

[J-122-2006]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 8 EAP 2006
	:	
Appellant	:	
	:	Appeal from the Judgment of Superior
	:	Court dated 6/1/05 at No. 57 EDA 2004,
	:	reargument denied 8/9/05 reversing the
v.	:	Judgment of Sentence of the Court of
	:	Common Pleas, Philadelphia County,
	:	Criminal Division, dated 3/9/03 at No.
	:	0710, March term 2003
JEFFREY JONES,	:	
	:	
Appellee	:	SUBMITTED: August 28, 2006

CONCURRING OPINION

MR. JUSTICE SAYLOR

DECIDED: March 28, 2007

I agree with the majority that common pleas courts are clearly competent to hear criminal cases such as the one at issue. See, e.g., Commonwealth v. Bethea, 574 Pa. 100, 113, 828 A.2d 1066, 1075 (2003). The case law with regard to the components of subject matter jurisdiction, however, does not unambiguously indicate that the competency of the court to hear cases of the general class to which the case at issue belongs and the provision of formal notice to the defendant are the sole considerations in determining whether a particular matter falls within the court's jurisdiction. Cf. Commonwealth v. Jones, slip op. at 10 (observing that "we have clearly set forth the requirements for subject matter jurisdiction," which include competence and notice). Indeed, this Court has previously stated that "[s]ubject matter jurisdiction in the trial court exists by virtue of presentation of prima facie evidence that a criminal act occurred

within the jurisdiction of the court.” Commonwealth v. Goldblum, 498 Pa. 455, 475, 447 A.2d 234, 244 (1982); see also Liciaga v. Court of Common Pleas of Lehigh County, 523 Pa. 258, 264, 566 A.2d 246, 248-49 (1989) (plurality) (“[A] prima facie case is the prerequisite for requiring the accused to stand trial for charges leveled against him. . . . jeopardy does not attach until the prosecution has established a prima facie case and the accused is presented with the prospect of trial before a tribunal where his guilt or innocence will be determined.”) (internal citations omitted). Moreover, there are portions of the criminal process in which subject matter jurisdiction is premised upon other factors. The one year time limitation imposed for petitions under the Post Conviction Relief Act, for example, is considered to be a bar to the court’s exercise of jurisdiction. See Commonwealth v. Murray, 562 Pa. 1, 6, 753 A.2d 201, 203 (2000) (“In short, the PCRA’s timeliness requirements leave the courts without jurisdiction to consider the merits of a PCRA petition that is filed in an untimely manner, unless the petition alleges, and the petitioner proves, that one or more of the enumerated exceptions to the timeliness requirements applies to the claims raised therein.”). Thus, the Superior Court’s holding that the demonstration of a prima facie case was essential to the subject matter jurisdiction of the common pleas court was not an unreasonable conclusion, given the conflicting implications of prior cases.

Nonetheless, I agree with the majority that the failure of the Commonwealth to prove a prima facie case at a preliminary hearing does not implicate the subject matter jurisdiction of the common pleas courts. Significantly, the Court’s statement to the contrary in Goldblum was not explained or supported by any cited authority and appears to be dicta not essential to the holding of that case. See Goldblum, 498 Pa. at 475-76, 447 A.2d at 244-45 (holding that counsel was not ineffective for failing to file a motion to quash an indictment that failed to allege conduct occurring within the proper county).

Furthermore, subsequent cases appear to have departed from such a rule in situations where the Commonwealth demonstrates the defendant's guilt beyond a reasonable doubt at trial. See, e.g., Commonwealth v. Lee, 541 Pa. 260, 269-70, 662 A.2d 645, 650 (1995) (holding that an "adjudication of guilt renders moot any allegation that the Commonwealth failed to establish a prima facie case" at a preliminary hearing); Commonwealth v. Rivers, 537 Pa. 394, 405, 644 A.2d 710, 715 (1994) ("Once the Commonwealth establishes at trial that the evidence was sufficient beyond a reasonable doubt to connect the appellant to the crime, any question regarding insufficient evidence at the preliminary hearing is irrelevant.") (citing Commonwealth v. McCullough, 501 Pa. 423, 461 A.2d 1229 (1983)). In this regard, it is notable that guilty pleas are considered to be functionally equivalent to convictions. See, e.g., Commonwealth ex rel. Hough v. Maroney, 425 Pa. 411, 414, 229 A.2d 913, 914-15 (1967) ("A plea of guilty (when accepted and entered by the Court) is the equivalent of a conviction and a verdict of guilty by a jury.") (citations omitted); accord Commonwealth v. Bracalielly, 540 Pa. 460, 470, 658 A.2d 755, 760 (1995) (holding that a guilty plea constitutes a conviction for purposes of a statute barring subsequent prosecutions for the same criminal episode).

On the issue of the provision of formal notice of the charges to the defendant, I am not certain that including an additional charge on a criminal information, which is not a cognate offense, is sufficient to provide formal notice where that charge has previously been dismissed for lack of a prima facie case. However, it is significant that a defendant, upon pleading guilty, admits to facts sufficient to support his plea, see Commonwealth, Department of Transportation v. Mitchell, 517 Pa. 203, 212, 535 A.2d 581, 585 (1987) (plurality) ("[I]t is well settled that a guilty plea constitutes an admission to all of the facts averred in the indictment.") (citing Commonwealth ex rel. Walls v.

Rundle, 414 Pa. 53, 198 A.2d 528 (1964)), and that a judge must ascertain that a factual basis exists for any guilty plea, see Pa.R.Crim.P. 590 comment; Commonwealth v. Willis, 471 Pa. 50, 51-52, 369 A.2d 1189, 1190 (1977), which may render any error related to the prima facie case harmless. Cf. Commonwealth v. Hess, 489 Pa. 580, 590, 414 A.2d 1043, 1048 (1980) (“If in fact it is determined at trial that the evidence of the Commonwealth is sufficient to be submitted to the jury, then any deficiency in the presentation before the district justice would have been harmless.”). In addition, the information filed with the common pleas court in the present matter clearly indicated that Jones was being charged with conspiracy as well as drug related offenses. See RR. at 19a (conspiracy); RR. at 17a (possession with intent to deliver); RR. at 21a (possession of a controlled substance). Cf. Commonwealth v. Alston, 539 Pa. 202, 210, 651 A.2d 1092, 1095 (1994) (“[A]n Information is sufficient if it sets forth the elements of the offense intended to be charged with sufficient detail that the defendant is apprised of what he must be prepared to meet.”). Thus, I concur with the majority’s disposition of this matter, as I agree that a prima facie case is not a component of subject matter jurisdiction.