

[J-87-2025]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 105 MAP 2024
	:	
Appellee	:	Appeal from the Order of the
	:	Superior Court at No. 886 MDA
	:	2022 entered on October 2, 2023,
v.	:	Affirming the Judgment of Sentence
	:	of the Dauphin County Court of
	:	Common Pleas, Criminal Division,
LUIS MANUEL SERRANO-DELGADO,	:	at No. CP-22-CR-0005747-2019
	:	entered on May 9, 2022.
Appellant	:	
	:	ARGUED: October 8, 2025

OPINION IN SUPPORT OF AFFIRMANCE

JUSTICE MUNDY

DECIDED: July 21, 2026

Luis Manuel Serrano-Delgado (“Appellant”) was charged with second-degree murder and related offenses in connection with the death of Jeremmanuel Negron-Quiles. Before trial, Appellant sought to preclude the Commonwealth from cross-examining his proposed character witnesses about his prior juvenile adjudications in order to rebut their testimony that Appellant had a reputation for being a peaceful and law-abiding person. The trial court denied Appellant’s motion, finding such evidence permissible under Section 6354(b)(4) of the Juvenile Act, see 42 Pa.C.S. §§ 6301-6365, which expressly permits the use of juvenile adjudications in a criminal proceeding, and not prohibited by Pennsylvania Rule of Evidence 405(a)(2), which precludes cross-examining a character witness regarding allegations of criminal conduct by the defendant not resulting in conviction. See 42 Pa.C.S. § 6354(b)(4); Pa.R.E. 405(a)(2). The Superior Court affirmed,

and Appellant sought this Court's review. We granted allowance of appeal to consider the interplay of these two provisions. For the reasons that follow, we affirm the order of the Superior Court affirming Appellant's judgment of sentence.

I. Facts and Procedural Background

On July 6, 2018, Harrisburg Police Officer John Rosinski was dispatched to the area of 14th and Kittatinny Streets regarding a man lying in the street. Upon arrival, Officer Rosinski discovered a deceased male, later identified as Negron-Quiles, lying face down in the grass with his backpack torn open. An autopsy revealed that Negron-Quiles had died from a single gunshot wound to the back, which struck several internal organs, including the heart, before exiting through his chest. A subsequent investigation revealed that Appellant had transported the shooter and one other individual to Negron-Quiles' location and was present during the homicide.¹ Appellant was ultimately charged with second-degree murder, criminal conspiracy, hindering apprehension, and robbery in connection with these events.

Relevant to the issue before us, prior to proceeding to trial, the Commonwealth informed the defense that if Appellant introduced character witness testimony to establish his reputation for being a peaceful and law-abiding person, the Commonwealth would cross-examine those character witnesses regarding Appellant's 2015 juvenile adjudications for retail theft, receiving stolen property, terroristic threats, and flight to avoid apprehension. As a result, Appellant filed a motion *in limine* seeking to preclude the Commonwealth from cross-examining any of his potential character witnesses with his juvenile adjudications. Appellant's position was that such evidence was inadmissible

¹ During later court proceedings, it was revealed that the victim was a drug user and the motivation for the crime was collection of a drug debt.

because juvenile adjudications do not constitute convictions, see 42 Pa.C.S. § 6354(a),² and Pennsylvania Rule of Evidence 405(a), concerning methods of proving character, provides as follows:

(a) By Reputation. When evidence of a person's character or character trait is admissible, it may be proved by testimony about the person's reputation. Testimony about the witness's opinion as to the character or character trait of the person is not admissible.

(1) On cross-examination of the character witness, the court may allow an inquiry into relevant specific instances of the person's conduct probative of the character trait in question.

(2) In a criminal case, on cross-examination of a character witness, inquiry into allegations of other criminal conduct by the defendant, not resulting in conviction is not permissible.

Pa.R.E. 405(a) (emphasis added).

At the same time, Appellant acknowledged that Section 6354(b)(4) of the Juvenile Act permits the use of adjudications of delinquency in certain circumstances. In particular, this section, regarding the effect of juvenile adjudications, provides as follows:

(b) Effect in subsequent judicial matters. – The disposition of a child under this chapter may only be used against him:

(1) in dispositional proceedings after conviction for the purposes of a presentence investigation and report if the child was adjudicated delinquent;

(2) in a subsequent juvenile hearing, whether before or after reaching majority;

(3) if relevant, where he has put his reputation or character in issue in a civil matter; or

² “An order of disposition or other adjudication in a proceeding under this chapter is not a conviction of crime and does not impose any civil disability ordinarily resulting from a conviction or operate to disqualify the child in any civil service application or appointment.” 42 Pa.C.S. § 6354(a).

