 provide would be unjust and run counter to the public interest. In support, JLC advances arguments similar to those Appellant raises, which are set forth in detail below. JLC also submits that the public interest is not served by prosecuting children in criminal court where abundant research shows that children are capable of change, where juvenile court was designed to effectuate such change, where criminal court does not reduce recidivism, and where children suffer devastating and lasting consequences and trauma when incarcerated in prisons.

[12] The Statutory Construction Act is codified at 1 Pa. C.S. §§ 1501-1991.

17 U.S. 122, 202-03 (1819) ("But if, in any case, the plain meaning of a provision, not contradicted by any other provision in the same instrument, is to be disregarded, because we believe the framers of that instrument could not intend what they say, it must be one in which the absurdity and injustice of applying the provision to the case, would be so monstrous, that all mankind would, without hesitation, unite in rejecting the application."); *Holy Trinity Church v. United States*, 143 U.S. 457, 460 (1892) ("If a literal construction of the words of a statute be absurd, the act must be so construed as to avoid the absurdity."); and *United States v. Kirby*, 74 U.S. 482, 486-87 (1868) ("All laws should receive a sensible construction. General terms should be so limited in their application as not to lead to injustice, oppression, or an absurd consequence. It will always, therefore, be presumed that the legislature intended exceptions to its language, which would avoid results of this character.") Appellant also notes a more modern reference to the absurdity doctrine by Justice Wecht in *Commonwealth v. Peck*, 242 A.3d 1274 (Pa. 2020) (Wecht, J., concurring),[13] wherein Justice Wecht discouraged invocation of the absurdity doctrine in criminal cases unless, as suggested by late Justice Antonin Scalia and scholar Bryan Garner, two conditions exist: (1) the absurdity "must consist of a disposition that no reasonable person could intend" and (2) the absurdity "must be reparable by changing or supplying a particular word or phrase whose inclusion or omission was obviously a technical or ministerial error." (Appellant's Br. at 10-11 (quoting Antonin Scalia & Bryan A. Garner, Reading Law: The Interpretation of Legal Texts 237 (2012), and (citing *Peck*, 242 A.3d at 1286-87 (Wecht, J., concurring))).) In applying the first condition to the case *sub judice*, rather than explicitly arguing that the outcome is one that "no reasonable person could intend," Appellant instead contends that it is "absurd

[13] In *Peck*, the trial court relied upon the absurdity doctrine to reject the appellant's claims relative to his drug delivery resulting in death conviction. On appeal, the Superior Court resolved the case without resorting to the absurdity doctrine.

and unreasonable" to "subject a child found to be amenable to treatment to decades behind bars" when the child did not cause the trial court's late filing or the Superior Court's determination that the trial court's late filing was a legal nullity. (*Id*. at 10.) In applying the second condition to the case *sub judice*, Appellant suggests that the inclusion of the phrase "without cause shown" would cure the absurdity that he contends exists in Section 6322 of the Juvenile Act and Rule 597. (*Id*. at 11.)

Turning to the Statutory Construction Act, Appellant contends that the principles of statutory construction demand flexibility where cause is shown for a delay. Appellant applies the five presumptions for ascertaining legislative intent, as set forth in Section 1922 of the Statutory Construction Act.[14] Regarding the first presumption, that the "General Assembly does not intend a result that is absurd, impossible of execution or unreasonable," Appellant reiterates his previous argument that the outcome in his case is absurd and unreasonable. (*Id*. at 12 (quoting 1 Pa. C.S. § 1922(1)).) Regarding the

---

[14] Section 1922 of the Statutory Construction Act provides:

> In ascertaining the intention of the General Assembly in the enactment of a statute the following presumptions, among others, may be used:
>
> (1) That the General Assembly does not intend a result that is absurd, impossible of execution or unreasonable.
>
> (2) That the General Assembly intends the entire statute to be effective and certain.
>
> (3) That the General Assembly does not intend to violate the Constitution of the United States or of this Commonwealth.
>
> (4) That when a court of last resort has construed the language used in a statute, the General Assembly in subsequent statutes on the same subject matter intends the same construction to be placed upon such language.
>
> (5) That the General Assembly intends to favor the public interest as against any private interest.

