[J-53-2022]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 86 MAP 2021
	:	
Appellee	:	Appeal from the Order of the
	:	Superior Court dated January 25,
	:	2021 at No. 459 MDA 2020
v.	:	Affirming the Judgment of Sentence
	:	of the Cumberland County Court of
	:	Common Pleas, Criminal Division,
HERMAN ALBERT ARMOLT, JR.,	:	dated February 11, 2020 at No. CP-
	:	21-CR-3273-2018
Appellant	:	
	:	ARGUED: September 15, 2022

Justice Dougherty delivers the Opinion of the Court with respect to Parts I, II(A), and III, and announces the Judgment of the Court.

OPINION

JUSTICE DOUGHERTY **DECIDED: May 16, 2023**

We granted allowance of appeal to determine whether the criminal division of a county court of common pleas, *i.e.*, an adult criminal court, has jurisdiction to convict and sentence an adult for crimes committed as a juvenile. We also granted review to consider whether sentencing an adult to a term of imprisonment for crimes committed as a juvenile raises constitutional concerns. For the reasons that follow, we hold adult criminal courts possess jurisdiction over the prosecution of an individual who is over the age of twenty-one for crimes committed as a juvenile. Further, because we conclude appellant Herman Armolt has waived all constitutional claims, we do not reach the merits of those issues. Accordingly, we affirm the judgment of the Superior Court.

I. Background

The events leading to appellant's November 2018 arrest took place approximately three decades ago. In the late 1980s, appellant's mother became romantically involved with Harold Lindsey, a single father living with his two young daughters, C.L. and S.L. Soon after the relationship started, appellant's mother and three of her minor children — including appellant, his sister, and his younger brother — moved into Lindsey's home. Appellant's older brother moved into the home sometime later.

Shortly after moving into the Lindsey household, appellant and his brothers began physically abusing C.L. The abuse quickly escalated to sexual assault and, from the late 1980s until the early 1990s, appellant committed hundreds of sexual offenses against C.L. During this time, from approximately 1987 to 1994, appellant was ten through seventeen years old. According to C.L., the sexual assaults started when she was seven years old and continued daily until she was around the age of sixteen. N.T. Trial, 11/5/2019 at 87, 97.

In 1996, C.L. ran away from the Lindsey home to a friend's house, where she confided in the friend about the abuse she had endured.[1] The friend convinced C.L. to report the abuse to the police. C.L. first spoke with a Pennsylvania State Police ("PSP") Trooper, who took her to Children and Youth Services ("CYS").[2] According to C.L., however, CYS informed her it could not provide help since she lacked any visible physical

[1] In 1996, appellant would have been nineteen years old. *See* Verdict Slip, 11/7/2019 at 1 (reflecting jury's finding that appellant was born on March 3, 1977).

[2] At trial, a PSP Trooper testified he found records indicating the PSP had investigated a runaway report for C.L. on April 29, 1996, but he was unable to locate a copy of the police report. Likewise, records from CYS from 1996 could not be located to confirm whether caseworkers had any interaction with C.L. at that time. As a CYS caseworker employed in 1996 explained, any report would have been expunged after 120 days if CYS determined the case to be unfounded or unsubstantiated. Moreover, even if substantiated, the CYS records would have been expunged once the victim turned twenty-three. *See* N.T. Trial, 11/7/2019 at 433.

injuries; C.L. was thus returned to her father's house, where the abuse continued. C.L. explained the abuse finally ended once she learned self-defense and used her defensive training to fend off a physical assault from appellant's mother. This incident resulted in C.L. moving out of the house.

Neither C.L. nor the above-mentioned entities took further action until 2016, when C.L. called the PSP to discuss her dispute with the Armolt brothers over the inheritance of certain property owned by Lindsey, who had recently passed away. This conversation ultimately led to C.L. disclosing the abuse she had endured years ago to PSP Trooper John Boardman. As part of his investigation, Trooper Boardman conducted multiple interviews with C.L., S.L., appellant, and his older brother and mother.[3]

On July 18, 2017, Trooper Boardman presented the case to the Cumberland County District Attorney's Office. The Commonwealth initially declined prosecution. However, after Trooper Boardman presented the case for a second time on November 4, 2018, the Commonwealth agreed to pursue the charges at issue in this case. Soon after, on November 20, 2018, appellant was arrested and charged with one count of rape, two counts of involuntary deviate sexual intercourse, and one count each of aggravated indecent assault and indecent assault.[4] Appellant's older brother was charged with similar crimes and their cases proceeded to a joint jury trial after the trial court denied their pretrial motion seeking dismissal of their cases for pre-arrest/prosecutorial delay.

---

[3] Appellant's younger brother passed away in 2013.

[4] As of 2018, a prosecution for the offenses of, *inter alia*, rape, involuntary deviate sexual intercourse, aggravated indecent assault, and indecent assault where the "victim was under 18 years of age at the time of the offense" could be commenced at any time before the victim "reache[d] 50 years of age." Act of Nov. 29, 2006, No. 179, 2006 Pa. Laws 1581 (Nov. 29, 2006), *amended by* 42 Pa.C.S. §§5551(7) and 5552(c)(3) (effective Nov. 26, 2019). We observe C.L. was thirty-nine years old at the time of trial. *See* N.T. Trial, 11/5/2019 at 75.

At trial, the Commonwealth presented the testimony of multiple witnesses. C.L. testified as described above. Similarly, Trooper Boardman testified as to his pre-arrest investigation as recounted above. The Commonwealth also introduced an expert, Ms. Amber Crawford-Wagman, who testified about the dynamics of sexual violence, victim responses to sexual violence, and the impact of sexual violence on victims during and after being assaulted. Among other things, Ms. Crawford-Wagman explained a child or adult survivor would not be expected to remember specific dates, times, and ages when recalling the violence that happened to them. *See* N.T. Trial, 11/6/2019 at 262-63.