(4) in a criminal proceeding, if the child was adjudicated delinquent for an offense, the evidence of which would be admissible if committed by an adult.

42 Pa.C.S. § 6354(b) (emphasis added). Notwithstanding the language of Section 6354(b)(4), Appellant maintained that nothing in Rule 405 “references [Section] 6354 of the Juvenile Act as authorizing the use of a prior juvenile adjudication as the appropriate subject of cross-examination of a character witness or to rebut character testimony.” Motion in Limine, 4/1/22, ¶ 11. This, Appellant argued, contrasts with Pennsylvania Rule of Evidence 609, which specifically addresses the use of juvenile adjudications to attack the credibility of a witness:

In a criminal case only, evidence of the adjudication of delinquency for an offense under the Juvenile Act, 42 Pa.C.S. §§ 6301 *et seq.*, may be used to impeach the credibility of a witness if conviction of the offense would be admissible to attack the credibility of an adult.

Pa.R.E. 609(d). Appellant posited that this Court’s decision to expressly provide for the usage of juvenile adjudications in Rule 609(d) but not Rule 405 “reflects an intent to preclude the use of a juvenile adjudication as a means of rebutting character testimony.” Motion in Limine ¶ 16 (citing *Fonner v. Shandon, Inc.*, 724 A.2d 903, 907 (Pa. 1999) (“[W]here the legislature includes specific language in one section of the statute and excludes it from another, the language should not be implied where excluded. Moreover, where a section of a statute contains a given provision, the omission of such a provision from a similar section is significant to show a different legislative intent.”) (internal citations omitted)). The trial court denied Appellant’s motion, concluding that the Commonwealth was allowed to reference Appellant’s juvenile adjudications to rebut any character witness testimony, as these adjudications would have been admissible if Appellant had been convicted of the same offenses as an adult.

On April 4, 2022, Appellant proceeded to a jury trial. However, in light of the trial court’s ruling, Appellant chose not to present any character witnesses. He did, however,

briefly address his juvenile record when testifying on direct examination. See N.T., 4/5/22, at 235-37.³ Following trial, Appellant was found guilty of the aforementioned offenses. The trial court imposed an aggregate sentence of life imprisonment without the possibility of parole. Appellant timely appealed.

The Superior Court affirmed Appellant's judgment of sentence in a unanimous, unpublished memorandum decision.⁴ See *Commonwealth v. Serrano-Delgado*, 886 MDA 2022; 2023 WL 6454308 (Pa. Super. 2023). On appeal, Appellant argued, *inter alia*, that the trial court erred in denying his motion *in limine* seeking to preclude the Commonwealth from cross-examining character witnesses with his juvenile adjudications.

To address this claim, the panel first noted that "[t]he admission of evidence is within the sound discretion of the trial court and will be reversed on appeal only upon a showing that the trial court clearly abused its discretion." *Id.* at *2 (quoting *Commonwealth v. Miles*, 846 A.2d 132, 136 (Pa. Super. 2004) (*en banc*) (citation omitted)). See also *id.* (citing *Commonwealth v. Montalvo*, 986 A.2d 84, 94 (Pa. 2009) (stating an abuse of discretion "requires a finding of misapplication of the law, a failure to apply the law, or judgment by the trial court that exhibits bias, ill-will, prejudice, partiality, or was manifestly unreasonable, as reflected by the record"))).

³ Appellant's failure to call character witnesses during trial did not waive the instant claim, as his motion *in limine* was sufficient to preserve the challenge on appeal. See *Commonwealth v. Stevenson*, 318 A.3d 1264, 1282-83 (Pa. 2024) (holding "a defendant does not waive his or her right to appellate review of the admissibility of a prior conviction for impeachment purposes . . . where the defendant preemptively introduces that evidence on direct examination following a trial court's definitive ruling against him on a motion *in limine*").

⁴ Appellant also raised two additional claims of error, which are not relevant to the instant appeal.

