

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,
PENNSYLVANIA**

IN THE INTEREST OF:	:	JUVENILE DIVISION
K.B.,	:	JV-29-2025
A Juvenile	:	
	:	Motion to Dismiss
	:	

OPINION AND ORDER

This matter was before the Court on March 6, 2025, on a Motion to Dismiss filed on behalf of the Juvenile by and through his counsel, Nicole Spring, Esquire, on February 27, 2025. At the time scheduled for the hearing on March 6, 2025, the Juvenile appeared personally represented by Attorney Spring. Assistant District Attorney Eric Birth appeared on behalf of the Commonwealth. The Juvenile is charged in the instant petition with burglary and related offenses, including receiving stolen property. The Motion seeks to dismiss the petition for violation of the Compulsory Joinder provision of 18 Pa.C.S.A. Section 110 and the Double Jeopardy Clause of the United States Constitution.

Background

At the hearing on the motion, the parties stipulated to the factual background as follows:

1. The Juvenile is charged in the instant petition for an incident that occurred on September 21, 2024, where it is alleged he participated in a burglary at the Blued Barrel Gun Shop in Hughesville, Pennsylvania, and took several firearms.
2. On or around September 25, 2024, the Juvenile was removed from Williamsport Area High School and taken to the Williamsport Police Station for an incident that occurred on campus. The Juvenile was transported to the Lycoming County Courthouse to receive counsel. The Pennsylvania State Police conducted an interview with the Juvenile regarding the burglary of the Blued Barrel Gun Shop.
3. The Juvenile was charged by the Williamsport Bureau of Police for the incident occurring at Williamsport Area High School on September 25, 2024, with receiving stolen property, possession of weapon on school

property, possession of a small amount of marijuana, and other firearms offenses under Docket No. JV-221-2024.

4. Under Docket No. JV-221-2024, the Juvenile appeared for a preliminary proceeding on October 3, 2024, whereupon the matter was continued by agreement of the parties to keep the matter at the preliminary stage until otherwise requested.
5. In the interim, another interview by police was conducted with the Juvenile. The Juvenile made two statements to law enforcement officers, and his statements led to the apprehension of two other juveniles involved in the burglary.
6. On October 24, 2024. The Juvenile entered an admission to Receiving Stolen Property pursuant to 18 Pa.C.S.A. Section 3925(a), a felony of the second degree, under Docket No. JV-221-2025. The remaining charges of firearm without a license, minor in possession of a firearm and possession of drug paraphernalia were withdrawn at the time of the hearing. The Juvenile was ordered pay restitution in the amount of \$1,000.00 for the benefit of Blued Barrel Gun Shop.
7. The Court also ordered the Juvenile be removed from his home and placed him at Adelphoi Village in Latrobe, PA. The Juvenile was released from placement and returned to the care of his guardian on January 16, 2025, following a dispositional review hearing where it was found that he had successfully completed treatment. The Juvenile was ordered to remain on probation under the supervision of the Lycoming County Juvenile Probation Office.
8. The Pennsylvania State Police filed charges against the Juvenile in the above-captioned matter, JV-29-2025, on January 22, 2025.

The Juvenile avers that the prosecution of the charges under the current petition is barred by 18 Pa.C.S.A. Section 110 and the Double Jeopardy Clause of the United States Constitution. Counsel for the Juvenile argued that the alleged offenses arise from the same criminal episode, could have been prosecuted with the prosecution under Docket No. JV-221-2024, are based upon the same conduct, and were known to the prosecuting agencies at the time the Juvenile was adjudicated on the original charges.

The Commonwealth argues that the subject petition is not barred under 18 Pa.C.S.A. Section 110 and the Double Jeopardy Clause of the United States Constitution, finding support in *Commonwealth v. Miskovitch*, 64 A.3d 672 (Pa. Super. 2013).

The United States and Pennsylvania Constitutions afford double jeopardy protections that are “coextensive and prohibit successive prosecutions and multiple punishments for the same offense.” *Commonwealth v. Miskovitch*, 64 A.3d 672, 685 (Pa. Super. 2013)(citing *Commonwealth v. Cosnek*, 575 Pa. 411, 414 n.2, 836 A.2d 871, 873 n.2 (2003) and *Commonwealth v. Buffington*, 574 Pa. 29, 39, 828 A.2d 1024, 1029 (2003)). “The prohibition against double jeopardy protects against a second prosecution for the same offense after acquittal, a second prosecution for the same offense after conviction, and multiple punishments for the same offense.” *Id* citing *Commonwealth v. McCane*, 517 Pa. 489, 499, 539 A.2d 340, 345 (1988)(other citations omitted). Stated more specifically, “the constitutional right against double jeopardy protects against being sentenced for both a greater and a lesser-included offense as such a result would punish a defendant twice for the same conduct.” *Id* at 686. Convicted defendants are also protected from multiple prosecutions for the same offense by the constitutional prohibition of double jeopardy, which requires a “single criminal episode” analysis. *Id*; see: *Commonwealth v. Tarver*, 493 Pa. 320 426A.2d 569, 571-72 (1981); see also: *Brown v. Ohio*, 432 U.S. 161, 97 S.Ct. 2221, 53 L.Ed.2d 187 (1977).