Ultimately, the jury acquitted appellant of rape but convicted him of two counts of involuntary deviate sexual intercourse and one count each of aggravated indecent assault and indecent assault. Appellant's older brother was acquitted of all charges. Following the preparation of a pre-sentence investigation report and an evaluation of appellant by the Sexual Offender Assessment Board ("SOAB") to determine whether he should be classified as a sexually violent predator, the trial court imposed an aggregate sentence of four to eight years' imprisonment.[5]

Appellant filed a notice of appeal to the Superior Court. In his court-ordered Pa.R.A.P. 1925(b) statement of matters complained of on appeal, appellant raised the following issues: (1) "Whether the [t]rial [c]ourt erred in retaining jurisdiction to try and sentence [a]ppellant as an adult for crimes that he committed as a juvenile"; and (2) "Whether the [t]rial [c]ourt[,] by conferring adult jurisdiction and imposing a four to eight-year prison sentence . . . for crimes committed while [appellant] was a juvenile[,] violated the Equal Protection, Due Process[,] and Cruel and Unusual Punishment [C]lauses of the

[5] The SOAB determined appellant did not meet the criteria to be classified as a sexually violent predator and, further, that he is not subject to the registration requirements of SORNA because he committed the sexual offenses before 1996. *See* Trial Ct. Op., 6/26/2020 at 3 n.10.

United States and Pennsylvania Constitution[s]." Appellant's Rule 1925(b) Statement, 5/4/2020 at 1.[6]

In addressing appellant's first claim in its Pa.R.A.P. 1925(a) opinion, wherein appellant argued his case should have been brought in, or transferred to, juvenile court, the trial court explained the Juvenile Act is only applicable to juveniles. *See* Trial Ct. Op., 6/26/2020 at 6, *citing* 42 Pa.C.S. §§6322(a), 6303. Additionally, the court observed the Act defines a "child" as a person who "is under the age of 18 years" or was "under the age of 18 years at the time of the commission of the offense[and] remains under the age of 21 at the time of adjudication." *Id.* at 7, *quoting* 42 Pa.C.S. §6302 (internal quotation marks omitted). Thus, the court reasoned that under the plain language of the Juvenile Act, it was not permitted, let alone required, to transfer appellant to juvenile court because he was forty-two years old at the time of trial. *See id.*

Turning to appellant's second issue, the trial court determined appellant's equal protection and due process claims were waived because they were too underdeveloped to review. Accordingly, the court addressed only appellant's claim that his sentence of four to eight years' imprisonment constituted cruel and unusual punishment. The court explained that for juveniles convicted in adult court of nonhomicide offenses, only life sentences without the possibility of parole are prohibited under the federal Cruel and Unusual Punishment Clause. *See id.* at 7-8, *citing Commonwealth v. Lawrence*, 99 A.3d 116, 121 (Pa. Super. 2014) ("*Graham* [*v. Florida*, 560 U.S. 48, 75 (2010)] held that the

---

[6] *See* U.S. CONST. amend. XIV, §1 ("No State shall . . . deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."); PA. CONST. art. I, §1 ("All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness."); U.S. CONST. amend. VIII ("Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."); PA. CONST. art. I, §13 ("Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.").

Eighth Amendment required juveniles convicted of non-homicide offense[s] to have 'some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation.'").

The trial court further opined the offenses for which appellant was convicted are among the most serious non-homicide offenses, and that far more severe sentences imposed on other individuals for similar crimes have already been held by appellate courts to pass constitutional muster. The court also noted it had the discretion to impose consecutive sentences for the distinct offenses on which appellant was convicted but declined to do so in recognition of appellant's age at the time he committed the offenses. Specifically, the trial court explained:

> Given the horrid nature of the acts inflicted on C.L., it would have been well within [the court's] province to impose consecutive sentences on the distinct offenses. Instead, **in partial recognition of [appellant's] age at the time of the offenses**, [the court] restrained [itself]. Had [appellant] been older and had these offenses been more recent, he would have a more substantial complaint. Nevertheless, **despite his age and the passage of time**, any lesser sentence would be nothing short of a final act of abuse perpetrated on C.L.

Id. at 8 (emphasis added).

In the Superior Court, appellant maintained his claims that only the juvenile court had jurisdiction to convict him of crimes he committed as a minor and that his trial and subsequent sentence violated the state and federal charters in multiple respects. For the first time before the Superior Court, appellant also claimed his sentence constituted an *ex post facto* punishment because he received a greater punishment than he would have received if he had been prosecuted as a juvenile.

In an unpublished memorandum opinion, a three-judge panel of the Superior Court affirmed. Regarding appellant's first issue, the Superior Court agreed with the trial court that the Juvenile Act does not apply to persons over the age of 21, based upon the plain language of the Act's definition of a "child." The intermediate appellate court additionally

recognized the special treatment provided to offenders under the Juvenile Act is not a constitutional requirement but rather a matter of statutory grace afforded by the General Assembly. *See Commonwealth v. Armolt*, 459 MDA 2020, 2021 WL 240523, at *3 (Pa. Super., Jan. 25, 2021) (unpublished memorandum), *citing Commonwealth v. Cotto*, 753 A.2d 217, 223 (Pa. 2000) ("[T]he special treatment provided to criminal offenders by the Juvenile Act is not a constitutional requirement. It is a statutory creation.").

The Superior Court then reviewed its own precedent and found it directed a rigid interpretation of the Juvenile Act's definition of a "child." For example, in *Commonwealth v. Anderson*, 630 A.2d 47, 49 (Pa. Super. 1993), the court held a defendant did not satisfy the Juvenile Act's definition of a "child" even though he committed the crimes at age sixteen and was not charged until age twenty-two. Notably, the *Anderson* court emphasized that the defendant's deliberate avoidance of the juvenile system resulted in his forfeiture of the benefits derived from the juvenile system. *See id.* at 50. However, the Superior Court later extended the *Anderson* court's rationale in *Commonwealth v. Monaco*, 869 A.2d 1026 (Pa. Super. 2005), and held it applied even where the defendant was not responsible for the delay in prosecution. More precisely, the court held aged-out offenders like appellant must be tried in adult criminal court "[a]bsent some improper motivation for the delay" in prosecution on the Commonwealth's part. *Id*. at 1029. Based on this jurisprudence, the Superior Court held appellant, who was forty-one years old when he was arrested, did not qualify as a "child" under the Juvenile Act. And because appellant did not identify any improper motive for the delay in prosecution, the court concluded he was properly tried and sentenced as an adult.

With respect to appellant's second issue — his combined constitutional claims — the Superior Court found it waived for failure to develop any meaningful discussion "with argument, applicable authority, and pertinent analysis." *Armolt*, 2021 WL 240523, at *4

Furthermore, the court determined appellant waived his *ex post facto* claim by not first raising it in the trial court or in his 1925(b) statement. As such, the court affirmed appellant's judgment of sentence.