The court next observed that “[e]vidence will not be prohibited merely because it is harmful to the defendant.” *Id.* (quoting *Commonwealth v. Dillon*, 925 A.2d 131, 138-39 (Pa. 2007)). Rather, it explained, the exclusion of evidence is limited to “evidence so prejudicial that it would inflame the jury to make a decision based upon something other than the legal propositions relevant to the case.” *Id.* (quoting *Commonwealth v. Owens*, 929 A.2d 1187, 1191 (Pa. Super. 2007) (internal citation omitted)). Along these lines, the court acknowledged that the introduction of reputation evidence by a defendant opens the door for the Commonwealth to offer rebuttal evidence. *Id.* (citing Pa.R.E. 404(a)(2)(A) (“[A] defendant may offer evidence of the defendant’s pertinent trait, and if the evidence is admitted, the prosecutor may offer evidence to rebut it[.]”)). See *id.* (citing *Commonwealth v. Fletcher*, 861 A.2d 898, 915 (Pa. 2004) (“[T]he Commonwealth is permitted to cross-examine the character witness regarding specific instances of conduct probative of the character trait in question[.]”) (internal quotations omitted)).

The panel then turned to its prior holding in *Commonwealth v. McKeever*, 689 A.2d 272, 274 (Pa. Super. 1997), wherein it concluded that McKeever’s prior juvenile adjudications were admissible for impeachment purposes, as they would have been admissible if McKeever had been convicted of the same offenses as an adult. *Id.* at *3. In so finding, the *McKeever* court expressly rejected the argument that Rule 405(a)(2) barred the Commonwealth from cross-examining character witnesses about his juvenile adjudications. *Id.* (citing *McKeever*, 689 A.2d at 274).

In light of the decision in *McKeever*, the instant panel determined that inquiry into Appellant’s juvenile adjudications would have been permissible had Appellant presented character witnesses, as it was undisputed that the offenses for which Appellant was adjudicated delinquent “would have been permissible to rebut evidence offered to establish his character trait for being a peaceful and law-abiding person” if Appellant

committed those offenses as an adult. *Id.* Accordingly, the panel affirmed Appellant's judgment of sentence.

II. Issue

We granted allowance of appeal to consider the following issue:

Whether Pa.R.E. 405(a)(2)'s prohibition of inquiry into a defendant's criminal conduct that did not result in a conviction during the cross-examination of a character witness limits 42 Pa.C.S. § 6354(b)(4)'s general allowance of the use of juvenile adjudications in criminal proceedings, thus precluding the cross-examination of character witnesses about a defendant's juvenile adjudications.

Commonwealth v. Serrano-Delgado, 330 A.3d 1250 (*per curiam*).

III. Parties' Arguments

a. Appellant's Argument

According to Appellant, Rule 405(a)(2) clearly and unambiguously indicates that in criminal proceedings, character witnesses may only be cross-examined about conduct of a defendant that resulted in a conviction. Appellant insists that this does not include juvenile adjudications, as they do not constitute convictions. Appellant's Brief at 21-22 (citing 42 Pa.C.S. § 6354(a); *see also Commonwealth v. Hale*, 128 A.3d 781 (Pa. 2015) (holding that the concept of convictions, as embodied in Section 6105 of the Uniform Firearms Act, 18 Pa.C.S. §§ 6101, *et seq.*, does not encompass juvenile adjudications)).

Appellant further avers that any "lingering doubt as to the limits" of Rule 405 can be resolved by reading the Rules of Evidence in *pari materia*. *Id.* at 22. He points to Rule 609(d), which explicitly references the Juvenile Act in permitting evidence of adjudications of delinquency to impeach the credibility of a witness if the offense would be admissible to attack the credibility of an adult. Appellant finds it telling that Section 6354(b)(4) does not do the same. *Id.* at 22-23. He also maintains that interpreting Rule 405(a)(2) in this manner makes "practical sense" due to the fact that juvenile convictions are generally "shielded from the public" and "do not necessarily reflect upon a person's character." *Id.*

at 23-24 (citing *Miller v. Alabama*, 567 U.S. 460, 465 (2012) (recognizing that juveniles have “lessened culpability and greater capacity for change”) (internal citation and quotations omitted)).

