

**Pennsylvania Commission on Sentencing
Caselaw Highlights (PA Reporter through May 23, 2008)**

In the Interest of:	B.P.Y.	712 A.2d 769	5/19/1998	PA Super	Trial	Juvenile plea	Juvenile court could not accept nolo contendere plea from youth detained by juvenile petition, in absence of provision for such plea in Juvenile Act.
	Presley	686 A.2d 1321	12/16/1996	PA Super	Trial	Juvenile priors	The 1995 amendments to the juvenile act permit the Commonwealth to introduce evidence at trial of a juvenile adjudication if offender was adult at time he committed subsequent offense; no violation of constitutional right to due process.
	Ramos	920 A.2d 1253	3/20/2007	PA Super	Trial	Juvenile transfer	Defendant, who was 17 at the time he committed robbery and conspiracy to commit robbery, possessed a deadly weapon while he committed robberies, so as to exclude him from jurisdiction of juvenile court; although defendant maintained that he used a BB gun instead of a real gun, Commonwealth presented testimony of qualified expert witness who opined to reasonable degree of scientific certainty that BB gun, no matter if it was pneumatic or carbon dioxide powered, was capable of producing death or serious bodily injury. 18 Pa.C.S.A. § 2301; 42 Pa.C.S.A. § 6322.
	Ramos	920 A.2d 1253	3/20/2007	PA Super	Trial	Juvenile transfer	Defendant, who was 17 at the time he committed robbery and conspiracy to commit robbery, did not meet his burden of proof to warrant decertification from criminal court to juvenile court; court concluded that defendant, who was age 18-and-a-half at time of hearing, would not be amenable to treatment within juvenile system, court determined that there was not enough time to address defendant's many issues before juvenile system would lose jurisdiction over him, and court determined that defendant did not establish reasonable grounds to believe that public interest would best be served by granting his petition. 42 Pa.C.S.A. § 6355(a)(4)(iii).
In the Interest of:	J.B.	909 A.2d 393	10/3/2006	PA Super	Trial	Juvenile transfer	Failure to focus on statutorily required factors as set forth in Juvenile Act on petition to have juvenile certified as adult was error; by denying certification, court ignored defendant's age, prior criminal acts, recommendation of his probation officer, and likely unavailability of juvenile facility to house and treat him, and court abused its discretion by finding defendant had sustained his burden of proving he was amenable to treatment and that retaining his case in juvenile court would serve public interest. 42 Pa.C.S.A. § 6355(a)(4)(iii).

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In the Interest of:	J.B.	909 A.2d 393	10/3/2006	PA Super	Trial	Juvenile transfer	Juvenile failed to prove his amenability to juvenile system, and thus juvenile should have been certified as adult; testimony concerning possibility of placement within juvenile system was tenuous at best, he had received many services through juvenile system that had proven unsuccessful, testimony was offered that he was not amenable to treatment in juvenile system, to place violent adult criminals in facility with younger non-violent juvenile offenders undermined rehabilitation of those who could have actually benefited from placement, he was now much older, repeat offenders had no place in juvenile system, and even if juvenile system was for him, it was unreasonable to conclude that it could be accomplished in less than 18 months before he reached age 21. 42 Pa.C.S.A. § 6355(a)(4)(iii).
	D.S.	903 A.2d 582	7/11/2006	PA Super	Trial	Juvenile transfer	Juvenile's offenses of aggravated assault and robbery with a deadly weapon did not qualify as "delinquent acts," and thus, juvenile court was obligated to transfer proceedings to criminal court; juvenile was 15 years old when he committed offenses, and offenses were specifically excluded from definition of "delinquent acts" under Juvenile Act, when committed by offender who was at least 15 years old, and thus, since offenses did not qualify as "delinquent acts," juvenile's offenses were to be prosecuted under criminal law and procedures. 42 Pa.C.S.A. §§ 6302, 6355.
	Ghee	889 A.2d 1275	12/30/2005	PA Super	Trial	Juvenile transfer	Remand was required for new certification hearing to determine whether defendant's waiver from juvenile court into adult court was knowing, voluntary and intelligent, given deficiency of record of initial juvenile hearing; there was no record of advice provided to defendant by his counsel, there was no record created during initial juvenile proceedings of testimony of defendant and his mother, or colloquy that juvenile court apparently engaged in with defendant before satisfying itself that waiver was being made knowingly, voluntarily, and intelligently, and in fact, there was no record whatsoever of initial juvenile proceedings on voluntary, intelligent, and knowing nature of waiver. 42 Pa.C.S.A. § 6355.