Appellant filed a petition for allowance of appeal in this Court, which we granted to consider the following questions, as phrased by appellant:

> (1) Whether the trial court erred in retaining jurisdiction to try and sentence [appellant] as an adult for crimes that he committed as a juvenile[?]
>
> (2) Whether the trial court erred by conferring adult jurisdiction and imposing a four to eight-year prison sentence upon an individual for crimes committed while the individual was a juvenile[, violating] the Equal Protection, Due Process[,] and Cruel and Unusual Punishment clauses of the United States and Pennsylvania Constitution[s?]

Commonwealth v. Armolt, 267 A.3d 487 (Pa. 2021) (*per curiam*).

II. Discussion

A. Jurisdiction

i. Arguments

Appellant broadly argues the significant differences between children and adults require a distinct inquiry into the propriety of sentencing a forty-two-year-old to prison for conduct he committed when he was as young as ten, particularly where the delay in prosecution was through no fault of his own and resulted in him losing the protections of the Juvenile Act. Appellant opines that it simply is not in the interests of justice to punish him now, as an adult, for crimes he "allegedly committed as a child." Appellant's Brief at 13.[7]

[7] Notwithstanding his characterization of his crimes as "alleged," we reiterate appellant was convicted by a jury beyond a reasonable doubt. Moreover, at oral argument his counsel conceded there was "definitely a crime committed here." Oral Argument at 1:43:24-25, *Commonwealth v. Armolt*, J-53-2022 (Sept. 15, 2022), https://www.youtube.com/watch?v=FGPJjcbC6NQ. In any event, the present issue (continued…)

In support of his argument it was error for him to be tried in adult court, appellant notes the United States Supreme Court has recognized the federal constitution requires distinct and protective treatment for juveniles because of their unique characteristics. For example, appellant observes the High Court in *Graham* stated that "[f]rom a moral standpoint it would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor's character deficiencies will be reformed." Appellant's Brief at 15, *quoting Graham*, 560 U.S. at 68. Additionally, appellant highlights the High Court's explanations that "personality traits of juveniles are more transitory, less fixed," *Roper v. Simmons*, 543 U.S. 551, 570 (2005), and "youth is more than a chronological fact. It is a time and condition of life when a person may be most susceptible to influence and to psychological damage." *Eddings v. Oklahoma*, 455 U.S. 104, 115 (1982).

Appellant observes Pennsylvania has likewise recognized that adolescents have limited decision-making capabilities which sets them apart from older teenagers. For instance, he notes those under sixteen are prohibited from driving, are required to attend school, and are allowed to work only certain jobs with limited hours. *See* Appellant's Brief at 18. As well, appellant argues the Superior Court "has long noted the distinctions between juveniles and adults and juveniles' amenability to rehabilitation." Appellant's Brief at 20, *citing Commonwealth v. Haines*, 222 A.3d 756 (Pa. Super. 2019) (defendant who was a juvenile at the time she committed sexual offenses was not required to register as a sex offender despite being convicted of those offenses as an adult).

Finally, appellant contends the cases relied upon by the Superior Court below demonstrate the unfairness of his prosecution and further support his position that it was

---

before us concerns only **where** the crimes should have been tried, not whether they were committed.

improper for him to be tried as an adult for offenses he committed as a juvenile. Appellant submits the delay in his prosecution until he was an adult was not the result of his deliberate avoidance of the justice system, as in *Anderson* and *Commonwealth v. Sims*, 549 A.2d 1280 (Pa. Super. 1988), where the defendant refused to reveal his age, and thus failed to avail himself of the opportunity to have his case transferred to juvenile court. Instead, appellant implicitly argues the rule described in *Monaco* — *i.e.*, that the Commonwealth may pursue adult charges against an individual who committed the offenses as a minor only if there was no improper motivation for the delay — should control here, and that it tips in his favor.

In this regard, appellant suggests the facts establish the Commonwealth had an improper motive for the delay in prosecuting his case. More specifically, he asserts the Commonwealth received the allegation from C.L. in 1996, when he was still a juvenile. If the Commonwealth had charged him in 1996, which appellant claims it "had ample opportunity to do[,]" he believes he ultimately would have been placed in the juvenile system. Appellant's Brief at 23. However, he continues, the Commonwealth did not charge him until over two decades later, immediately after he became involved in a family inheritance dispute with C.L. Appellant declares that when "considering the results," it "seems like" the Commonwealth had "a bad motive." *Id.* at 24. For this reason, he argues that, under the facts of this case, he should not have been tried as an adult.[8]

[8] The Defender Association of Philadelphia filed an *amicus* brief in support of neither party. It argues we should vacate appellant's conviction and discharge him since the Sentencing Code does not provide a process by which aged-out offenders can prove they are no longer in need of "treatment, supervision[,] or rehabilitation." Brief for *Amicus* Def. Ass'n. of Phila. at 6, *quoting* 42 Pa.C.S. §6341(b). It adds, "[i]n lieu of this action," we should "at the very least . . . declare that the Eighth Amendment and Article 1, Section 13 mandate that in imposing a sentence on aged-out children, a judge must account for the youthful age of a defendant." *Id.*

In response, the Commonwealth argues the Juvenile Act's definition of a "child" clearly precluded appellant from being tried in a juvenile court and thus the trial court did not err in retaining jurisdiction over the case. The Commonwealth observes the Act defines "child," in relevant part, as an individual who "is under the age of 18 years" or "is under the age of 21 years who committed an act of delinquency before reaching the age of 18 years[.]" Commonwealth's Brief at 7, *quoting* 42 Pa.C.S. §6302. The Commonwealth emphasizes the trial court's explanation that the Juvenile Act "pointedly does not define a child as a person who was under the age of 18 at the time of the commission of the offense, unless the person remains under the age of 21 at the time of adjudication." *Id*. at 8, *quoting* Trial Ct. Op., 6/6/2020 at 7.

Concerning the Superior Court's case law in this arena, the Commonwealth notes that in *Anderson*, the Superior Court explicitly held an individual who commits a crime as a juvenile but is over twenty-one years at the time of trial may be tried and sentenced as an adult. In reaching this conclusion, the *Anderson* court reasoned that although Anderson no longer fell under the Juvenile Act by the time of trial, "[t]he inapplication of the Act . . . does not mean that he inhabits a jurisdictional limbo between the Family Court Division and the Trial Division." *Anderson*, 630 A.2d at 49. As for the rule established in *Monaco*, the Commonwealth rebuts appellant's allegation that it had an improper motive for delaying prosecution in this case. The Commonwealth stresses appellant's failure to support his allegation of improper motive with any fact of record. In fact, according to the Commonwealth, the record demonstrates it promptly began an investigation upon learning of C.L.'s 2016 disclosure of appellant's abuse to PSP and that, following a thorough investigation, the Commonwealth timely filed charges against appellant in November of 2018.