Appellant next focuses on the order in which the at-issue provisions were adopted. He specifically observes that Rule 405 was promulgated after the enactment of Section 6354(b)(4). *Id.* at 25-26. Appellant claims this reflects the Court’s intention to bar cross-examination of character witnesses with juvenile adjudications. *Id.* at 28. In this vein, Appellant finds the panel’s reliance on *McKeever* misplaced, as that case was decided prior to the promulgation of Rule 405(a)(2). *Id.* at 29.

Consistent with the above arguments, Appellant also insists that Section 6354(b)(4) and Rule 405(a)(2) can be interpreted in such a way as to avoid any conflict between them.⁵ More specifically, Appellant believes that Section 6354(b)(4) unambiguously “provides for when a juvenile adjudication may be ‘used against him,’ *i.e.*, the person who was adjudicated delinquent.” *Id.* at 31-32. Appellant interprets this to mean that “[w]hile [Section] 6354(b)(4) permits a witness to be cross-examined on their own juvenile adjudication . . . it does not state that a juvenile adjudication of another person, such as the defendant, may be used against any other witness, including a character witness, to impeach the credibility of that witness’ testimony.” *Id.* at 33-34.

Finally, Appellant argues that the lower courts’ improper interpretation of the aforementioned laws warrants a new trial. Appellant explains, the trial court’s ruling forced him to forego calling character witnesses, thereby precluding the presentation of a full defense. *Id.* at 35 (citing *Commonwealth v. Weiss*, 606 A.2d 439, 442 (Pa. 1992)

⁵ Appellant briefly notes that reconciling these provisions avoids constitutional concerns regarding whether Section 6354(b)(4) “infringes on this Court’s constitutional rule-making authority under Article V, § 10 of the Pennsylvania Constitution.” Appellant’s Brief at 34 n.6 (citing PA. CONST. Art. V, § 10(c) (“All laws shall be suspended to the extent they are inconsistent with rules prescribed under these provisions.”)).

(explaining evidence of good character is “not mere makeweight evidence” but is rather substantive and “may, in and of itself, create a reasonable doubt of guilt”)). This, coupled with the lack of overwhelming evidence, according to Appellant, supports the relief requested. *Id.* at 36-38.

b. Commonwealth’s Argument

The Commonwealth concedes that juvenile adjudications are not convictions but nevertheless maintains that they may be treated the same in certain contexts. Commonwealth’s Brief at 12. Indeed, the Commonwealth’s position is that Section 6354(b)(4) expressly permits the cross-examination of a character witness with the defendant’s juvenile adjudications. *Id.* at 13. It argues the legislature’s intent is clear in this regard, the Commonwealth believes Section 6354(b)(4) should be given deference. *Id.* Further, in the Commonwealth’s view, this clear intent distinguishes the instant case from *Hale*, where the statutory language clearly expressed that juvenile adjudications were excluded from the concept of convictions in Section 6105 of the Firearms Act. *Id.* at 13-14 (citing *Hale*, 128 A.3d at 785-86).

Next, the Commonwealth avers that the Comment to Rule 405(a) likewise makes plain that the decision to place the term “conviction” was so as to exclude “mere allegations which had not led to an arrest or a conviction.” *Id.* at 17-18 (citing Pa.R.E. 405, Comment; quoting *Commonwealth v. Morgan*, 739 A.2d 1033 (Pa. 1999) (holding trial court erred by permitting witnesses to testify regarding conduct for which defendant was never arrested or charged) (emphasis removed)). See *id.* (citing *Commonwealth v. Berry*, 323 A.3d 641, 648 (Pa. 2014) (“[E]vidence of a defendant’s prior arrests is not admissible, even for purposes of impeaching character witnesses, because an arrest is equally consistent with either guilt or innocence.”) (citation and quotation omitted)). The Commonwealth therefore argues that questioning a defendant’s character witness as to

the defendant's juvenile adjudications does not offend the express policy behind Rule 405. *Id.* at 19. Moreover, the Commonwealth emphasizes the fact that, unlike uncharged conduct, juvenile adjudications are protected by all the due process safeguards of criminal trials. *Id.* at 20 (citing *Commonwealth v. Lee*, 260 A.3d 208 (Pa. Super. 2021) (finding prior juvenile adjudication equivalent to a prior conviction for *Apprendi*⁶ purposes)). Thus, the Commonwealth insists that juvenile adjudications, though not convictions, are permitted to be used to cross-examine character witnesses pursuant to Rule 405(a)(2).

