

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

IN RE: S.D.	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
APPEAL OF: S.D.	:	
	:	
	:	
	:	
	:	
	:	No. 1628 WDA 2025

Appeal from the Order Dated November 17, 2025
In the Court of Common Pleas of Lawrence County
Civil Division at No: 70021 of 2025 M.D.

BEFORE: STABILE, J., LANE, J., and BENDER, P.J.E.

MEMORANDUM BY STABILE, J.:

FILED: October 1, 2026

Appellant, S.D., seeks review of an order of the Court of Common Pleas of Lawrence County (trial court) denying her Petition to Expunge Mental Health Commitment and Petition for Removal of Firearm Disability. As grounds for relief, she contends that the evidence supporting her involuntary commitment was legally insufficient; the trial court erroneously declined to credit an expert's opinion that Appellant posed no risk to herself or others; and the statutory prohibition on her possession of a firearm is unconstitutional on its face.¹ We affirm.

The relevant factual and procedural history have been summarized by the trial court as follows:

¹ Under 18 Pa.C.S.A. § 6105(c)(4), a person is prohibited from possessing a firearm if she has been involuntarily committed to a treatment facility for inpatient care and an emergency examination pursuant to section 302 of the Mental Health Procedures Act (50 P.S. § 7302).

On May 14, 2009, [Appellant] was the subject of Involuntary Emergency Examination and Treatment at UPMC Jameson Hospital when she was 17 years old. Scott Baldwin, Lawrence County Mental Health/Development Services Director, received a report from the principal at [Appellant's] school advising him that [Appellant] was agitated which caused [Appellant] to make threats to kill herself, "blow up" the school and shoot her stepfather. Moreover, [Appellant] was yelling without any regard to her behavior and attempts to calm her were unsuccessful. Mr. Baldwin executed an Application for Involuntary Emergency Examination and Treatment which required [Appellant] to undergo a mental health examination and treatment. According to that Application, [Appellant] was a clear and present danger to other people, and she acted in a manner demonstrating she was unable to provide for her own care without the assistance of other people.

[Appellant] did not take any action to expunge this commitment until March 5, 2025, when she filed the Firearm Disability Removal and Petition to Expunge Mental Health Commitment and Petition to Remove Firearm Disability. A hearing was held concerning those documents on August 7, 2025, in which [Appellant] testified that her commitment to UPMC Jameson hospital was voluntary in accordance with Section 201 as opposed to involuntary pursuant to Section 302. However, the certified records from [Appellant's] commitment do not indicate her commitment was voluntary as those documents clearly establish Mr. Baldwin provided a basis to support an involuntary commitment.

After that hearing, the record remained open to allow Respondent to stipulate to the admission of a psychological evaluation by Mark Matta, D.O., or require Dr. Matta to testify in court at another hearing. Ultimately, Respondent stipulated to the admission of Dr. Matta's report arising from his evaluation of [Appellant] on April 26, 2024, without the need for additional testimony.

In the Complete Evaluation/Expungement of Previous 302 Evaluation Psychiatrist, Dr. Matta recalled [Appellant] was examined by Dr. Jason Rock at Sharon Regional Hospital after she was transferred from the emergency room at UPMC Jameson. According to Dr. Matta, Dr. Rock agreed to have the involuntary commitment converted to a voluntary commitment under Section 201. He also diagnosed [Appellant] as having impulse control disorder, attention deficit hyperactivity disorder combined type

and oppositional disorder. [Appellant] was discharged from Sharon Regional Hospital ten days later. [Appellant] did not obtain follow-up treatment and was not treated any further for her mental health until January of 2023 when she began seeing Jonathan Fellion, CRNP, for anxiety arising from domestic abuse.

[Appellant] then attempted to obtain a firearm as she feared further abuse upon the expiration of a Protection from Abuse Order. At that time, [Appellant] completed the application and indicated she was never formally committed to an involuntary psychiatric unit based upon her belief the involuntary commitment was converted to a voluntary commitment. As a result of providing that answer, [Appellant] was charged with falsifying information.