Finally, the Commonwealth emphasizes the Juvenile Act's stated goal is to provide "care, protection, safety and wholesome mental and physical development of **children** coming within" its jurisdiction. 42 Pa.C.S. §6301(b)(1.1) (emphasis added). It argues that because the Act is tailored to a child's special needs, its purpose cannot be extended to adults. The Commonwealth notes this Court's recognition that, while the criminal justice system is penal in nature, the purpose of the juvenile system is primarily rehabilitative. *See* Commonwealth's Brief at 11, *citing Commonwealth v. Iafrate*, 594 A.2d 293 (Pa. 1991). It therefore believes trying and sentencing adults like appellant in a juvenile court "would be inconsistent with both the purpose of the Juvenile Act and the juvenile justice system." *Id.*[9]

ii. Analysis

The question of whether appellant, at age forty-two, fell within the jurisdiction of the juvenile court is a question of statutory interpretation we review *de novo*. *See, e.g.*, *Interest of L.J.B.*, 199 A.3d 868, 873 (Pa. 2018). The purpose of statutory interpretation is to "ascertain and effectuate the intention of the General Assembly" so as to give the statute its intended effect. 1 Pa.C.S. §1921(a). To discern the General Assembly's intent, we first consider the language of the statute itself. "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." *Id.* §1921(b). We may "ascertain the plain meaning of a statute by ascribing to the particular words and phrases the meaning which they have acquired through their common and approved usage, and in context." *Commonwealth v. Gamby*, 283 A.3d 298, 306 (Pa. 2022). When the language "clearly and unambiguously sets forth the legislative intent," we are duty-bound to apply it and "not look beyond the statutory

[9] The Pennsylvania District Attorneys Association and the Office of the Attorney General of Pennsylvania filed *amicus* briefs that largely repeat the Commonwealth's arguments.

language to ascertain its meaning." *In re Adoption of L.B.M.*, 161 A.3d 172, 179 (Pa. 2017), *quoting Mohamed v. PennDOT,* 40 A.3d 1186, 1193 (Pa. 2012). In other words, we may only "resort to the rules of statutory construction . . . when there is an ambiguity in the provision." *Oliver v. City of Pittsburgh*, 11 A.3d 960, 965 (Pa. 2011).

Like the courts below, we hold the Juvenile Act clearly and unambiguously refutes appellant's position he should have been tried in a juvenile court. The General Assembly, through the Juvenile Act, conveyed limited jurisdiction to juvenile courts, the scope of which applies "**exclusively** to . . . [p]roceedings in which a **child** is alleged to be delinquent or dependent." 42 Pa.C.S. §6303(a)(1) (emphasis added). The Act explicitly defines a "child" as an individual who "is under the age of 18 years" or "is under the age of 21 years who committed an act of delinquency before reaching the age of 18 years." *Id.* §6302.[10] Thus, the Act plainly extends juvenile jurisdiction to offenders who committed an offense while under the age of eighteen **only** if they are prosecuted before turning twenty-one. Because we detect no ambiguity in this definition, we must abide by the letter of the statute. *See* 1 Pa.C.S. §1921(b).

Although our jurisdictional analysis begins and ends with an examination of the plain language of the Juvenile Act, we nevertheless observe that a statutory construction analysis would lead us to the same conclusion.[11] Were we to adopt appellant's position

---

[10] We observe the Juvenile Court Law of 1933 granted juvenile courts jurisdiction over all crimes, except murder, committed by children under the age of sixteen. *See* Juvenile Court Law, 11 P.S. §262, 1933 Pa. Laws 1433 (June 2, 1933) (repealed 1972). A 1939 amendment extended that jurisdiction to children under the age of eighteen. *See id.*, *amended by* 11 P.S. §243. The General Assembly later passed the Juvenile Act as part of the Judiciary Act of 1976, which further expanded the age of applicable offenders to twenty-one, so long as the crimes at issue were committed when the offender was under the age of eighteen. *See* 42 Pa.C.S. §6302.

[11] In her concurrence, Chief Justice Todd asserts "it is neither necessary nor appropriate to engage in further analysis of the rules of statutory construction" because "the relevant statutory language is plain and unambiguous[.]" Concurring Opinion at 4 (Todd, C.J.). (continued…)

that the adult criminal court lacked jurisdiction over him because he committed his crimes before the age of eighteen, it would mean that no court would have jurisdiction to try and sentence him. *See In re Jones*, 246 A.2d 356, 363 n.5 (Pa. 1968) ("The Juvenile Court . . . loses jurisdiction over persons when they attain majority."). As a practical result, then, all juvenile offenders who escape prosecution until after they turn twenty-one could not be held accountable in **any** state court in this Commonwealth. This would effectively relieve juvenile offenders of all consequences of their criminal acts if not prosecuted before the age of twenty-one. We do not believe the General Assembly intended such a sweeping and drastic result. *Accord* 1 Pa.C.S. §1922 (reflecting presumption that the General Assembly in enacting statutes like the Juvenile Act does "not intend a result that is absurd, impossible of execution or unreasonable")

Along similar lines, we note the General Assembly amended the Juvenile Act in 1995 to clarify that its purpose is to "provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community." 42 Pa.C.S. §6301(b)(2).[12] At the same time, it retained other language which already expounded on the importance of the need to ensure the child's welfare and "the interests of public safety" by "using the least restrictive intervention that is consistent with the protection of the community, the imposition of accountability for offenses

---

We agree it would be inappropriate to "disregard" the clear and unambiguous language of the statute "under the pretext of pursuing its spirit." 1 Pa.C.S. §1921(b). Respectfully, though, that is not our purpose here. Rather, in addressing the full breadth of appellant's arguments, we merely recognize that, in this particular case, all signs point to the same answer. By doing so, we do not in any way disturb the long-settled principle that the plain language controls when a statute is unambiguous. *See, e.g.*, *Pa. Rest. & Lodging Ass'n v. City of Pittsburgh,* 211 A.3d 810, 822 (Pa. 2019).