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	Carter	855 A.2d 885	7/23/2004	PA Super	Trial	Juvenile transfer	Imposing mandatory life sentence without parole on juvenile who is convicted of felony murder does not constitute cruel and unusual punishment; Supreme Court has previously determined that juvenile's substantive due process rights are not violated when he is tried for murder in adult/criminal court, it would be preposterous for legislature to mandate that juvenile who commits murder be prosecuted in criminal system but also be protected from its sanctions, and Commonwealth Court has previously determined that imposing life sentence on adult following felony murder conviction does not constitute cruel and unusual punishment. U.S.C.A. Const.Amend. 8.
	Beasley	763 A.2d 910	11/30/2000	PA Super	Trial	Juvenile transfer	Remand was required for new trial to determine whether BB gun used during robbery was a 'deadly weapon' such that adult rather than juvenile charges were appropriate, where no evidence or findings were present in record on appeal on issue.
	Cotto	753 A.2d 217	6/20/2000	PA Super	Trial	Juvenile transfer	Statutory provision allowing minor to prove that his case should be transferred to juvenile court, if the transfer would serve the public interest, is not unconstitutionally vague in violation of due process, even though the statute did not assign weight to various factors that were to be considered in determining whether transfer was in public interest.
	Pennington	751 A.2d 212	4/19/2000	PA Super	Trial	Juvenile transfer	Minor defendant, who was charged with murder, robbery and theft, was not entitled to decertification and transfer of case to juvenile court, pursuant to Juvenile Act, when he was acquitted of murder; trial judge an examination, independent from that of judge who denied pretrial decertification, of the factors to be considered for decertification.
	Aziz	724 A.2d 371	1/22/1999	PA Super	Trial	Juvenile transfer	Trial court's decision to grant decertification of criminal case pursuant to Juvenile Act will not be overturned absent a gross abuse of discretion. Decertification properly denied, where juvenile was charged with armed robbery, had juvenile history, etc.
	Archer	722 A.2d 203	12/16/1998	PA Super	Trial	Juvenile transfer	When murder charges are filed against a minor in adult court, court has jurisdiction over other charges filed and arising from same criminal transaction.
	Shaffer	722 A.2d 195	12/14/1998	PA Super	Trial	Juvenile transfer	When minor is charged with murder, treatment through juvenile court system does not arise as a matter of right; instead, minor has burden of proving that transfer is appropriate under Juvenile Act. Decision whether to transfer action to juvenile court is
	Nelson	690 A.2d 728	5/20/1998	PA Super	Trial	Juvenile transfer	Certification of juvenile for trial as adult was warranted, even though juvenile had no prior contact with juvenile justice system, and was described as 'mature and displaying positive attitude'; amenability must be considered in relation to nature and ex