At the conclusion of the evaluation, Dr. Matta diagnosed [Appellant] with posttraumatic stress disorder, major depressive disorder and attention deficit hyperactivity disorder.

Trial Court 1925(a) Opinion, 2/17/2026, at 2-4.

An evidentiary hearing on Appellant's petitions was held on August 7, 2025, and Appellant was the sole witness. **See** N.T. Hearing, 8/7/2025, at 11-29. She testified about the circumstances of her commitment in 2009, as well as the reasons for her desire to obtain a firearm. The report of Dr. Matta was also introduced into evidence.

The trial court denied Appellant's petitions. **See** Trial Court Order, 11/17/2025. First, the trial court found that Appellant's petitions were procedurally barred due to being untimely filed in 2025, well after the statute of limitations period had expired in 2015. Next, the trial court found that Appellant had failed to demonstrate that her commitment in 2009 was voluntary. At the age of 17, she had made a bomb threat against her school, and warned that she would shoot her stepfather, justifying an involuntary commitment for an emergency examination and treatment. Further, the

relevant mental health records did not indicate that Appellant's involuntary commitment was ever converted to a voluntary commitment. **See** Trial Court 1925(a) Opinion, 2/17/2026, at 5-6.

Finally, the trial court considered whether, in its discretion (under 18 Pa.C.S.A. § 6105(f)(1)), Appellant would be granted relief from the firearm restrictions of 18 Pa.C.S.A. § 6105(a). The primary evidence presented by Appellant was the evaluation report of Dr. Matta, dated April 26, 2024. In the report, Dr. Matta opined that Appellant did not, at the time the report was compiled, pose a threat to herself or others. However, the trial court did not find this opinion to be conclusive, noting that:

Dr. Matta failed to adequately explain the manner in which [Appellant's] current diagnoses present themselves in relation to her overall stability along with the role of the medications in [Appellant's] mental health treatment, the likely result if [Appellant] did not take those medications in regulating [her] mental health. Moreover, the report from Dr. Matta was 15 months old at the time of the hearing on the Petitions in this matter. The Court is concerned the information within the report may have become stale over that period of time.

Id., at 6-7.

Appellant timely appealed, and in her 1925(b) statement, she asserted that the trial court erred as a matter of law, or abused its discretion, by finding that her involuntary commitment was supported by sufficient evidence, and in declining to credit the opinions in Dr. Matta's report. **See** 1925(b) Statement, 1/9/2026, at para. 1. She argued further, and for the first time on appeal, that the statutory firearm prohibition imposed due to her

commitment violated her right to bear arms, as guaranteed by the United States Constitution and the Pennsylvania Constitution. **See id.**, at paras. 2-

3. In her brief, Appellant now raises the following issues for our consideration:

I. Whether the trial court erred as a matter of law or abused its discretion for failing to accept the stipulated psychological report of doctor Mark Matta, MD, who deemed [Appellant] not a risk to either herself or any other person.

II. Whether Pennsylvania statute codified as 18 Pa.C.S.A. section 6105(c)(4) is unconstitutional as it removes a fundamental right to bear arms as guaranteed by the Second Amendment to the Constitution of the United States and correlating provisions of the Constitution of the Commonwealth of Pennsylvania, without due process of law in violation of the Fourteenth Amendment.

Appellant's Brief, at 16.

Appellant's first claim, ostensibly, is that the trial court abused its discretion in declining to credit an expert opinion that she posed no threat to herself or others, entitling her to the restoration of her right to possess firearms under 18 Pa.C.S.A. § 6105(f)(1). The argument is combined in Appellant's brief with a related contention that the evidence supporting her involuntary commitment was legally insufficient. We agree with the trial court that these claims are procedurally barred, as they were not raised until well after the applicable statute of limitations period had expired.

