

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Charles Talbert,	:	
	:	
Petitioner	:	
	:	
v.	:	No. 127 M.D. 2025
	:	Submitted: April 13, 2026
General Assembly,	:	
	:	
Respondent	:	

BEFORE: HONORABLE RENÉE COHN JUBELIRER, President Judge
HONORABLE MATTHEW S. WOLF, Judge
HONORABLE BONNIE BRIGANCE LEADBETTER, Senior Judge

OPINION NOT REPORTED

MEMORANDUM OPINION BY
PRESIDENT JUDGE COHN JUBELIRER¹

FILED: September 15, 2026

Before the Court are preliminary objections (POs) filed by the General Assembly (Respondent) to a Petition for Review (PFR) filed in this Court's original jurisdiction by Charles Talbert (Petitioner), along with Petitioner's Application for Summary Relief (Application). In his PFR, Petitioner challenges, among other things, the effect long-term solitary confinement has had on his physical and mental well-being. Because Petitioner admittedly is no longer confined to solitary confinement in a state correctional institution (SCI) and is instead in pretrial detainment at the county level, we conclude this matter is moot and, accordingly, dismiss the PFR.

¹ This matter was reassigned to the author on May 20, 2026.

At the time he filed his PFR in April 2025, Petitioner was incarcerated at SCI-Fayette serving a sentence of three and one half to seven years. (PFR ¶¶ 2, 5.)² Because he was found guilty but mentally ill, Petitioner avers the sentencing court directed that he receive mental health treatment at SCI-Waymart, which specializes in such treatment. (*Id.* ¶ 6.) Petitioner asserts this is consistent with Section 9727 of the Sentencing Code, 42 Pa.C.S. § 9727,³ and Section 102 of the Mental Health Procedures Act (MHPA), 50 P.S. § 7102.⁴ (PFR ¶¶ 7-8.) However, Petitioner

² When ruling on preliminary objections, the Court must accept all well-pleaded factual allegations as true, along with any inferences reasonably deduced therefrom. *Neely v. Dep't of Corr.*, 838 A.2d 16, 19 n.4 (Pa. Cmwlth. 2003). Thus, we set forth the facts as alleged by Petitioner in his PFR.

³ Section 9727(a) and (b)(1) provides, in pertinent part:

(a) Imposition of sentence.--A defendant found guilty but mentally ill or whose plea of guilty but mentally ill is accepted under the provisions of 18 Pa.C.S. § 314 (relating to guilty but mentally ill) may have any sentence imposed on him which may lawfully be imposed on any defendant convicted of the same offense. Before imposing sentence, the court shall hear testimony and make a finding on the issue of whether the defendant at the time of sentencing is severely mentally disabled and in need of treatment pursuant to the provisions of the act of July 9, 1976[,] P.L. 817, [*as amended*, 50 P.S. §§ 7101-7503], known as the M[HPA].

(b) Treatment.--

(1) An offender who is severely mentally disabled and in need of treatment at the time of sentencing shall, consistent with available resources, be provided such treatment as is psychiatrically or psychologically indicated for his mental illness. Treatment may be provided by the Department of Corrections, by the county or by the Department of Human Services in accordance with the M[HPA].

....

42 Pa.C.S. § 9727(a), (b)(1).

⁴ Act of July 9, 1976, P.L. 817, *as amended*, 50 P.S. § 7102. Section 102 provides, in part:

(Footnote continued on next page...)

maintains that, despite a public policy of ensuring access to adequate treatment, Respondent “legislatively authorized the Commonwealth, under [the Prisons and Parole Code, 61 Pa.C.S. §§ 101-7301,] to subject those to whom they incarcerate to an indefinite term of solitary confinement,” which contravenes this public policy. (PFR ¶¶ 10-11, 16.) Petitioner asserts Respondent, prison officials, case law, and scientific and medical research have recognized that prolonged solitary confinement, i.e. more than three to four weeks, poses substantial risk of numerous psychological and physical harms. (*Id.* ¶¶ 12-15, 17, 22-25.) Petitioner avers he has been in solitary confinement for more than five years, causing psychological harm, including, among other things, anxiety, paranoia, psychosis, problems thinking and concentrating, and memory loss. (*Id.* ¶¶ 19-20, 26.) Petitioner alleges Respondent continues to appropriate funds to the Executive Branch, which, in turn, funds prolonged solitary confinement. (*Id.* ¶ 27.) Petitioner asserts this violates the Pennsylvania Constitution and the MHPA and exceeds Respondent’s police power. (*Id.* ¶¶ 28, 30.)

In Count I of the PFR, Petitioner asserted that Respondent violated article I, sections 1, 2, 8, 12, 13, 25, and 26 of the Pennsylvania Constitution, PA. CONST. art. I, §§ 1, 2, 8, 12, 13, 25, 26, by authorizing the Executive Branch to use and enforce

It is the policy of the Commonwealth of Pennsylvania to seek to assure the availability of adequate treatment to persons who are mentally ill, and it is the purpose of this act to establish procedures whereby this policy can be effected. The provisions of this act shall be interpreted in conformity with the principles of due process to make voluntary and involuntary treatment available where the need is great and its absence could result in serious harm to the mentally ill person or to others. Treatment on a voluntary basis shall be preferred to involuntary treatment; and in every case, the least restrictions consistent with adequate treatment shall be employed. . . .