The Commonwealth also contends that the relationship between Rule 405(a)(2) and Section 6354(b)(4) has already been established by the legislature in its codification of Rule 609(d). *Id.* at 24. In this regard, the Commonwealth observes that Rule 609 applies to any witness, including a criminal defendant. The accompanying Comment further indicates that “[Rule] 609(d), to be consistent with [Section] 6354(b)(4), permits a broader use; a juvenile adjudication of an offense may be used to impeach in a criminal case if conviction of the offense would be admissible if committed by an adult. Juvenile adjudications may also be admissible for other purposes. See 42 Pa.C.S. § 6354(b)(1), (2), and (3).” *Id.* at 25 (citing Pa.R.E. 609(d), Comment). Also, the Commonwealth notes, Rule 609 was promulgated after the 1995 amendments to the Juvenile Act, which, in its view, “clearly evidenced the legislature’s intent to treat juvenile adjudicates the same way as adult criminal convictions in any circumstances where evidence of the adult criminal conviction would be admitted.” *Id.* at 26. To the extent cases prior to the amendments do not permit the cross-examination of character witnesses regarding a defendant’s juvenile adjudications, the Commonwealth insists those cases have been overruled by the amendments. *Id.*

⁶ See *Apprendi v. New Jersey*, 530 U.S. 466 (2000) (holding that any fact, other than the fact of a prior conviction, that increases the penalty for a crime beyond the statutory maximum sentence must be submitted to a jury and proved beyond a reasonable doubt).

Additionally, the Commonwealth asserts that “any hypothetical error” committed by the trial court was harmless beyond a reasonable doubt. *Id.* at 33 (citing *Commonwealth v. Story*, 383 A.3d 155 (1987) (establishing standard of proof and bases for determining whether error in a criminal prosecution is harmless)).⁷ The Commonwealth contends, “there was a mountain of prejudicial evidence against [Appellant] that character evidence would have done nothing to rival.” *Id.* at 34. The Commonwealth also insists that permitting Appellant to present evidence of good character, without also allowing an opportunity to rebut the same, is akin to sanctioning perjury. *Id.* at 41-42.⁸

IV. Analysis

The issue before us concerns the interplay of Section 6354(b)(4) and Rule 405(a)(2), specifically whether Rule 405(a)(2)’s prohibition against cross-examining a character witness about a defendant’s allegations of criminal conduct that did not result in conviction limits Section 6354(b)(4)’s allowance of the use of juvenile adjudications in criminal proceedings if that same evidence would be admissible if committed by an adult.

⁷ In *Story*, this Court held that an error is harmless “only if the appellate court is convinced beyond a reasonable doubt that the error is harmless.” *Story*, 383 A.2d at 162. “[A]n error cannot be held harmless unless the appellate court determined that the error could not have contributed to the verdict. Whenever there is a reasonable probability that an error might have contributed to the conviction, the error is not harmless.” *Id.* at 164.

⁸ Replying to the Commonwealth’s arguments, Appellant filed a responsive brief setting forth three points. Appellant first asserts that while the Commonwealth devotes a significant portion of its argument to detailing instances wherein juvenile adjudications may be treated similarly to convictions, the Commonwealth does not directly address the argument that Rule 405 does not explicitly account for the use of juvenile adjudications. Appellant’s Reply Brief at 1-3. Appellant further contends that the trial court’s evidentiary ruling was not harmless, as the trial court’s ruling directly affected the defense’s trial strategy and does not consider the fact that character evidence can, in itself, justify acquittal. *Id.* at 6. Finally, Appellant asks this Court to reject the Commonwealth’s argument suggesting that presentation of character evidence, without cross-examination regarding his juvenile adjudications, would be fraudulent. He maintains that the “presentation of character evidence does not effectuate a fraud on the court simply because the defendant has been previously adjudicated as a juvenile.” *Id.* at 7.