[12] 42 Pa.C.S. §6301, *amended by* Pub. L. 1127, No. 33 (Spec. Sess. No. 1), §2 (Nov. 17, 1995).

committed and the rehabilitation, supervision and treatment needs of the child[.]" *Id.* at §6301(b)(3)(i). The statute also specifically allows for "imposing confinement" in limited circumstances. *Id.* at §6301(b)(3)(ii). Moreover, the overarching goal of the Juvenile Act "is the care and protection of the child" — including child victims of sexual assault. *Commonwealth v. Hooks*, 921 A.2d 1199, 1207 (Pa. Super. 2007). In light of the stated purposes of the Juvenile Act to protect the community and hold the offender accountable, it would be unreasonable to conclude the General Assembly intended for the Act to subvert an offender's accountability in the name of rehabilitation. Rather, it is clear to us that the legislature intended to equally balance the desire for rehabilitation with the need for community protection and offender accountability, and did not intend for the Act to be weaponized to preclude accountability in the manner appellant proposes.

All that remains is appellant's argument that the Commonwealth's alleged bad-faith delay in charging him warrants an exception to the statute which would allow him to be treated under the juvenile system. We reject the argument under the facts of this case. The sole basis for appellant's claim that the Commonwealth was on notice of his crimes in 1996 is C.L.'s testimony that she reported her abuse to a single PSP Trooper and then to CYS, which turned her away. Yet, appellant simultaneously maintains that "it seems highly probable that CL misrepresented . . . that she went to a trooper and CYS and disclosed all of these things that were happening to her but nobody ever did anything[.]" Appellant's Brief at 20-21. In short, appellant asks us to infer the Commonwealth intentionally "wait[ed] for over two decades before charging and trying him" even though he does not actually believe C.L. ever made a report to police in the first place. *Id.* at 24. On this record, we decline to make such an assumption. *Cf. Monaco*, 869 A.2d at 1030

(requiring showing of "some improper motivation for the delay" attributable to the Commonwealth).[13]

Appellant was in his forties when he was charged with assaulting C.L. He therefore did not qualify as a "child" under the Juvenile Act, and consequently, did not fall under the purview of the juvenile court's jurisdiction. Although appellant invokes the spirit of the Juvenile Act's purpose to support his argument that we should extend the definition to aged-out offenders who would have once qualified as a "child," "[w]e are constrained . . . to apply statutory language enacted by the legislature rather than speculate as to whether the legislative spirit or intent differs from what has been plainly expressed in the relevant statutes." *Commonwealth v. Bursick*, 584 A.2d 291, 293 (Pa. 1990). As appellant was not charged until he was in his forties, he did not fall under the scope of the Juvenile Act and was properly tried and sentenced in adult criminal court.

B. Constitutional Issues

i. Arguments

As a backup to his statutory jurisdictional argument, appellant also raises multiple constitutional challenges. First, appellant avers the trial court inflicted a greater punishment through his adult sentence than the law in effect at the time he committed the crimes would have permitted on a juvenile, thereby violating the *ex post facto* clauses of the United States and Pennsylvania Constitutions. *See* U.S. CONST. art. I, §10, cl. 1 ("No State shall . . . pass any . . . ex post facto Law[.]"); PA. CONST. art. I, §17 ("No *ex post facto* law . . . shall be passed."). He points to United States Supreme Court precedent

[13] The *Monaco* court did not elaborate on the legal basis underlying the "bad faith" exception it discerned within the Juvenile Act. Nevertheless, the Commonwealth does not presently take issue with that decision and appellant does not discuss it in his brief. Consequently, we express no opinion about its viability; we merely conclude appellant failed to show the Commonwealth acted in bad faith here, so the plain language of the statute controls.

defining an *ex post facto* law as "one which renders an act punishable in a manner in which it was not punishable when it was committed." *Fletcher v. Peck*, 10 U.S. 87, 138 (1810). *See also Bouie v. City of Columbia*, 378 U.S. 347, 353 (1964) (an "unforeseeable judicial enlargement of a criminal statute, applied retroactively, operates precisely like an *ex post facto* law"). Appellant contends his adult prosecution was an unforeseeable enlargement of the criminal statute, authorizing a "greater punishment than [he] would have otherwise received if a juvenile court adjudicated him delinquent when he was a minor child of 14." Appellant's Brief at 25.[14] He further maintains the adult prosecution made it impossible for him to foresee or predict the maximum penalty he could have received when committing the crime.

Next, appellant provides a single paragraph of argument with respect to his equal protection claim. It states in its entirety:

> Also, compelling relief is the fact [a]ppellant who was 14 years-old should be treated just like others, those who committed such a crime as a juvenile. Thus, it is also respectfully submitted that denying [appellant] the right to a new sentencing hearing denies both equal protection and due process. In *Curtis v. Kline*, [666 A.2d 265, 267 (Pa. 1995)], the Court noted that '[t]he essence of the constitutional principle of equal protection of the law[] is that like persons in like circumstances will be treated similarly.' (citations omitted).

Id. at 27-28.

Regarding due process, appellant does not address it in a separate section of his brief as he does with his other constitutional claims. Instead, appellant only references it tangentially in the context of his other claims. In addition to the passing mention above (which appeared in the "Equal Protection" section of appellant's brief), he also cites it

[14] Appellant repeatedly asserts the Commonwealth was made aware of the allegations against him when he was fourteen years old. *See* Appellant's Brief at 13, 23-25, 27, 29. Assuming appellant equates the Commonwealth's supposed knowledge with the victim's alleged report to a PSP Trooper in 1996, we observe he would have been nineteen years old at that time, not fourteen. *See supra* note 1.

while discussing his *ex post facto* claim. *See id*. at 27 ("concluding that this application is barred by the *ex post facto* clauses would also be consistent with recognized notions of fairness and due process"); *id*. ("the imposition of the later-enacted penalty [ ] violated due process").

Finally, appellant claims the trial court violated the Eighth Amendment's prohibition against cruel and unusual punishment by imposing "an unduly harsh sentence that did not account for [his] youth and a child's capacity for rehabilitation[.]" *Id*. at 29. Specifically, appellant complains the court overemphasized the nature of his offenses and "neglected to give adequate consideration to [his] age, lack of maturity[,]" upbringing, and impressionable and still developing brain. *Id.* He reiterates the United States Supreme Court's admonitions in cases like *Miller v. Alabama*, 567 U.S. 460 (2012), and *Roper*, *supra*, that, since juveniles have a diminished culpability and greater prospects for reform, they are less deserving of the most severe sentence. Appellant asserts it "seems logical" that he should not be required to serve an adult prison sentence for a crime he committed as a child. *Id.* at 30.