Under 18 Pa.C.S.A. Section 110:

Although a prosecution is for a violation of a different provision of the statutes than a former prosecution or is based on different facts, it is barred by such former prosecution under the following circumstances:

(1) The former prosecution resulted in an acquittal or in a conviction as defined in section 109 of this title (relating to when prosecution barred by former prosecution for the same offense) and the subsequent prosecution is for:

(i) any offense of which the defendant could have been convicted on the first prosecution;

(ii) any offense based on the same conduct or arising from the same criminal episode, if such offense was known to the appropriate prosecuting officer at the time of the commencement of the first trial and occurred within the same judicial district as the former prosecution unless the court ordered a separate trial of the charge of such offense or the offense of which the defendant was formerly convicted or acquitted was a summary offense or a summary traffic offense; or

(iii) the same conduct, unless:

(A) the offense of which the defendant was formerly convicted or acquitted and the offense for which he is subsequently prosecuted each requires proof of a fact not required by the other and the law defining each of such offenses is intended to prevent a substantially different harm or evil; or

(B) the second offense was not consummated when the former trial began.

....

In *Commonwealth v. Pries*, 861 A.2d 951 (Pa. Super. 2004), the Pennsylvania

Superior Court held that:

The compulsory joinder rule, set forth at [18 Pa.C.S. §110], bars a subsequent prosecution if all prongs of the following test are met:

(1) the former prosecution resulted in an acquittal or conviction; (2) the current prosecution was based on the same criminal conduct or arose from the same criminal episode; (3) the prosecutor in the subsequent trial was aware of the charges before the first trial; and (4) all charges were within the same judicial district as the former prosecution.

Commonwealth v. Miskovitch, 64 A.3d 672, 686 (Pa. Super. 2013)(citing *Commonwealth v. Pries*, 861 A.2d 951 (Pa. Super. 2004)(quoting *Commonwealth v. Nolan*, 579 Pa. 300, 855 A.2d 834, 839 (2004))(footnote omitted in original).

Under the test and through the facts and procedural history of this case, it is clear that:

(1) the former prosecution resulted in a conviction because the Juvenile made an admission

to receipt of stolen property that was accepted by the Court, and he was adjudicated delinquent; (2) the prosecutor in the subsequent petition was aware of the charges before the first adjudication, the Pennsylvania State Police and, presumably, the Commonwealth were aware of the pending charges brought by the Williamsport Bureau of Police; and the Commonwealth prosecuted the case; and (3) all charges were within the same judicial district¹, Lycoming County, as the former prosecution. Thus, the sole issue is whether the receipt of stolen property that occurred on September 25, 2024, giving rise to the Juvenile's adjudication in Lycoming County was part of the same "criminal episode" as the burglary that occurred on September 21, 2024, for which the Juvenile has been charged.

Reviewing courts are not required to evaluate what constitutes a single criminal episode in a rigid or hypertechnical manner that defeats the purposes underlying Section 110. *Commonwealth v. Miskovitch*, 64 A.3d 672, 686 (Pa. Super. 2013). In evaluating what constitutes a single criminal episode, a court evaluates: (1) the temporal sequence of events for acts in question and (2) the logical relationship between the acts. *Id.* In *Commonwealth v. Anthony*, 553 Pa. 55, 717 A.2d 1015 (1998), the Court concluded that the defendant's subsequent prosecution arose out of the same criminal episode as in the prior conviction noting that:

In consideration of the temporal and logical relationship between the criminal acts, we are guided by the policy considerations that [Section] 110 was designed to serve:

(1) to protect a person accused of crimes from governmental harassment of being forced to undergo successive trials for offenses stemming from the same criminal episode; and (2) as a matter of judicial administration and economy, to assure finality without unduly burdening the judicial process by repetitious litigation.

¹ In *Commonwealth v. Fithian*, 599 Pa. 180, 961 A.2d 66 (2008), "the Pennsylvania Supreme Court interpreted the phrase 'occurred in the same judicial district as the former prosecution[.]' and concluded that the Legislature intended 'judicial district' to mean 'the geographical area established by the General Assembly in which a court of common pleas is located.'" *Commonwealth v. Perfetto*, 652 Pa. 101, 106, 207 A.3d 812, 814 (2019).

Commonwealth v. Reid, 621 Pa. 245, 253 (2013).

Regarding the temporal prong of the test, the Pennsylvania Supreme Court reiterated in *Commonwealth v. Reid*, 621 Pa. 245 (2013), that limiting the analysis to only the temporal relationship is erroneous, pulling from *Commonwealth v. Hude*, 500 Pa. 482 (1983) that:

Generally, charges against a defendant are clearly related in time and require little analysis to determine that a single criminal episode exists. However, in defining what acts constitute a single criminal episode, not only is the temporal sequence of events important, but also the logical relationship between the acts must be considered.

Commonwealth v. Reid, 621 Pa. 245, 257 (2013).