A challenge to a party's involuntary commitment is permitted under section 6111.1(g)(2) of the Pennsylvania Uniform Firearms Act. **See** 18 Pa.C.S.A. § 6111.1(g)(2). As a civil action without an explicitly specified statute of limitations, the default limitations period is six years. **See** 42

Pa.C.S.A. § 5527(b). Further, under Pennsylvania's Minority Tolling Statute, the statute of limitations for Appellant's present claims began to accrue when she reached the age of 18 years old. **See** 42 Pa.C.S.A. § 5533(a)-(b).

Appellant's commitment took place on May 14, 2009. She was 17 years old at the time, and she turned 18 on July 15, 2009. The six-year limitations period therefore expired on July 15, 2015. Appellant did not commence the present action until years after that date, on March 5, 2025. Thus, the action was time-barred. **See id.**; **see also** Trial Court 1925(a) Opinion, 2/17/2026, at 4-5.

Even if Appellant's claim were timely, she would not be entitled to relief. As recounted by the trial court, the evidence was legally sufficient to justify an involuntary commitment of Appellant in 2009. **See** Trial Court 1925(a) Opinion, 2/17/2026, at 5-7. Further, there was no compelling evidence supporting Appellant's claim that her commitment was voluntary, and the trial court acted within its discretion by declining to accept Dr. Matta's opinion that Appellant posed no risk to herself. **See id.**, at 7-8. The trial court also correctly noted that the report was over a year old at the time of the hearing on the present matter and Dr. Matta's opinions did not contemplate Appellant's risk to herself or others with respect to her potential possession of a firearm. **See id.**

The remaining claims raised in this appeal concern the constitutionality of the statutory prohibition on Appellant's right to possess a firearm. **See** 18

Pa.C.S.A. § 6105(c)(4). For the reasons discussed above, Appellant's constitutional claims are untimely, having been filed well beyond the applicable limitations period.

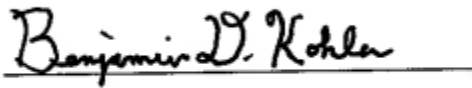
In addition, this Court may not consider the merits of Appellant's constitutional claims because they were raised for the first time on appeal. "Issues not raised in the trial court are waived and cannot be raised for the first time on appeal." Pa.R.A.P. 302(a). An issue is preserved, for appellate purposes, with a specific and contemporaneous objection, and the failure to do so may not be remedied by the issue's belated inclusion within a 1925(b) statement. ***See Steiner v. Markel***, 968 A.2d 1253, 1257 (Pa. 2009) ("In general, a Rule 1925(b) statement cannot resurrect an otherwise untimely claim or objection."); ***see also Commonwealth v. Jefferson***, 256 A.3d 1242, 1261 (Pa. Super. 2021) (*en banc*) (Bowes, J., concurring) ("Likewise, it has long been true that failure to raise an issue in the trial court, even one of constitutional dimension, results in waiver of the issue on appeal.").

Here, Appellant did not raise her constitutional challenges until after the present appeal had commenced. The claims are therefore waived, regardless of whether the trial court addressed them in its 1925(a) opinion. ***See In re: Estate of Daubert***, 757 A.2d 962, 963 (Pa. Super. 2000) ("An issue not identified for review in a Rule 1925(b) statement is waived whether or not the

lower court actually addresses the issue in an opinion.”).² Thus, as Appellant’s claims are either barred, or without merit, the trial court’s order must be upheld.

Order affirmed.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is written over a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

10/1/2026

² Another impediment to merits review of Appellant’s facial constitutional claim is that there appears to have been no notice by registered mail to the Attorney General of Pennsylvania, as is required by Pa.R.Civ.P. 235. The lack of such notice constitutes waiver of the constitutional issue in this appeal. **See Potts v. Step by Step, Inc.**, 26 A.3d 1115, 1122 (Pa. Super. 2011) (“[A] party challenging the constitutionality of a Pennsylvania Statute must give notice to the Attorney General. Pa.R.C[iv].P. 235. Failure to provide such notice in a case where the Commonwealth is not a party results in waiver of the constitutional issues.”); **see also** Pa.R.A.P. 521(a) (requiring notice to Attorney General of constitutional challenge in appellate proceedings).