Id.

indefinite solitary confinement, which denied him the mental health treatment to which he was entitled and resulted in his effective “seiz[ure]” for five years and is a cruel and unusual punishment, failing to suspend any law that authorizes the use of prolonged solitary confinement, and exceeding its police powers. (*Id.* ¶¶ 31-37.) Petitioner asked the Court to “enjoin and invalidate any and all laws that permit the indefinite use of disciplinary segregation and prolonged solitary confinement[] and a declaration to deem those laws to be unconstitutional.” (*Id.*, Count I Wherefore Clause.) In Count II, Petitioner asserted the resulting physical and psychological harm of prolonged solitary confinement was foreseeable and Respondent should be enjoined “from authorizing such created danger.” (*Id.* ¶¶ 38-42, Count II Wherefore Clause.) Finally, in Count III, Petitioner asserted a violation of Article 7 of the International Covenant on Civil and Political Rights (ICCPR).⁵ (*Id.* ¶¶ 43-45.) For relief, Petitioner again asked that we “enjoin and invalidate all legislative acts that infringe[] upon Petitioner[’]s international right[s].” (*Id.*, Count III Wherefore Clause.)

In his PFR, Petitioner also alleged he was approaching his maximum date and would be completing his state sentence on November 12, 2025. (*Id.* ¶ 18.) Consistent with that averment, Petitioner subsequently advised the Court of a change of address, indicating that “[a]s of November 12, 2025, Petitioner . . . is no longer a state prisoner” and is now in pretrial detainment at CFCF, which is the Curran-Fromhold Correctional Facility, which is part of the Philadelphia Department of Prisons. (Petitioner’s 12/13/25 letter.) This resulted in the Court issuing a Rule to

⁵ Article 7 of the ICCPR provides: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.” *See* ICCPR, art. 7, Dec. 19, 1966, 999 U.N.T.S. 171, 175.

Show Cause (Rule) directing Petitioner to address whether this matter was moot. *See Battiste v. Borough of East McKeesport*, 94 A.3d 418, 424 (Pa. Cmwlth. 2014) (“Although neither party argues [] mootness . . . , we may *sua sponte* raise the issue of mootness as courts cannot decide moot or abstract questions, nor can we enter a judgment or decree to which effect cannot be given.”) (citation and internal quotation marks omitted). In response to the Rule, Petitioner confirmed he is no longer incarcerated in an SCI and is in presentence detainment instead. (Answer to Rule ¶¶ 2-3.) As discussed more fully below, this intervening change in the facts has rendered Petitioner’s claims moot. *In re Gross*, 382 A.2d 116, 119-20 (Pa. 1978).

“[A]n actual case or controversy must be extant at all stages of review, not merely at the time the [appeal] is filed.” *Pap’s A.M. v. City of Erie*, 812 A.2d 591, 599-600 (Pa. 2002) (citations omitted). Courts generally will not decide moot cases. *Costa v. Cortes*, 142 A.3d 1004, 1016 (Pa. Cmwlth. 2016). This is because courts “do not render decisions in the abstract or offer purely advisory opinions.” *Pittsburgh Palisades Park, LLC v. Commonwealth*, 888 A.2d 655, 659 (Pa. 2005). This is particularly true when a matter raises a constitutional issue, which we “should not decide . . . unless absolutely required to do so.” *Harris v. Rendell*, 982 A.2d 1030, 1035 (Pa. Cmwlth. 2009) (quoting *Krenzelak v. Krenzelak*, 469 A.2d 987, 991 (Pa. 1983)). Simply put, we “are not in the business of pronouncing that past actions which have no demonstrable continuing effect were right or wrong.” *Mistich v. Pa. Bd. of Prob. & Parole*, 863 A.2d 116, 121 (Pa. Cmwlth. 2004) (quoting *Spencer v. Kemma*, 523 U.S. 1, 18 (1998)). “[T]he critical inquiry . . . is whether the court’s decision could, in substance, accord the injured party relief.” *Toland v. Pa. Bd. of Prob. & Parole*, 311 A.3d 649, 657 (Pa. Cmwlth. 2024). “[A]n appeal will be

dismissed when the occurrence of an event renders it impossible for the court to grant the requested relief.” *Taylor v. Pa. Bd. of Prob. & Parole*, 746 A.2d 671, 674 (Pa. Cmwlth. 2000). *See also Chruby v. Dep’t of Corr.*, 4 A.3d 764, 770 (Pa. Cmwlth. 2010) (“[A]n issue before a court is moot if in ruling upon the issue the court cannot enter an order that has any legal force or effect.”); *St. Clair Mem’l Hosp. v. Dep’t of Health*, 691 A.2d 1040, 1042 (Pa. Cmwlth. 1997) (“Judgments or decrees to which no effect can be given will not be entered by the courts.”)