second presumption, that the "General Assembly intends the entire statute to be effective and certain," Appellant contends that this "factor is essentially a non-factor" in this case but also notes that, while the inclusion of the phrase "without cause shown" would not "affect the utility and efficacy" of Section 6322 of the Juvenile Act and Rule 597, it might make them "*more certain*." (*Id*. at 12-13 (emphasis in original) (quoting 1 Pa. C.S. § 1922(2)).) Regarding the third presumption, that the "General Assembly does not intend to violate the Constitution of the United States or of this Commonwealth," Appellant argues that strict application of Section 6322 and Rule 597 would violate due process protections and fundamental fairness precepts that both constitutions provide. (*Id*. at 12 (quoting 1 Pa. C.S. § 1922(3)).) Regarding the fourth presumption, that "when a court of last resort has construed the language used in a statute, the General Assembly in subsequent statutes on the same subject matter intends the same construction to be placed upon such language," Appellant maintains that the related jurisprudence and text of Pennsylvania Rule of Criminal Procedure 720 (Rule 720)[15] and Section 6355 of the

[15] Rule 720 pertains to post-sentence procedures and appeals. Subsection (B)(3) of the rule, which imposes time limits on the trial judge for deciding post-sentence motions and allows for an extension of that time upon "good cause shown" provides, in part:

> (3) Time Limits for Decision on Motion. The judge shall not vacate sentence pending decision on the post-sentence motion, but shall decide the motion as provided in this paragraph.
>
> > (a) Except as provided in paragraph (B)(3)(b), *the judge shall decide the post-sentence motion, including any supplemental motion, within 120 days of the filing of the motion. If the judge fails to decide the motion within 120 days, or to grant an extension as provided in paragraph (B)(3)(b), the motion shall be deemed denied by operation of law.*
> >
> > (b) *Upon motion of the defendant within the 120-day disposition period, for good cause shown, the judge may grant one 30-day extension for decision on the motion. If the judge fails to decide the motion within*

(continued…)

Juvenile Act—which govern post-trial procedures and a juvenile's transfer to criminal proceedings, respectively—further support his argument that Section 6322 and Rule 597 should be flexibly applied. (*Id*. at 12, 14 (quoting 1 Pa. C.S. § 1922(4)).)

Appellant characterizes both Rule 720 and Rule 597 as providing "very strict and rigid filing deadlines," but he argues that the jurisprudence on Rule 720's predecessor—former Pennsylvania Rule of Criminal Procedure 1410 (Rule 1410)—supports a "flexible[,] non-rigid application." (*Id*. at 14, 16.) In this regard, Appellant cites to several cases: *Commonwealth v. Wright*, 142 A.2d 336, 337 (Pa. Super. 1958) ("When an Act of Assembly fixes the time within which an appeal may be taken, courts have no power to extend it or to allow an appeal *nunc pro tunc*, except where there is a showing of fraud or its equivalent."); *Commonwealth v. Laskaris*, 561 A.2d 16, 20 (Pa. Super. 1989), *appeal denied*, 577 A.2d 889 (Pa. 1990) ("Procedural rules are not ends in themselves, but means whereby justice, as expressed in legal principles, is administered. They are not to be exalted to the status of substantive objectives." (quoting *Feingold v. Se. Pa. Transp. Auth.*, 517 A.2d 1270, 1272 (Pa. 1986)); and *Commonwealth v. Braykovich*, 664 A.2d 133, 138 (Pa. Super. 1995), *appeal denied*, 675 A.2d 1242 (Pa. 1996) (concluding that appellant's notice of appeal was timely filed even though there was "a breakdown in the court system" where trial court failed to decide defendant's post-sentence motion

---

> *the 30-day extension period, the motion shall be deemed denied by operation of law.*
>
> (c) When a post-sentence motion is denied by operation of law, the clerk of courts shall forthwith enter an order on behalf of the court, and, as provided in Rule 114, forthwith shall serve a copy of the order on the attorney for the Commonwealth, the defendant's attorney, or the defendant if unrepresented, that the post-sentence motion is deemed denied. This order is not subject to reconsideration.

Pa.R.Crim.P. 720(B)(3) (emphasis added).

within 120-day period and clerk of courts failed to enter order denying motion by operation of law).

Furthermore, Appellant argues that the facts here are analogous to those found in the Superior Court's decision in *Braykovich*, because both cases involved litigants who were not at fault for the trial courts' and clerk of courts' failures to comply with filing deadlines. In *Braykovich*, the Superior Court wrote:

> In the instant case, the failure to file a timely appeal involved a breakdown in the court system, that is, lack of compliance with [Rule] 1410. The text of Rule 1410 and the comments thereto leave no doubt that a timely written order, either by the trial court or by the clerk of courts, is intended to protect the defendant's right to a timely appeal. The judgment becomes final for appeal purposes either on the date when the court disposes of the motion or when the motion is denied by operation of law. Appellant's failure to comply with Rule 1410 was caused by a breakdown in the processes of the court, that is, the clerk of courts' failure to notify him that his motion had been denied by operation of law. Appellant filed his appeal on October 11, 1994, within 30 days of the filing of the trial court's order denying his post-sentence motion. We hold that under the circumstances of the present case, the appeal is timely filed and may be considered by us.