In evaluating whether several offenses are “logically related” to one another, a court must analyze whether there is “substantial duplication of factual and/or legal issues presented by the offenses; if there is substantial duplication, then the offenses are logically related and must be prosecuted at one trial.” *Id* (citing *Commonwealth v. Wittenburg*, 710 A.2d 69, 73 (Pa. Super. 1998)(internal citations omitted in original)). “The mere fact that the additional statutory offenses involve additional issues of law or fact is not sufficient to create a separate criminal episode since the logical relationship test does not require ‘an absolute identity of factual backgrounds.’” *Commonwealth v. Reid*, 621 Pa. 245 (2013)(citing *Commonwealth v. Hude*, 500 Pa. 482, 458 A.2d 177 (1983)(quoting Paul Jerome Richey, Comment, *Commonwealth v. Campana and Section 110 of the Crimes Code: Fraternal Twins*, 35 U. Pitt. L.Rev. 275, 286-87 (1973)). Whether the logical relationship prong of the test is met relies on “whether the offenses present a *substantial* duplication of issues of fact and law. Such a determination depends ultimately on how and what the Commonwealth must prove in the subsequent prosecution.” *Commonwealth v. Reid*, 621 Pa. 245, 257 (2013)(emphasis in original).

Here, counsel for the Juvenile avers that the offenses arise from the same criminal episode and could have been prosecuted with the original prosecution under JV-221-2024. Counsel supports the assertion by arguing that the Pennsylvania State Police were aware of the burglary offenses at the time the Juvenile made statements following his detention for the firearm on school property. Moreover, all charges fall under the jurisdiction of the same court, the Lycoming County Court of Common Pleas Juvenile Court. Counsel argues further that the Juvenile could have been adjudicated on the subsequent charges at the time of the prosecution for the first set of charges. Additional to this assertion is that counsel of the Juvenile delineated the Juvenile's participation in the burglary offense when he was being adjudicated for receiving stolen property on one of the charges that is included in the current prosecution. Thus, the Juvenile avers that the current prosecution under Docket No. JV-29-2025 is barred as a second prosecution for the same offense following his conviction for receipt of stolen property under Docket No. JV-221-2024 pursuant to 18 Pa.C.S.A. Section 110. Also, the Juvenile is charged with receipt of stolen property under the current petition which is barred by double jeopardy, the Fifth and Fourteenth Amendments of the United States Constitution and Article I, Section 10 of the Pennsylvania Constitution and 18 Pa.C.S.A. Section 109(3).

The Commonwealth argued that the compulsory joinder rule is not applicable in this case under the analysis set forth in *Miskovitch*, 64 A.3d 672 (Pa. Super. 2013). Under the relevant tests, the Commonwealth argued that the events in the separate petitions occurred on different days and the incidents have different (1) witnesses, (2) police departments, (3) burdens of proof, and (4) victims. The Juvenile was adjudicated under Docket No. JV-221-2025 for events that occurred at Williamsport Area High School on September 25, 2025 when the Juvenile was discovered with prohibited property on schoolgrounds. Albeit, part of

the prohibited property was ascertained by the Juvenile following the events of the burglary that occurred on September 21, 2025. Notwithstanding that, the Commonwealth argues that the petitions are dissimilar enough for a finding that a single criminal episode did not occur.

In the case at bar, the Commonwealth pursued the resolution of interrelated charges in case JV-221-2024 against the Juvenile. As part of the resolution of the case JV-221-2024, it was explicitly stated by the Juvenile's counsel and the Commonwealth that the Juvenile was participating in interviews with Pennsylvania State Police officers related to the burglary of the Blued Barrel gun shop. In consideration of the Juvenile's cooperation, the Commonwealth agreed to accept the Juvenile's admission to a portion of the charges in JV-221-2024. Further, all indications were that the Commonwealth would not pursue additional charges related to the burglary of the Blued Barrel gun shop against the Juvenile. It was the expectation of the parties that the resolution of JV-221-2024 would address the Juvenile's culpability in the Blued Barrel gun shop robbery. This is reflected in the fact that the Juvenile was assessed restitution equal to a pro-rated portion of all of the guns based on the number of co-defendants involved in the burglary. Thus, his culpability in the burglary was being addressed in the first case as the Juvenile was being required to pay restitution for all of the stolen firearms not just the one in his possession.

Therefore, it is clear that the Commonwealth and the Juvenile believed that the Juvenile's culpability in the Blued Barrel gun shop burglary was being addressed in JV-221-2024. The Commonwealth was handling the matter as such and cannot now file additional charges under a new case number. The Commonwealth treated the matter as one criminal episode and conveyed that to the Juvenile in order to gain his assistance and his admission. Thus, the Court finds that the two cases are logically and temporally related under the relevant analysis.

Accordingly, the Court enters the following Order:

ORDER

AND NOW, this _____ day of November, 2025, the Court hereby **GRANTS** the Juvenile's Motion to Dismiss the charges in JV-29-2025 as being barred by 18 Pa.C.S.A. §110 and the Double Jeopardy Clause of the United States Constitution.

By the Court,

Ryan M. Tira, Judge

RMT/asw

CC: PD(NS); DA(EB); JPO; CA

Gary Weber, Esq.—Lycoming Reporter