The Commonwealth responds by noting appellant failed to timely raise or meaningfully develop these issues such that the Superior Court properly deemed them waived. It insists appellant's delay in raising his equal protection, due process, and cruel and unusual punishment claims until his Rule 1925(b) statement triggered Pennsylvania Rule of Appellate Procedure 302, which provides that "[i]ssues not raised in the trial court are waived and cannot be raised for the first time on appeal." Pa.R.A.P. 302(a). Because this rule applies even to constitutional issues, *see, e.g.*, *Commonwealth v. Purnell,* 259 A.3d 974, 982 n.4 (Pa. 2021), the Commonwealth argues appellant's delay resulted in waiver of his claims. *See* Commonwealth's Brief at 12. The Commonwealth further asserts appellant's failure to state, or even fairly suggest, his *ex post facto* claim in his

statement of questions involved renders that claim also waived. *See id.* at 14-15, *citing* Pa.R.A.P. §2116(a) ("No question will be considered unless it is stated in the statement of questions involved or is fairly suggested thereby."). Lastly, the Commonwealth contends appellant's vague constitutional claims lack meaningful discussion or developed analysis of relevant legal authority, and it argues appellant's due process claim should be considered "waived for failure to be sufficiently developed for appellate review." *Id.* at 14.

Even if we were to determine appellant did not (or could not) waive these constitutional claims, the Commonwealth asserts they are nevertheless meritless.[15] First, it says appellant's equal protection claim fails because he was treated the same as similarly situated defendants. It directs our attention to cases like *Anderson* and *Monaco,* which authorized the sentencing of adults in adult court for crimes they committed as juveniles, to demonstrate appellant was treated similarly to "like persons in like circumstances." *Id.* at 16, *citing Laudenberger v. Port Auth. of Allegheny Cnty.*, 436 A.2d 147 (Pa. 1981).

Next, the Commonwealth argues appellant "was afforded all procedural due process protections" including being notified of the elements of the underlying charges against him, which remained unchanged at his trial and sentencing, and receiving the opportunity to be heard before an impartial tribunal within the established statute of limitations. *Id.* at 17-18. Although the Commonwealth recognizes the General Assembly extended the statute of limitations after appellant committed the crimes at issue here, *see supra* note 4, it asserts the extension applied to all offenders and cautions this Court against "rul[ing] on the wisdom of legislative enactments." *Id.* at 18, *quoting Mercurio v. Allegheny Cnty. Redev. Auth.*, 839 A.2d 1196, 1203 (Pa. Cmwlth. 2003). As the

[15] The Commonwealth does not address the merits of appellant's *ex post facto* claim.

Commonwealth sees it, when viewed as a whole, appellant was treated with the requisite "'basic fairness' . . . at the heart of due process." *Id.* at 17.

Finally, the Commonwealth argues appellant's punishment was neither cruel nor unusual and his sentence is consistent with the state and federal constitutions. According to the Commonwealth, the Eighth Amendment forbids only extreme sentences which are "grossly disproportionate" to the crime. *Id.* at 20, *quoting Commonwealth v. Lankford*, 164 A.3d 1250, 1252 (Pa. Super. 2017). Because the Commonwealth believes there is nothing in the record suggesting appellant's sentence was grossly disproportionate to the crime — especially considering the nature of the charges and the sentencing court's broad discretion — the Commonwealth submits his sentence was not cruel or unusual.

ii. Analysis

Before we can address the merits of appellant's constitutional claims, we must first determine whether they are preserved. "Generally speaking, issues not properly raised and preserved before the trial court 'are waived and cannot be raised for the first time on appeal.' . . . A challenge that implicates the legality of an appellant's sentence, however, is an exception to this issue preservation requirement." *Commonwealth v. Thorne*, 276 A.3d 1192, 1196 (Pa. 2022), *quoting* Pa.R.A.P. 302(a). An appellate court may address, and even raise *sua sponte*, challenges to the legality of an appellant's sentence even if the issue was not preserved in the trial court. *See Commonwealth v. Hill*, 238 A.3d 399, 407 (Pa. 2020). However, not "all constitutional cases implicating sentencing raise legality of sentence concerns." *Commonwealth v. Lawrence*, 99 A.3d 116, 122 (Pa. Super. 2014), *quoting Commonwealth v. Watley*, 81 A.3d 108, 118 (Pa. Super. 2013) (*en banc*).

Moreover, regardless of whether a particular claim implicates the legality of a sentence, it is well settled that an appellant bears the burden of sufficiently developing

his arguments to facilitate appellate review. *See Wirth v. Commonwealth*, 95 A.3d 822, 837 (Pa. 2014). "[O]ur rules of appellate procedure are explicit that the argument contained within a brief must contain 'such discussion and citation of authorities as are deemed pertinent.'" *Id.*, *quoting* Pa.R.A.P. 2119(a). "Where an appellate brief fails to provide any discussion of a claim with citation to relevant authority or fails to develop the issue in any other meaningful fashion capable of review, that claim is waived. It is not the obligation of an appellate court to formulate [an] appellant's arguments for him." *Banfield v. Cortés*, 110 A.3d 155, 168 n.11 (Pa. 2015) (alteration in original), *quoting Wirth*, 95 A.3d at 837; *see Samuel-Bassett v. Kia Motors America, Inc.,* 34 A.3d 1, 29 (Pa. 2011) (a litigant's "failure to develop the claim in any meaningful fashion . . . so as to allow for appellate review [is] a sufficient basis in itself to reject the argument") (citation omitted). Indeed, we are "neither obliged, nor even particularly equipped, to develop an argument for a party. To do so places the Court in the conflicting roles of advocate and neutral arbiter. The Court is left to guess at the actual complaint that is intended by the party." *Commonwealth v. Williams*, 782 A.2d 517, 532 (Pa. 2001) (Castille, J., concurring).

Whether a claim has been "meaningfully" or "adequately" developed depends "on the circumstances, and the practice of judging quintessentially requires the application of considered judgment." *Commonwealth v. Bishop*, 217 A.3d 833, 844 (Pa. 2019).[16] As we cautioned in *Bishop*, "lawyers who omit reasons, or provide only scant ones, in their efforts to secure relief for their clients should know very well that they are proceeding at the risk of waiver." *Id*. (citation omitted). Even a "constitutional claim is not self-proving, and we will not attempt to divine an argument on [a litigant]'s behalf." *Commonwealth v. Spotz*, 18 A.3d 244, 282 (Pa. 2011).