Braykovich, 664 A.2d at 138. Appellant suggests that the Superior Court's reasoning in *Braykovich* could be applied here to render the appeal timely.

Appellant, addressing Section 6355 of the Juvenile Act, argues that, although it contains language similar to that which Section 6322 of the Juvenile Act provides, albeit in the context of transferring a case *to* criminal proceedings, Section 6355 nevertheless does not require a trial court to determine whether a child is delinquent within a strict time frame. Finally, Appellant returns to Section 1922 of the Statutory Construction Act and argues, relative to the fifth presumption that the "General Assembly intends to favor the public interest as against any private interest," that Section 6322 and Rule 597 do "not favor the public good as written." (Appellant's Br. at 12, 20 (quoting 1 Pa. C.S. § 1922(5)).) Here, Appellant "suggests that the public good is best served by treatment of juveniles through the juvenile system" and that a trial court's decision to decertify and

transfer a case to juvenile court should be honored even if it is not timely made. (*Id*. at 20.) Appellant also suggests that the statute and Rule 597 constitute "[r]emedial legislation" and that their clear humanitarian objectives—*i.e.*, rehabilitating juveniles—should be prioritized over rigid application of the 20-day time frame. (*Id.*) Based on the foregoing, Appellant asks this Court to reverse the Superior Court's order.

The Commonwealth counters that the language in Section 6322 of the Juvenile Act and Rule 597 clearly and unambiguously dictate a mandatory rule: the lower court must "take action no later than [20] days after the conclusion of the [decertification] hearing." (Commonwealth's Br. at 11.) The "plain language and meaning of this legal rubric," the Commonwealth contends, "are so categorically free from ambiguity that to judicially insert an exception would disregard the letter of the law." (*Id*.) The Commonwealth criticizes Appellant's invitation to "re-imagine and re-write" the statute and rule "under the pretext of invoking his interpretation of the spirit of the law," as an undertaking that appellate courts have soundly rejected. (*Id*.) The Commonwealth takes the position that the clear language of Rule 597(C) demonstrates that its drafters "already contemplated and rejected any application of a good cause exception." (*Id*.) In support, the Commonwealth emphasizes the portion of Rule 597(C) which provides that a judge must openly issue its decision "*in no case* longer" than 20 days after the hearing and submits that the foregoing phrase is "arguably tantamount to 'under no circumstances longer' or 'for no reason longer.'" (*Id*. (emphasis in original).) Rule 597(C), argues the Commonwealth, clearly favors a trial court's immediate decision at the conclusion of the hearing. The Commonwealth then contends that Appellant's attempt to analogize to Rule 720 is of no avail, because, unlike the at-issue statute and rule, Rule 720 explicitly provides for an extension of the relevant time frames in the post-sentence context. In fact, argues the Commonwealth, "the law is clear that the court is to take action

within 20 days, and goes so far as to command certain action to be taken by a separate office (the Prothonotary) in the event the [trial] court fails to comply." (*Id*. at 13.)

The Commonwealth then posits that the 20-day time frame evidences the legislature's intent to expedite decertification proceedings. In support, the Commonwealth argues that this time frame and related transfer from prison to a juvenile detention center not only preserves hope for the juvenile's rehabilitation, but it also provides society with certain rights related to safety. In this regard, the Commonwealth submits that the trial court's statement that it had made its decision on February 2, 2021, does not comport with the record or the law. Further, the Commonwealth faults the trial court for failing to announce or issue its decision within the 20-day time frame, failing to transfer Appellant to a juvenile facility during the same time period, and for sealing its order and, thereby, preventing the parties from receiving notice of the trial court's decision.

