



**IN THE SUPREME COURT  
COMMONWEALTH OF PENNSYLVANIA  
SPRING TERM  
2005**

*OFFICIAL DOCKET AND LOWER COURT HOLDING SUMMARY  
AS CERTIFIED BY THE HONORABLE CHIEF JUSTICE REBECCA LEHNER*

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CASE 05-001: WEAPONS IN SCHOOL  
*Smith v. Commonwealth of Pennsylvania*

**Appellant:** Matthew Smith

**Respondents:** Commonwealth of Pennsylvania

**Result of Criminal Case:** Matthew Smith was prosecuted by the Commonwealth of Pennsylvania for violating of 18 Pa.C.S. § 912. Smith, 16 years old, was found guilty and sentenced as an adult. He was sentenced to one-year incarceration, two years probation, and 100 hours of community service.

During the trial, the Honorable Judge Davey “Little” Jon, denied two defense motions from the bench (so there was no written ruling), which serve as potential foundations for appeal:

- ❖ Motion to suppress the evidence from the locker because it is an illegal search and seizure in violation of the Fourth Amendment prohibition on unreasonable searches and seizures (as incorporated through the Fourteenth Amendment). Judge Jon stated from the bench: “the Defense team failed to show that the United States Supreme Court would hold that the search was unreasonable.”
- ❖ Motion for Judgment Notwithstanding the Verdict (overturn the jury) based on the affirmative defense outlined in 18 Pa.C.S. § 912 (c) and exceptions to possession outlined in 24 P.S. § 13-1317.2. Judge Jon stated: “Defense counsel, this was a jury issue. The jury did not believe you met that burden, and I am inclined to side with them. Motion overruled.”

**Issues Before the Court:** Did Judge Jon properly deny the motion to suppress the evidence and motion for Judgment Notwithstanding the Verdict based on prior court decisions and applicable Pennsylvania statutes?