

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
ZACHARY CLAYTON CAPRIOTTI	:	
	:	
Appellant	:	No. 1609 MDA 2025

Appeal from the Order Entered November 6, 2025
In the Court of Common Pleas of Bradford County Criminal Division at
No(s): CP-08-CR-0000475-2006

BEFORE: MURRAY, J., LANE, J., and FORD ELLIOTT, P.J.E.*

MEMORANDUM BY MURRAY, J.:

FILED: OCTOBER 23, 2026

Zachary Clayton Capriotti (Appellant) appeals, *pro se*, from the order denying his “writ of *coram nobis*” (Act 84 motion),¹ through which he sought modification of restitution. Because we conclude the trial court lacked subject matter jurisdiction, we vacate the order.

* Retired Senior Judge assigned to the Superior Court.

¹ As we discuss below, Appellant’s claims arise out of “Act 84,” the statute authorizing the Pennsylvania Department of Corrections (DOC) to make deductions from a prisoner’s inmate account in order to collect restitution and other costs. 42 Pa.C.S.A. § 9728(b)(5)(i) (providing that “[t]he [DOC] shall make monetary deductions of at least 25% of deposits made to inmate wages and personal accounts for the purpose of collecting restitution, costs imposed under section 9721(c.1), filing fees to be collected under section 6602(c) (relating to prisoner filing fees) and any other court-ordered obligation.”). We therefore refer to Appellant’s *pro se* filing as an Act 84 motion.

In 2007, Appellant pled guilty to burglary, for which he received a prison sentence of 11 to 102 months, to be served concurrently with a related Sullivan County conviction and sentence, and was ordered to pay restitution in the amount of \$11,767.34 and costs. The criminal docket indicates that Appellant made small payments—whether through Act 84 deductions or otherwise—in 2008, 2010, 2011, 2013, 2014, 2017, 2018, 2020, 2023, 2025, and 2026. **See** Docket Sheet, CP-08-CR-0000475-2006, at 14-15; **see also Moss v. SCI – Mahanoy Superintendent Pa. Bd. of Prob. & Parole**, 194 A.3d 1130, 1138 n.11 (Pa. Cmwlth. 2018) (explaining that the Commonwealth Court could take judicial notice of the public docket where the proceedings involved the same parties);² Pa.R.E. 201(b)(2) (“The court may judicially notice a fact that is not subject to reasonable dispute because it ... can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.”).

Previously, in July 2024, Appellant filed a motion to modify restitution order and court costs, which the trial court denied. On appeal, Appellant challenged, in part, the garnishment of his inmate accounts for fines, court costs and restitution. **See Commonwealth v. Capriotti**, 339 A.3d 440, 1269

² “[A] decision of the Commonwealth Court is not binding precedent upon this Court; however, it may be considered for its persuasive value.” **Holland ex rel. Holland v. Marcy**, 817 A.2d 1082, 1083 n.1 (Pa. Super. 2002) (citation omitted).

MDA 2024 (Pa. Super. 2025) (unpublished memorandum at 2). First, this Court recognized that the Commonwealth Court has exclusive jurisdiction over Act 84 claims, **see** 42 Pa.C.S.A. § 761(a)(1), and determined that the trial court therefore lacked jurisdiction to consider Appellant's challenge to the garnishment of his inmate accounts. **Capriotti**, 339 A.3d 440 (unpublished memorandum at 3-5); **see also id.** (unpublished memorandum at 5) (stating, "[t]o the extent [Appellant] asserts [the Superior] Court has jurisdiction over his [Act 84] claim because he now raises a theory under the doctrine of laches, we find such a claim is also waived" based on his failure to raise the claim in the trial court or in his court-ordered Pa.R.A.P. 1925(b) concise statement).

On October 17, 2025, Appellant filed the instant *pro se* Act 84 motion.³ Appellant asserted that on June 3, 2024, he received a Collection of Inmate

³ We note that in the instant Act 84 motion, Appellant also identified trial court docket number 0476-2006. Our review confirms that Appellant was sentenced in both the instant matter and at No. 0476-2006 on the same date. **See generally** N.T. (Sentencing), 1/15/07. The public docket information for No. 0476-2006 reflects that Appellant pled guilty to one count of burglary. **See** Docket Sheet, CP-08-CR-0000476-2006, at 2. **But see** N.T., 1/15/07, at 10 (the trial court indicating it imposed a sentence on the charge of receiving stolen property at No. 0476-2006). Notwithstanding the discrepancy concerning the pertinent charge, the record is clear that, at No. 0476-2006, Appellant received a sentence of 1 to 18 months' incarceration, to be served consecutive to his sentence in the instant case. **See** Docket Sheet, CP-08-CR-0000476-2006, at 2; **see also** N.T., 1/15/07, at 10. The court also ordered Appellant to pay restitution in the amount of \$15,060.00 related to No. 0476-2006. N.T., 1/15/07, at 10. Moreover, the trial court ordered these consecutive sentences to run concurrently with the sentence imposed for related cases in Sullivan County.

