

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Douglas Preston Smith,	:	
Appellant	:	
	:	
v.	:	
	:	No. 745 C.D. 2025
Commonwealth of Pennsylvania	:	Submitted: July 24, 2026

BEFORE: HONORABLE ANNE E. COVEY, Judge
HONORABLE LORI A. DUMAS, Judge
HONORABLE STACY WALLACE, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION BY
JUDGE COVEY

FILED: October 7, 2026

Douglas Preston Smith (Smith), pro se, appeals from the Cumberland County Common Pleas Court’s (trial court) March 11, 2025 order dismissing his action for lack of jurisdiction. The sole issue before this Court is whether Smith’s appeal is timely. After review, this Court quashes the appeal.

On February 7, 2025, Smith, an inmate at the State Correctional Institution at Dallas,¹ commenced an action in the trial court against the Commonwealth of Pennsylvania (Commonwealth) seeking \$97,946,000.00 in a replevin action for the Commonwealth’s seizure of his property.² On March 4, 2025, the trial court dismissed Smith’s action on the basis that this Court has exclusive original jurisdiction over actions against the Commonwealth.

On March 10, 2025, Smith filed numerous additional documents. By March 11, 2025 order, the trial court declared: “[U]pon consideration of the several

¹ <https://inmatelocator.cor.pa.gov/#/Result> (last visited Oct. 6, 2026).

² It appears the seizure was a result of Smith’s commission of a commercial crime under the Code of Federal Regulations. See Section 72.11 of the Code of Federal Regulations, 27 C.F.R. § 72. 11 (definition of commercial crimes).

documents filed on March 10, 2025, each of which, as best [the trial court] can discern, involves claims against the Commonwealth [], over which the Commonwealth Court enjoys exclusive original jurisdiction, [Smith’s] requests for relief are DISMISSED.” Trial Ct. 3/11/2025 Order.³ On June 11, 2025, Smith appealed to this Court. On June 12, 2025, the trial court directed Smith to file a Concise Statement of Errors Complained of on Appeal pursuant to Pennsylvania Rule of Appellate Procedure (Rule) 1925(b), which he did. On July 18, 2025, in lieu of filing an opinion pursuant to Rule 1925(a), the trial court issued a statement adopting the rationale expressed in its March 11, 2025 order.

By August 11, 2025 Order, this Court directed the parties to address whether the appeal is untimely in their principal briefs on the merits or in an appropriate motion.⁴ By September 2, 2025 letter, the Commonwealth’s Office of Attorney General notified this Court that it was not properly served in the trial court, and it did not intend to participate in this appeal. Smith filed his brief on September 15, 2025, together with a document entitled Timeliness of Appeal. *See* Smith Br. at 23-25.⁵

Regarding timeliness, Smith declared that he not only filed this appeal, but also his original jurisdiction action at Docket No. 262 M.D. 2025, to correct any error he may have made in seeking to continue his replevin action. He admitted that “this appeal[] . . . may very well be untimely[,]” Smith Br. at 25, but added that the timely filed original jurisdiction matter at Docket No. 262 M.D. 2025 “should be

³ On April 30, 2025, Smith commenced an action in this Court’s original jurisdiction based upon the same March 11, 2025 trial court order. *See Smith v. Commonwealth* (Pa. Cmwlth. No. 262 M.D. 2025). By August 27, 2025 Order, this Court held that original jurisdiction matter in abeyance pending a ruling in the instant appeal.

⁴ On August 22, 2025, this Court granted Smith’s August 11, 2025 request to be excused from filing a reproduced record.

⁵ Because Smith separately numbered his brief and accompanying documents, for clarity, this Court references electronic pagination herein.

adjudicated on the merits separately, and allowed to move forward as presented” *Id.* at 25.

Initially, our “Supreme Court has cautioned that ‘[i]n order to perfect an appeal, parties must strictly adhere to the statutory provisions for filing an appeal.’” *Best Courier v. Dep’t of Lab. & Indus.*, 220 A.3d 696, 700 (Pa. Cmwlth. 2019) (quoting *Criss v. Wise*, 781 A.2d 1156, 1159 (Pa. 2001)). Rule 903(a) mandates that a notice of appeal from a trial court’s order “shall be filed within 30 days after the entry of the order from which the appeal is taken.” Pa.R.A.P. 903(a). Moreover, “[i]t is well established that the failure to file an appeal within the requisite time period is jurisdictional.” *Best Courier*, 220 A.3d at 700. Because “[t]he timeliness of an appeal goes to the subject matter jurisdiction of this Court to hear and decide the appeal, . . . [this Court] may raise [it] *sua sponte* at any time.” *In re Hawknet Props., LLC*, 320 A.3d 849, 856 (Pa. Cmwlth. 2024). Here, where Smith acknowledges, and the record clearly reflects, that his appeal from the trial court’s March 11, 2025 order on July 11, 2025, was untimely, this Court lacks subject matter jurisdiction to consider it.⁶

Based on the foregoing, Smith’s appeal is quashed.

ANNE E. COVEY, Judge

⁶ Notwithstanding, rather than dismissing Smith’s action, the trial court should have transferred the matter to this Court’s original jurisdiction. See Section 5103(a) of the Judicial Code, 42 Pa.C.S. § 5103(a); see also Rule 751, Pa.R.A.P. 751; *Casselli v. State Police*, 606 A.2d 663, 666 (Pa. Cmwlth. 1992) (“[T]he trial court, concluding that jurisdiction lies with [the] Commonwealth Court, should have transferred the case to this Court.”). Because Smith has already filed an action in this Court’s original jurisdiction, his failure to timely appeal from the trial court’s March 11, 2025 order is of no moment.

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O R D E R

AND NOW, this 7th day of October, 2026, Douglas Preston Smith's appeal from the Cumberland County Common Pleas Court's March 11, 2025 order is quashed.

ANNE E. COVEY, Judge