Further, in the event this Court creates a "good cause shown" exception to the 20-day time frame, the Commonwealth submits that such an exception would be unwarranted here. In support, the Commonwealth contends that the trial court failed to openly communicate that good cause existed to seal or delay its issuance of an opinion. The Commonwealth further submits that the record demonstrates that, at the time of Appellant's hearing, the trial court believed that it was subject to the 20-day time frame and, moreover, did not articulate any concern that the procedural posture of Appellant's co-defendants' cases would prevent it from complying with the 20-day time frame. The Commonwealth then contends that the trial court lacked jurisdiction both when it requested that the parties waive the 20-day time frame and when it ultimately issued its order and opinion. The Commonwealth also asserts that the trial court lacked the

authority to seal its opinion given that Rule 597(C) clearly provides that a trial court *shall* announce its decision in open court.

Additionally, the Commonwealth argues that the trial court's explanation for why it exceeded the 20-day time frame is of no avail. It submits that, while the trial court claimed that it could cause prejudice to Appellant's co-defendants' pending cases by issuing an opinion in Appellant's case, the trial court failed to "explain how such prejudice would manifest." (*Id*. at 22.) In this regard, the Commonwealth posits that the trial court's fear of prejudice "is an implicit accusation that the prosecutors and/or defense attorney are risks for improper dissemination." (*Id*.) Finally, the Commonwealth submits that, relative to the trial court's complaint that it was caught between competing duties to comply with the 20-day time frame in Appellant's case or cause prejudice in his co-defendants' cases, "[o]ur law cannot legitimately be understood to trade the best interests of one juvenile at the expense of another." (*Id*. at 25.) Based on the foregoing, the Commonwealth asks this Court to deny the relief Appellant requests and remand his case to criminal court.

III.

Although Appellant leads with his argument based on the absurdity doctrine, we begin our analysis by addressing Appellant's argument that Section 1922 of the Statutory Construction Act requires us to interpret Section 6322 of the Juvenile Act and Rule 597 to provide for exceptions to the 20-day time limit set forth in each. At the outset, we confirm that, in addition to applying to statutes, "we apply the Statutory Construction Act . . . when interpreting the Rules of Criminal Procedure." *Commonwealth v. McClelland*, 233 A.3d 717, 733 (Pa. 2020) (quoting Pa.R.Crim.P. 101(C) ("To the extent practicable, these rules shall be construed in consonance with the rules of statutory construction.")).

The Statutory Construction Act provides that the object of all statutory interpretation "is to ascertain and effectuate the intention of the General Assembly." 1 Pa.

C.S. § 1921(a). Generally, the plain language of the statute "provides the best indication of legislative intent." *Miller v. Cnty. of Centre*, 173 A.3d 1162, 1168 (Pa. 2017). If the statutory language is clear and unambiguous in setting forth the intent of the General Assembly, then "we cannot disregard the letter of the statute under the pretext of pursuing its spirit." *Fletcher v. Pa. Prop. & Cas. Ins. Guar. Ass'n*, 985 A.2d 678, 684 (Pa. 2009) (citing 1 Pa. C.S. § 1921(b)). In this vein, "we should not insert words into [a statute] that are plainly not there." *Frazier v. Workers' Comp. Appeal Bd. (Bayada Nurses, Inc.)*, 52 A.3d 241, 245 (Pa. 2012). When the statutory language is ambiguous, however, we may ascertain the General Assembly's intent by considering the factors set forth in Section 1921(c) of the Statutory Construction Act, 1 Pa. C.S. § 1921(c), and other rules of statutory construction. *See Pa. Sch. Bds. Ass'n, Inc. v. Pub. Sch. Emps. Ret. Bd.*, 863 A.2d 432, 436 (Pa. 2004) (observing that "other interpretative rules of statutory construction are to be utilized only where the statute at issue is ambiguous"). "We also presume that 'the General Assembly does not intend a result that is absurd, impossible of execution or unreasonable,' and that 'the General Assembly intends the entire statute to be effective and certain.'" *Berner v. Montour Twp. Zoning Hearing Bd.*, 217 A.3d 238, 245 (Pa. 2019) (quoting 1 Pa. C.S. § 1922(1)-(2)).

Section 1921(b) of the Statutory Construction Act, which provides that "when the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit," is crucial to our analysis here. If the statute or rule in this case—*i.e.*, Section 6322(b) of the Juvenile Act or Rule 597—are not ambiguous, then we cannot apply the presumptions set forth in Section 1922 of the Statutory Construction Act. "A statute is ambiguous when there are at least two reasonable interpretations of the text under review." *Warrantech Consumer Prods. Servs., Inc. v. Reliance Ins. Co. in Liquidation*, 96 A.3d 346, 354-55 (Pa. 2014). "This

Court has consistently held that . . . interpretive rules of statutory construction are to be utilized only where the statute [or rule] at issue is ambiguous." *Pa. Sch. Bd. Ass'n*, 863 A.2d at 436. With this in mind, we consider whether Section 6322(b) and Rule 597 are ambiguous as to the strict 20-day time frame for the announcement of the trial court's decertification decision.