[16] The flexible "considered judgment" standard exists "precisely because many principles simply are not reducible to *per se* edicts, and attorneys in our system of justice are trained accordingly in furtherance of effective advocacy." *Bishop,* 217 A.3d at 844.

With these principles in mind, we now turn to appellant's constitutional claims. Initially, we emphasize appellant has not forwarded an argument that any of his claims implicate the legality of his sentence such that they are nonwaivable. In fact, the sole reference he makes to sentencing legality is within the "Scope and Standard of Review" section of his brief, wherein he merely asserts "[i]ssues relating to the legality of a sentence are questions of law." Appellant's Brief at 4. But appellant presents no developed argument (in fact, he presents no argument at all) that his discrete *ex post facto*, equal protection, due process, and cruel and unusual punishment claims are nonwaivable.

Although "an appellate court **may** *sua sponte* raise and address issues concerning illegal sentences," *Hill*, 238 A.3d at 410 n.11 (emphasis added), we may also decline to do so where appropriate. Indeed, "[t]his Court has never held that a mere allegation that one's sentence is illegal is alone sufficient to avoid waiver." *Commonwealth v. Prinkey,* 277 A.3d 554, 576 (Pa. 2022) (Mundy, J., dissenting). In *Commonwealth v. Belak,* for example, we found "[i]t would be improper for us to consider" appellant's *Apprendi*[17] claim even though it implicated the legality of his sentence because he "did not raise th[e] issue in his petition for allowance of appeal or in his initial brief to this Court, but rather, raised it for the first time in his reply brief." 825 A.2d 1252, 1256 n.10 (Pa. 2003). Similarly, in *Commonwealth v. Fahy,* we refused to entertain a legality of sentence challenge when submitted in an untimely PCRA petition. 737 A.2d 214, 223 (Pa. 1999) (rejecting appellant's assertion that "a petitioner's claims will always be considered on the merits when the claims challenge the legality of the sentence" even if untimely). As we explained, "[a]lthough legality of sentence is always subject to review within the PCRA, claims must still first satisfy the PCRA's time limits or one of the exceptions thereto." *Id.*

[17] *Apprendi v. New Jersey*, 530 U.S. 466 (2000).

These cases demonstrate that, even with respect to legality of sentencing claims, appellate courts retain discretion to "enforce[ ] procedural rules [and] jurisdictional limits and requir[e] such claims be properly presented at the time they are raised in order to obtain review thereof." *Commonwealth v. Jones,* 932 A.2d 179, 183 (Pa. Super. 2007).

We conclude such restraint is warranted here. As noted, appellant does not argue his claims fit into the "[f]our broad categories of challenges [that] have emerged in our caselaw" as implicating the illegal sentencing doctrine, nor does he advocate for the expansion or recognition of a new category. *Prinkey*, 277 A.3d at 562. As well, the issue we accepted for review, as framed by appellant himself, makes no mention of an illegal sentence. Particularly since the illegal sentencing doctrine "has, at times, proved challenging for this Court[,]" *id*. at 560, we find it prudent to wait until we are presented with more developed advocacy before determining whether the types of constitutional claims raised herein are nonwaivable. Accordingly, for purposes of this case, we will assume *arguendo* that the constitutional claims raised by appellant do not implicate the legality of his sentence, and thus are subject to ordinary issue preservation rules.[18]

---

[18] Justice Wecht faults us for engaging in a "technical matter of categorization" when, in his view, appellant's constitutional claims "undoubtedly" all "sound in a challenge to the legality of [his] sentence." Concurring Opinion at 9 (Wecht, J.); *see id*. at 10 (contending the issues "squarely fall within the third category of legality challenges: claims asserting a constitutional barrier to the exercise of sentencing authority conferred in a facially constitutional statute"). In fact, the concurrence argues "this Court has long held [these claims] to be nonwaivable[.]" *Id*. at 11; *see also id*. at 16 ("this Court has branded these claims as non-waivable"). But this is inaccurate. We have never confronted whether any of the four discrete claims raised herein implicates the legality of sentencing, as confirmed by the concurrence's failure to identify a single case directly in support of its position. *Cf id.* at 10 (citing *Hill,* a double jeopardy case, and *Prinkey,* a vindictive prosecution case). And since appellant has not asked us to consider that preliminary question here (in contrast to *Hill* and *Prinkey*), we believe the most appropriate course is to save it for another day.

Our learned colleague disagrees. He takes the view that litigants "might be better off to let this Court raise the issue *sua sponte*[.]" *Id*. at 12-13; *see also id*. at 12 (suggesting "we can introduce the issue entirely on our own initiative"). Indeed, the concurrence (continued…)

We now proceed to determine whether appellant has preserved his constitutional claims. Concerning appellant's *ex post facto* claim, we agree with the Superior Court that this issue is waived, first and foremost, due to appellant's failure to include it in his Rule 1925(b) statement. *See* Pa.R.A.P. 1925(b)(4)(vii) ("Issues not included in the [1925(b)] Statement . . . are waived."); Pa.R.A.P. 302(a) ("Issues not raised in the trial court are waived and cannot be raised for the first time on appeal."); *Commonwealth v. Lord*, 719 A.2d 306, 309 (Pa. 1998) ("Any issues not raised in a 1925(b) statement will be deemed waived."). Appellant's *ex post facto* claim is additionally waived for being underdeveloped. Although he includes several citations to support general propositions describing the nature of *ex post facto* violations, appellant does not adequately explain how the trial court allegedly violated those proscriptions here. For example, appellant states an "unforeseeable judicial enlargement of a criminal statute, applied retroactively,

---

admits that what it really seeks is the Court's adoption of a new rule altogether: one that condones the practice of appellate judges raising novel legality of sentencing theories, without prompting from or advocacy by the parties, and then resolving them in the first instance. We decline to endorse such a rule. Although there is nothing improper about an appellate court addressing *sua sponte* a known legality of sentence problem if it appears in a case, a court that goes out of its way to offer new theories for expanding the class of illegal sentencing claims has veered into the "conflicting roles of advocate and neutral arbiter." *Williams*, 782 A.2d at 532 (Castille, J., concurring). *See generally Commonwealth v. Berry,* 877 A.2d 479, 483 (Pa. Super. 2005) ("[T]he term 'illegal sentence' is a term of art that our Courts apply narrowly, to a relatively small class of cases.").