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	Burley	715 A.2d 430	2/19/1998	PA Super	Trial	Juvenile transfer	Provision of Juvenile Act regarding transfer of cases from adult criminal court to juvenile court is not unconstitutionally vague and does not violate due process by placing burden of proof on juvenile.
	Cotto	708 A.2d 806	2/19/1998	PA Super	Trial	Juvenile transfer	Provision of Juvenile Act regarding transfer of cases from adult criminal court to juvenile court is not unconstitutionally vague and does not violate due process by placing burden of proof on juvenile.
	Holzlein	706 A.2d 848	12/30/1997	PA Super	Trial	Juvenile transfer	Finding that juvenile is not amenable to treatment within the juvenile system will be disturbed only where gross abuse of discretion is established.
	Lee	703 A.2d 470	10/15/1997	PA Super	Trial	Juvenile transfer	To comply with adult certification requirements of Juvenile Act, certification court need not make formal statement or conventional findings of fact, but statement made must be sufficient to demonstrate that question of certification has received careful
	Menzer	698 A.2d 87	7/24/1997	PA Super	Trial	Juvenile transfer	In order to properly certify juvenile to be tried as adult, court must make record which adequately reflects basis for its decision to transfer case and demonstrates court's careful consideration to certification petition.
	Jackson	690 A.2d 240	1/17/1997	PA Super	Trial	Juvenile transfer	A juvenile's certification to adult court was improper where defendant's file recommended against transfer and the family court judge failed to explain why he disregarded recommendation other than reciting a list of boilerplate factors.
	Soltis	687 A.2d 1139	12/23/1996	PA Super	Trial	Juvenile transfer	Trial court did not err in refusing to transfer case to juvenile court where defendant did not prove that he was amenable to treatment; juvenile murder defendant does not have automatic right to juvenile court hearing.
	Solomon	679 A.2d 775	5/28/1996	PA Super	Trial	Juvenile transfer	Section 6322(b) failed to set forth who has the burden of proving a defendant belongs in juvenile setting. Trial court did not err in failing to hold a hearing on defendant's amenability prior to sentencing.
	McGinnis	675 A.2d 1282	4/22/1996	PA Super	Trial	Juvenile transfer	The issue of certification of a juvenile to stand trial as an adult is jurisdictional and cannot be waived.
	Potts	673 A.2d 956	3/25/1996	PA Super	Trial	Juvenile transfer	Trial court did not abuse its discretion in transferring a robbery case from juvenile court to the criminal division where it found evidence of a high level of sophistication in committing the crime and evidence of other crimes.
In the Interest of:	McCord	664 A.2d 1046	9/13/1995	PA Super	Trial	Juvenile transfer	Court presented with petition to certify accused as adult for four robberies was not bound by earlier finding of different court that defendant was amenable to treatment as juvenile in separate escape charge; court required to make independent finding.
	Austin	664 A.2d 597	8/29/1995	PA Super	Trial	Juvenile transfer	When murder is charged [including murder3], treatment as a youthful offender does not arise as a matter of right, but must be sought under statute; child bears burden of demonstrating he is amenable to treatment.

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	Thomas	743 A.2d 460	12/7/1999	PA Super	Sentence	Juvenile priors	Under three strikes sentencing law, defendant's prior juvenile adjudications could not be treated as predicate convictions.
	Monaco	869 A.2d 1026	2/24/2005	PA Super	Sentence	Juvenile transfer	Defendant, who was 22 years old at time he was arrested for offenses at issue, did not satisfy statutory definition of "child" in Juvenile Act, and thus he was not entitled to have his case transferred to juvenile court, notwithstanding fact that offenses at issue had allegedly been committed when defendant was under 18 years of age. The right to be treated as a juvenile offender is statutory rather than constitutional. 42 Pa.C.S.A. § 6301 et seq.
	Berry	785 A.2d 994	10/9/2001	PA Super	Sentence	Juvenile transfer	Statute governing juvenile matters places the consideration of the rehabilitation needs of a juvenile in the juvenile court, when it decided the question of certification to adult court; once these needs have been assessed, and the accused is transferred to criminal court, the sentence following conviction rests within the adult sentencing court's discretion. 42/6355.
	Cotto	753 A.2d 217	6/20/2000	PA Super	Constitutionality	Juvenile transfer	Statutory provision allowing minor to prove that his case should be transferred to juvenile court, if the transfer would serve the public interest, is not unconstitutionally vague in violation of due process, even though the statute did not assign weight to various factors that were to be considered in determining whether transfer was in public interest.
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