The Superior Court summarized the provisions of Section 6322 of the Juvenile Act, as follows:

> When the Commonwealth charges a juvenile with murder, jurisdiction is vested with the criminal division of the court of common pleas. *See* 42 Pa. C.S. §§ 6302, 6322(a) (excluding murder from the definition of "delinquent acts" that are reviewable under the court of common pleas' juvenile division's original jurisdiction). However, a juvenile charged with murder may request that the matter be decertified and transferred to the juvenile division for adjudication. *Commonwealth v. Ruffin*, 10 A.3d 336, 338 (Pa. Super. 2010). The court must then hold a hearing at which the juvenile must establish by a preponderance of the evidence that the transfer will serve the public interest. 42 Pa. C.S. § 6322(a). If the court finds that the juvenile has met his burden under subsection (a), "the court shall make findings of fact, including specific references to the evidence, and conclusions of law in support of the transfer order." 42 Pa. C.S. § 6322(b). *"If the court does not make its finding within 20 days of the hearing on the petition to transfer the case, the defendant's petition to transfer the case shall be denied by operation of law." Id.* (emphasis added).

Green, 265 A.3d at 800.

As to Rule 597, the Superior Court summarized it as

> requir[ing] the court to announce its decision regarding the transfer of the case in open court no later than 20 days after the hearing. Pa.R.Crim.P. 597(C). If no decision is rendered within 20 days of the conclusion of the hearing, the motion for transfer "shall be denied by operation of law. The clerk of courts immediately shall enter an order on behalf of the judge." Pa.R.Crim.P. 597(D).

Id. at 800 n.5.

Thus, the Superior Court interpreted Section 6322(b) of the Juvenile Act and Rule 597 to provide for a strict 20-day time frame within which the trial court must announce its decision. We perceive no other possible interpretation of that language.

Moreover, the parties, even Appellant, do not dispute the Superior Court's interpretation of the statute and rule as providing for a strict 20-day time frame within which the trial court must announce its decision. Thus, a careful review of the statutory language and Rule 597 reveals that there is no ambiguity in the statute or rule as to the 20-day requirement. In the absence of ambiguity, we cannot apply the presumptions of Section 1922 of the Statutory Construction Act to allow for exceptions to that time limit. Accordingly, we must reject Appellant's argument to the contrary.

Turning now to Appellant's argument that the absurdity doctrine must apply, we reject that argument outright. Appellant's argument is premised on the notion that the rigid application of the time frame in Section 6322(b) of the Juvenile Act and Rule 597 "creates an unreasonable and absurd outcome." (Appellant's Br. at 5.) We disagree with such a characterization, as it reads the statute in isolation without consideration of the avenues of relief available to a juvenile whose petition to transfer is denied by operation of law.

First, and foremost, Rule 597(D) provides that, when a "judge does not render a decision within 20 days," thereby rendering a petition for transfer "denied by operation of law," "[t]he clerk of courts *immediately shall* enter an order on behalf of the judge." Pa.R.Crim.P. 597(D) (emphasis added). In the case now before this Court, the trial judge failed to meet the 20-day time frame set forth in Section 6322 of the Juvenile Act and Rule 597, resulting in the petition being denied by operation of law. Equally important, however, the clerk of courts failed to comply with the critical aspect of Rule 597(D) that provides for the entry of an order. Without action on the part of the clerk of courts, there was no notice to Appellant of the deemed denial and no order from which Appellant could

seek an appeal.[16] Had the procedural mechanism in Rule 597 for entry of an order been utilized, there would have been no question as to the effect of the trial court's failure to announce its decision and the time period for filing an appeal under Chapter 13 of the Pennsylvania Rules of Appellate Procedure, pertaining to interlocutory appeals by permission. It is for this reason that our Court remanded the matter back to the trial court for entry of the order pursuant to Rule 597(D).