This is a legal question that requires us to examine the language of both provisions. The standard of review is therefore de novo and our scope of review is plenary. See *Commonwealth v. Lehman*, 311 A.3d 1034 (Pa. 2024) (explaining standard and scope of review for statutory interpretation); *Commonwealth v. Jones*, 240 A.3d 881 (Pa. 2020) (explaining standard and scope of review for interpreting rules of evidence).⁹

When examining statutory language, such as Section 6354, we turn to the Statutory Construction Act of 1972 (“Statutory Construction Act”), 1 Pa.C.S. § 1501-1991. We recently explained:

The [Statutory Construction] Act instructs that the legislature's intent is paramount, as the “object of all interpretation and construction of statutes is to ascertain and effectuate the intention of the General Assembly.” 1 Pa.C.S. § 1921(a). “Generally, such intent is best expressed through the plain language of the statute.” *Commonwealth v. Stotemyer*, [] 110 A.3d 146, 149 ([Pa.] 2015) (citation and internal quotation marks omitted). See also 1 Pa.C.S. § 1921(a) (“Every statute shall be construed, if possible, to give effect to all its provisions.”).

“When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.” 1 Pa.C.S. § 1921(b). Stated differently, “[i]f the statute's plain language is unambiguous, we must apply it without employing familiar canons of construction and without considering legislative intent.” *Dubose*

⁹ Article II, Section 1 of the Pennsylvania Constitution states that “the legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives.” *Protz v. Workers’ Comp. Appeal Bd. (Derry Area Sch. Dist.)*, 161 A.3d 827, 833 (Pa. 2017) (citing PA. CONST. Art. II, § 1). Additionally, as noted previously, Article V, Section 10 of the Pennsylvania Constitution grants this Court “the power to prescribe general rules governing practice, procedure, and the conduct of all courts[.]” Inherent in our Constitution is the separation of powers doctrine, which prevents one branch of the government from exercising, infringing upon, or usurping the powers of the other two branches. See *Renner v. Court of Common Pleas of Lehigh Cnty.*, 234 A.3d 411, 419-20 (Pa. 2020). As neither Appellant nor the Commonwealth contend that either of the at-issue provisions violates the separation of powers doctrine, we do not address that issue in this appeal.

v. Quinlan, [] 173 A.3d 634, 643 ([Pa.] 2017) (footnote omitted). “Only where the words of a statute are ambiguous will we resort to other considerations to discern legislative intent.” *Commonwealth v. Kingston*, [] 143 A.3d 917, 922 ([Pa.] 2016) (citing, *inter alia*, 1 Pa.C.S. § 1921(c)).

Commonwealth v. Phillips, 344 A.2d 360, 367 (Pa. 2025).

The Juvenile Act was amended by the General Assembly in 1995, resulting in the current version of Section 6354 set forth above. Relevant to the issue before us, Section 6354(b)(4) permits the admission of a juvenile adjudication in an adult criminal proceeding if that evidence “would be admissible if committed by an adult.” 42 Pa.C.S. § 6354(b)(4). This statute unambiguously provides for the admission of an individual’s previous juvenile adjudication at an adult criminal trial if such evidence would have been deemed admissible had the crime been committed by an adult. Here, Appellant was adjudicated delinquent for retail theft, receiving stolen property, terroristic threats, and flight to avoid apprehension. Neither party disputes that adult convictions for these offenses would be admissible at a subsequent and unrelated criminal proceeding for impeachment purposes.

Indeed, Rule 404(a)(2)(A) permits defendants to offer “evidence of [a] pertinent trait, and if the evidence is admitted, the prosecutor may offer evidence to rebut it[.]” Pa.R.E. 404(a)(2)(A). Rule 405(a) explains that one method of proving a relevant character trait is through “testimony about the person’s reputation.” Pa.R.E. 405(a). Where a defendant chooses to present character evidence of a pertinent trait, the Commonwealth may cross-examine that witness as to “specific instances of conduct probative of the character trait in question.” See *Fletcher*, 861 A.2d at 915. “This Court has consistently repeated the principle that ‘although evidence of good character may not be rebutted by evidence of specific acts of misconduct, a character witness may be cross-examined regarding his or her knowledge of particular acts of misconduct by the defendant to test the accuracy of his or her testimony and the standard by which he or

she measures reputation.” *Id.* (citing *Commonwealth v. Busanet*, 817 A.2d 1060, 1069 (Pa. 2002); *Commonwealth v. Smith*, 650 A.2d 863, 866 (Pa. 1994); *Commonwealth v. Peterkin*, 513 A.2d 373, 382-83 (Pa. 1986) (additional citations omitted)). Here, Appellant’s presentation of character evidence for having a reputation of being a peaceful and law-abiding person would have opened the door for the Commonwealth to test the reliability of these witnesses’ opinions with specific instances of conduct that resulted in conviction relevant to the traits in question. Accordingly, the Commonwealth was permitted to cross-examine Appellant’s potential character witnesses regarding his juvenile adjudications pursuant to Section 6354(b)(4).