Petitioner is no longer in solitary confinement in an SCI operated by the Department of Corrections, an agency under the Executive Branch’s purview. Therefore, he no longer has “the necessary stake in the outcome” of this matter. *Pap’s A.M.*, 812 A.2d at 599-600. *See also In re Gross*, 382 A.2d at 120-21 (because patient involuntarily committed to psychiatric facility was no longer an inpatient there, his claims seeking injunctive relief were moot as “there was nothing for the lower court to enjoin, nor can this Court [] order the injunctive relief sought.”); *Bullock v. Pa. Dep’t of Corr.* (Pa. Cmwlth., No. 375 M.D. 2016, filed May 16, 2024), slip op. at 5 (dismissing inmate’s claims related to his treatment while incarcerated as moot since inmate was released);⁶ *Commonwealth v. Smith*, 486 A.2d 445 (Pa. Super. 1984) (inmate’s claim challenging sufficiency of county jail library mooted by release on bail).⁷ Further, to the extent Petitioner asserts constitutional claims, such “questions are not to be dealt with abstractly.” *Harris*, 982 A.2d at 1035 (quoting *In re Gross*, 382 A.2d at 120). It is well settled that we “should not decide

⁶ Unreported panel decisions of this Court may be cited for their persuasive value pursuant to Rule 126(b) of the Pennsylvania Rules of Appellate Procedure, Pa.R.A.P 126(b), and Section 414(a) of this Court’s Internal Operating Procedures, 210 Pa. Code § 69.414(a).

⁷ “In general, Superior Court decisions are not binding on this Court, but they offer persuasive precedent where they address analogous issues.” *Lerch v. Unemployment Comp. Bd. of Rev.*, 180 A.3d 545, 550 (Pa. Cmwlth. 2018).

a constitutional question unless absolutely required to do so.” *Id.* (quoting *Krenzelak*, 469 A.2d at 991). Accordingly, this matter is moot, and we will not reach Petitioner’s claims, constitutional or otherwise.

Acknowledging he is no longer in prolonged solitary confinement in an SCI, or confined at all in an SCI, Petitioner asserts the Court should, nonetheless, address the merits of his claims, as this matter falls within an exception to the mootness doctrine. “Exceptions to this principle are made where the conduct complained of is capable of repetition yet likely to evade review, where the case involves issues important to the public interest or where a party will suffer some detriment without the court’s decision.” *Dep’t of Env’t Prot. v. Cromwell Township, Huntingdon County*, 32 A.3d 639, 652 (Pa. 2011) (citation omitted).

While not explicit, Petitioner implies that the situation is capable of repetition since he is in pretrial confinement and could be convicted and resentenced to an SCI. (Answer to Rule ¶ 4.) For a claim to fall within the capable of repetition yet evading review exception to the mootness doctrine, Petitioner “must demonstrate that: (1) the challenged action was in its duration too short to be fully litigated prior to its cessation or expiration, and (2) there [i]s a reasonable expectation that the same complaining party w[ill] be subjected to the same action again.” *Brouillette v. Wolf*, 213 A.3d 341, 368 (Pa. Cmwlth. 2019) (citation and internal quotation marks omitted; alterations in original). “Speculation that an event may occur at some future time does not constitute an actual existing controversy.” *PennEnvironment v. Dep’t of Env’t Prot.*, 333 A.3d 52, 63 (Pa. Cmwlth. 2025) (holding issue was moot where it was based on speculation that an event may occur in the future). Moreover, it is not enough that a matter is capable of repetition; it must also be likely to evade review. *Id.* Here, Petitioner does not assert that he could not seek review again if

he is convicted, resentenced, and placed back into solitary confinement for a prolonged period. Thus, the first exception to the mootness doctrine is inapplicable.

The only other exception Petitioner suggests may apply is that the issue is one of importance to the public interest. (*See Answer to Rule ¶ 8.*) Specifically, Petitioner asserts “public policy clearly seeks to stop this form of torture which affects inmates and their loved ones, and makes them worse than before they came to prison,” which he claims is counter to the rehabilitative purpose of incarceration. (*Id.*) “[T]he great public importance exception to the mootness doctrine ‘is generally confined to a narrow category of cases.’” *Harris*, 982 A.2d at 1037 (quoting *Bottomer v. Progressive Cas. Ins. Co.*, 859 A.2d 1282, 1285 (Pa. 2004)). While the constitutionality of prolonged solitary confinement is important, given courts’ reluctance to decide moot questions raising constitutional issues in the abstract, it is a question best decided when there is a live case before the Court. *Harris*, 982 A.2d at 1035 (quoting *In re Gross*, 382 A.2d at 120).

Accordingly, we dismiss Petitioner’s PFR as moot, thereby rendering Respondent’s POs, Petitioner’s Application for Summary Relief, and Petitioner’s Motion to Compel Discovery moot.

RENÉE COHN JUBELIRER, President Judge

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ORDER

NOW, September 15, 2026, the Petition for Review, Application for Summary Relief, and Motion to Compel Discovery filed by Charles Talbert and the preliminary objections filed by the General Assembly are **DISMISSED AS MOOT**.

RENÉE COHN JUBELIRER, President Judge