

**[J-215-98]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**EASTERN DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 0053 E.D. Appeal Docket 1997
	:	
Appellant	:	Appeal from the Order of the Superior
	:	Court entered January 17, 1997 at No.
	:	466PHL96 reversing the Judgment of
v.	:	Sentence entered December 12, 1995
	:	in the Court of Common Pleas, Phila.
	:	County, Criminal Division, at No. 963
THEODORE JACKSON,	:	January Term, 1995, and remanding
	:	for further proceedings in the Court of
Appellee	:	Common Pleas, Philadelphia County,
	:	Juvenile Division at Nos. 10308-10314-
	:	12.

**CONCURRING OPINION**

**MR. JUSTICE NIGRO**

**DECIDED: January 21, 1999**

While I join the Majority Opinion, I write separately to note my belief that the juvenile court fully satisfied the statutory requirements outlined in the Juvenile Act when determining whether Appellee should be certified as an adult. The record in the instant case plainly establishes that the court considered each of the factors set forth in 42 Pa. C.S. § 6355 (a), as is all the Juvenile Act requires the court to do when making a certification decision. Specifically, in certifying Appellee as an adult, the court stated the following reasons for its decision:

One, the defendant was over the age of fourteen at the time of the alleged conduct;

Two, a hearing on whether the transfer should be made was held in conformity with the applicable statute;

Three, notice . . . in writing of the time, place and purpose of the hearing was given to the defendant through counsel at least three days prior to the hearing;

Four, I have found that a prima facie case has been made out with respect to the charges set forth in each respective petition;

Five, that the delinquent acts would be considered a felony if committed by an adult;

Six, there are reasonable grounds to believe the following: one, that the defendant is not amenable to treatment, supervision or rehabilitation as a juvenile through available facilities even though there may not have been a prior adjudication of delinquency, which is the case in this particular situation. In reaching that determination, I have considered the following factors: I have considered the defendant's age, his mental capacity, his maturity, the degree of criminal sophistication exhibited by defendant. I have considered the nature and circumstances of the acts for which the transfer is being sought. I have considered the contents of the juvenile file;

Seven, the defendant is not committable to an institution for the mentally retarded or mentally ill;

Eight, that the interests of the community require that the defendant be placed under legal restraint or discipline and the offense is one which would carry a sentence of more than three years if the defendant was an adult.

N.T., 1/17/95, at 61-63.

As I read the Juvenile Act, these findings are sufficient to support the adult certification of Appellee. Once the juvenile court follows the factors enumerated in 42 Pa. C.S. § 6355 (a) and places its determination as to each factor on the record, it has satisfied, in my view, the statutory requirements of the Juvenile Act.

Thus, I agree with the Majority that the juvenile court did not err in certifying Appellee as an adult, and therefore, that the order of the Superior Court should be reversed.