Debts Form, which informed him of his outstanding financial obligations.⁴ Act 84 Motion, 10/17/25, ¶ 3.⁵ Appellant also argued any attempt to collect the outstanding restitution is barred by the doctrine of laches. **Id.** ¶¶ 8-13.

On November 6, 2025, the trial court denied Appellant's Act 84 motion. The trial court explained, in part, that Appellant's "receipt of [C]ollection of Inmate Debts Form is an Act 84 issue for which [the trial] court does not have subject matter jurisdiction." Order, 11/6/25. Appellant filed a timely notice of appeal. The trial court did not order Appellant to file a Pa.R.A.P. 1925(b) concise statement of errors complained of on appeal. Nevertheless, the court

⁴ The collection notice referenced by Appellant is not part of the certified record, and there is no indication from either the record or the docket that the trial court issued any such notice. Appellant attached a copy of the Collection of Inmate Debts Form to his appellate brief. However, "this Court has regularly stated that copying material and attaching it to a brief does not make it a part of the record." **Commonwealth v. Holley**, 945 A.2d 241, 246 (Pa. Super. 2008); **see also id.** ("[F]or purposes of appellate review, what is not of record does not exist." (citation omitted)).

⁵ Though Appellant did not specifically aver in his motion that the DOC was garnishing his inmate account, we observe that the proposed order attached to Appellant's motion would direct the DOC to "cease the garnishment" of his inmate account. Moreover, in his prior motion to modify restitution (which Appellant filed as a result of the same Collection of Inmate Debts Form at issue in the instant case), Appellant alleged that he was subject to 25% deductions from his inmate account. **See** Act 84 Motion, 7/9/24, ¶¶ 12, 13. Thus, Appellant's *pro se* filing is, in fact, an Act 84 motion. Our conclusion is further buttressed by our brief review of the Collection of Inmate Debts Form (which we again emphasize is not part of the record), the content of which notified Appellant that the DOC will make Act 84 deductions to satisfy his financial obligations.

filed a Rule 1925(a) opinion, reiterating its conclusion that it lacked jurisdiction over Appellant's claim.

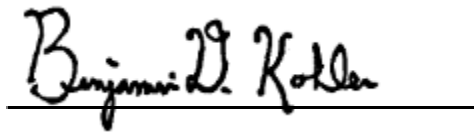
Initially, we must consider whether the trial court had jurisdiction over Appellant's Act 84 motion. **See Commonwealth v. Danysh**, 833 A.2d 151, 152 (Pa. Super. 2003) (raising, *sua sponte*, the question of subject matter jurisdiction of an Act 84 claim ruled upon by the court of common pleas). Through his Act 84 motion and attached proposed order, Appellant sought to enjoin the DOC from deducting money from his prison account; such a claim is effectively a civil action against the DOC. **See id.** at 153 (explaining that a motion seeking to enjoin Act 84 deductions is a civil action instituted against the DOC, as part of the Commonwealth government). Therefore, Appellant's Act 84 motion falls within the exclusive original jurisdiction of the Commonwealth Court. **See** 42 Pa.C.S.A. § 761(a)(1) (providing that "[t]he Commonwealth Court shall have original jurisdiction of all civil actions and proceedings ... [a]gainst the Commonwealth government...."); **see also Danysh**, 833 A.2d at 152-54; **Commonwealth v. Jackson**, 858 A.2d 627, 629-30 (Pa. Super. 2004) (*en banc*) (holding that, under the reasoning in **Danysh**, the trial court lacked jurisdiction to consider defendant's *pro se* Act 84 petition to stop the DOC from deducting a portion of his earnings, from his inmate account, to pay for court-ordered costs and restitution). Because the Commonwealth Court has exclusive original jurisdiction over Appellant's claim,

the trial court lacked subject matter jurisdiction to consider the Act 84 motion, and its order is void. **See *Danysh***, 833 A.2d at 154.⁶

Accordingly, we vacate the order of the trial court without prejudice to Appellant's right to seek relief in the Commonwealth Court.

Order vacated. Jurisdiction relinquished.

Judgment Entered.

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

Benjamin D. Kohler, Esq.
Prothonotary

Date: 10/23/2026

⁶ Further, Appellant makes no attempt to assert his laches argument brings his claim within this Court's jurisdiction. ***Cf. generally Stewart v. (Office of the Clerk) for Cumberland Cty. Common Pleas Court***, 216 A.3d 1233, 361 M.D. 2018 (Pa. Cmwlth. 2019) (unpublished memorandum opinion) (considering the appellant's claim that laches applies to preclude the collection of fines and costs, where the attempted collection took place 17 years after sentencing).