---

[16] As to the appealability of Appellant's order, an

> order denying [a juvenile's] request to transfer [a] case from the criminal division to the juvenile division under [Section 6322 of the Juvenile Ac]t is an interlocutory order. *See In the Interest of McCord*, . . . 664 A.2d 1046, 1048 ([Pa. Super.] 1995) ("Where a juvenile appeals the . . . denial of transfer from the criminal division, double jeopardy protections are not implicated. Such orders are . . . interlocutory, and are not appealable until judgment of sentence has been entered. The defendant's rights to contest the trial court's transfer decision are fully preserved . . . [and] may be vindicated on appeal."); *see generally Commonwealth v. Rosario*, . . . 648 A.2d 1172 ([Pa.] 1994) (plurality) (where a trial court denies a defense pretrial order and the order neither terminates the litigation nor disposes of the matter, the order, by definition, is an interlocutory, non-appealable order); *Commonwealth v. Scott*, . . . 578 A.2d 933, 941 ([Pa. Super.]) ("[T]he general rule in criminal cases is that a defendant may appeal only from a final judgment of sentence, and an appeal from any prior order or judgment will be quashed.")[, appeal denied, 598 A.2d 283 (Pa. 1990)]. The order is neither appealable as of right under Pa.R.A.P. 311 nor as a collateral order under Pa.R.A.P. 313.

Commonwealth v. McMurren, 945 A.2d 194, 195 (Pa. Super. 2008) (per curiam) (some alterations in original). An appeal by a juvenile from an order denying a transfer to juvenile court is treated differently than an appeal by the Commonwealth from an order granting a juvenile's transfer to juvenile court. "[A]n appeal of an order transferring a case from the criminal division to the juvenile division is more appropriately aligned with cases falling under Pennsylvania Rule of Appellate Procedure 311(d) [(Rule 311(d)]. Therefore, . . . these orders are immediately appealable as of right." *See Commonwealth v. Johnson*, 669 A.2d 315, 323 (Pa. 1995) (footnote omitted). Rule 311(d) provides, in part: "In a criminal case, under the circumstances provided by law, the Commonwealth may take an appeal as of right from an order that does not end the entire case where the Commonwealth certifies in the notice of appeal that the order will terminate or substantially handicap the prosecution."

Secondly, as alluded to above, a juvenile denied a transfer to juvenile court is not without appellate rights. Appellate rights may be obtained through a petition for permission to file interlocutory appeal under Chapter 13 of the Pennsylvania Rules of Appellate Procedure. *See Commonwealth v. Brown*, 26 A.3d 485, 491 n.2 (Pa. Super. 2011) (observing that Superior Court considered juvenile's interlocutory appeal by permission filed pursuant to Pa.R.A.P. 1313). Appellate rights also may be exercised upon entry of a judgment of sentence, should the juvenile ultimately be convicted as an adult in a criminal proceeding. *See In the Interest of McCord*, 664 A.2d at 1048. In cases such as this, where a juvenile has been denied his request for a transfer by operation of law under Section 6322(b) of the Juvenile Act and Rule 597(D), a petition for permission to file interlocutory appeal is an appropriate vehicle for purposes of requesting appellate review.

Justice Wecht, in his concurring opinion in *Peck*, wrote of the absurdity doctrine, directing our attention to the United States Supreme Court's decision in *Holy Trinity Church*, wherein the Supreme Court considered the potential absurdity of statutory language. In so doing, the Supreme Court noted, by way of example, that a statute providing "that a prisoner who breaks prison shall be guilty of a felony, does not extend to a prisoner who breaks out when the prison is on fire, for he is not to be hanged because he would not stay to be burnt." *Holy Trinity Church*, 143 U.S. at 461. The Supreme Court, in considering what we refer to as the absurdity doctrine, provided additional examples of laws that had the potential to be absurd if not applied in connection with "common sense," observing that a "law which enacted 'that whoever drew blood in the streets should be punished with the utmost severity,' did not extend to the surgeon who opened the vein of a person that fell down in the street in a fit" and further observing that "the act of [C]ongress which punishes the obstruction or retarding of the passage of the mail, or of

its carrier, does not apply to a case of temporary detention of the mail caused by the arrest of the carrier upon an indictment for murder." *Id.*

Considering those examples of instances where the absurdity doctrine may well apply, we cannot conclude that they equate to the circumstances at hand. Here, the result is not absurd—the application of the clear language of the statute does not cause results that were not contemplated. Nor does the application offend common sense, although some might find the policy behind the statutory provision and rule offensive or overly harsh. Moreover, a juvenile whose decertification petition was denied by operation of law may request immediate appellate review.

IV.

It is based on the reasoning above that this Court entered its order dated October 28, 2022.

Chief Justice Todd and Justices Donohue, Dougherty, Wecht and Mundy join the opinion.