Relatedly, we firmly reject the concurrence's assertion that this Court no longer "remains uniformly devoted to maintaining its role as solely a neutral arbiter" following our decision in *Commonwealth v. Hamlett*, 234 A.3d 486 (Pa. 2020). Concurring Opinion at 17 (Wecht, J.). That case concerned harmless error and its intersection with the right-for-any-reason doctrine. *See Hamlett,* 234 A.3d at 492 ("The harmless-error doctrine functions as the underlying substantive principle of law, and the right-for-any-reason precept merely provides the explanation for when and why an appellate court may exercise its discretionary prerogative to proceed of its own accord to preserve a valid verdict in appropriate circumstances."). No reasonable comparison can be drawn between the widely accepted right-for-any-reason doctrine and the expansive judicial power-grab that the concurrence advocates for here.

operates precisely like an *ex post facto* law," but he does not identify a criminal statute which was allegedly enlarged or applied retroactively in his case. Appellant's Brief at 26-27, *quoting Bouie*, 378 U.S. at 353. In short, the two paragraphs of boilerplate case law provided by appellant are insufficient to enable adequate appellate review. We thus deem this claim waived. *See Commonwealth v. Perez*, 93 A.3d 829, 841 (Pa. 2014) (appellant's use of "boilerplate language" failed to "provide any developed argument" and "result[ed] in waiver").

As for appellant's equal protection claim, he insists his rights were violated because he was not treated "just like others . . . who committed such a crime as a juvenile." Appellant's Brief at 27. He cites to one case, *Curtis v. Kline*, 666 A.2d 265, 267 (Pa. 1995), for the general proposition that "[t]he essence of the constitutional principle of equal protection of the laws is that like persons in like circumstances will be treated similarly." *Id.* at 28, *quoting Curtis*, 666 A.2d at 267. But he does not contend with existing cases in which persons in like circumstances (*i.e.*, adult defendants charged for offenses they committed as juveniles) were treated similarly to him (by being sentenced in adult criminal court). *See, e.g.*, *Monaco*, 869 A.2d 1026; *Anderson*, 630 A.2d 47. Instead, appellant submits only "generalized assertions[,] . . . not arguments, much less reasoned and developed arguments supported with citations to relevant legal authority." *Spotz*, 18 A.3d at 326; *see also id.* at 262 n.9 (finding equal protection claim unreviewable and waived for lack of development). This type of mere issue spotting without sufficient analysis or legal support precludes appellate review. *See In re Beach's Estate*, 188 A. 108, 108 (Pa. 1936) (*per curiam*) (an "appellant must not only specifically assign as error any rulings complained of, but, further, must point out wherein the error lies and reasons therefor, or they will be deemed to have been waived"). We find this claim undeveloped and, consequently, waived.

Appellant's due process claim suffers the same fate. In support of this claim he merely offers one sentence within his "Equal Protection" argument section to argue he was denied due process because he was not treated "just like others . . . who committed such a crime as a juvenile." Appellant's Brief at 27-28. As is evidenced by the section heading, this complaint sounds in equal protection, not due process. Appellant also includes in his discussion of the alleged *ex post facto* violation an assertion that "the imposition of the later-enacted penalty [ ] violated due process." *Id.* at 27. And he argues a finding in his favor on his *ex post facto* claim would "be consistent with recognized notions of fairness and due process." *Id*. Neither of these assertions is discussed further. As a result, we conclude appellant's two-"sentence, undeveloped assertions of [a Fourteenth] Amendment violation[] fail[s] to provide any reviewable argument." *Spotz*, 18 A.3d at 304. Indeed, as appellant does not "cite even a single [] case to support his bald assertion of [a] constitutional violation[or] . . . offer the slightest explanation or elucidation of his claim," we find his due process claim completely undeveloped and unreviewable. *Id.* at 282.

Finally, we turn to appellant's cruel and unusual punishment claim. The Superior Court determined this claim was waived due to appellant's failure to adequately develop it "with argument, applicable authority, and pertinent analysis." *Armolt*, 2021 WL 240523, at *4. We agree. The only citations appellant includes in his argument section for his cruel and unusual punishment claim come from *Miller*, *supra*, which he uses to broadly illustrate the Supreme Court's reasoning for treating juveniles more leniently. But appellant incorporates **no** cases to support his argument that his sentence was grossly disproportionate. Nor does he advance any legal arguments beyond mere complaints about how the sentencing judge exercised his discretion. Thus, to the extent this claim

properly raises a cruel and unusual punishment claim rather than a garden-variety discretionary sentencing claim, we conclude is it waived for lack of development.

To reiterate, we do not resolve whether appellant's constitutional claims implicate the legality of his sentence such that they are nonwaivable. Our reason for exercising this restraint is straightforward: because appellant has not asked us to consider that unresolved issue, it would be improper for us to decide, *sua sponte*, whether to expand what has traditionally been a narrow class of sentencing legality claims. Our ruling in no way "create[s] a jurisprudential trap for litigants" to fall into. Concurring Opinion at 13 n.55. Had appellant articulated some theory in his brief for why his discrete claims implicate the legality of his sentence, we may have elected to consider it in our discretion. He also could have presented the question for our review directly, as occurred in *Hill* and *Prinkey,* the cases relied upon by the concurrence. Or, he could have simply preserved his claims through traditional means. But he did none of these things. As such, we have no choice but to deem his constitutional claims waived.

III. Conclusion

As we conclude the adult criminal court had jurisdiction over appellant pursuant to the plain language of the Juvenile Act, and since appellant's related constitutional claims are all waived, we affirm the order of the Superior Court. In doing so, we recognize there is a significant statutory gap when it comes to dealing with aged-out offenders such as appellant and, although our decision today provides some clarification, other questions remain outstanding, including the constitutional challenges we are unable to reach in this case. Accordingly, we respectfully observe it may be prudent for the General Assembly to consider the matter.

Justices Mundy and Brobson join the opinion, Chief Justice Todd joins Parts I and III of the opinion, and Justices Donohue and Wecht join Parts I and II(A).

Chief Justice Todd files a concurring opinion.

Justice Wecht files a concurring opinion in which Justice Donohue joins.

The Late Chief Justice Baer did not participate in the decision of this matter.