The question becomes whether Section 6354(b)(4) is limited by Rule 405(a)(2). Interpretation of our evidentiary rules, although similar to the process for interpreting statutes, is subject to the principles set forth in the Pennsylvania Rules of Judicial Administration. See e.g., Pa.R.E. 101(c) (“In the construction of the Pennsylvania Rules of Evidence, the principles set forth in Pa.R.J.A. 104 to 115 shall be observed.”). We have previously explained these rules require that:

[W]ords and phrases shall be construed according to rules of grammar and according to their common and approved usage,” and those that “are expressly defined by rule shall be construed according to such ... express meaning or definition.” Pa.R.J.A. 106. Further, “[t]he object of all interpretation and construction of rules is to ascertain and effectuate the intention of the Supreme Court,” and “[e]very rule shall be construed, if possible, to give effect to all its provisions. When the words of a rule are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.” Pa.R.J.A. 108(a), (b). Only when the text of a rule is ambiguous may we consider other factors, including our precedent interpreting the rule, the rule’s commentary, the rulemaking history, and the consequences of a particular interpretation. Pa.R.J.A. 108(c).

Simone v. Alam, 333 A.3d 359 (Pa. 2025).

Rule 405(a)(2), which was originally promulgated in 1998, but later repealed and replaced with a nearly identical version in 2013, relevantly states that “[i]n a criminal case,

on cross-examination of a character witness, **inquiry into allegations of other criminal conduct by the defendant, not resulting in conviction**, is not permissible.” Pa.R.E. 405(a)(2) (emphasis added). Rule 405(a)(2) is admittedly not a model of clarity. We nevertheless conclude that it does not preclude the use of a defendant’s prior juvenile adjudications when cross-examining a character witness. The text of Rule 405(a)(2) does not state one way or another whether a defendant’s prior juvenile adjudications may be utilized to cross-examine a character witness. The answer to this question is clarified by the commentary, which states that “Pa.R.E. 405(a)(2) prohibits cross-examination of a criminal defendant’s character witnesses regarding criminal conduct of the defendant not resulting in conviction. This is consistent with prior Pennsylvania law. See *Commonwealth v. Morgan*, [] 739 A.2d 1033 ([Pa.] 1999).” *Id.*, Comment.

In *Morgan*, we addressed whether, during the defendant’s trial for involuntary deviate sexual intercourse and related offenses, the trial court erred in permitting the Commonwealth to cross-examine defense character witnesses about their knowledge concerning molestation allegations involving other children, which took place fifteen to twenty years prior to the at-issue charges. We held that “the Commonwealth should not have been allowed to cross-examine [the defendant’s] proposed character witnesses about the alleged prior offenses at issue since they were mere allegations which had not led to an arrest, much less a conviction.” *Morgan*, 739 A.2d at 1036 (citing *Commonwealth v. Scott*, 436 A.2d 607 (Pa. 1981) (holding trial court erred in ruling defendant’s proposed character witnesses could be cross-examined about their knowledge of defendant’s two prior arrests, neither of which led to a conviction)).

We further noted that “it would be nothing short of illogical to preclude the Commonwealth from cross-examining defense character witnesses about a defendant’s prior arrests yet allow it to cross-examine such witnesses about allegations of a

defendant's prior criminal misconduct which had never resulted in an arrest." *Id.* (citation omitted). We therefore agree with the Commonwealth that Rule 405(a)(2) is concerned with precluding the cross-examination of a character witness regarding allegations of crimes committed by the defendant or ones that resulted only in arrest, as both examples are "equally consistent with either guilt or innocence." *Morgan*, 739 A.2d 1033 (citing *Scott*, 436 A.2d at 612).

Although *Morgan* does not specifically address juvenile adjudications, our reference to that decision indicates this Court's intention to exclude from cross-examination of character witnesses unfounded allegations of criminal conduct, not juvenile adjudications. Unlike uncharged conduct or conduct that results in only an arrest, juvenile adjudications are not mere allegations. They are findings that a crime, as defined by our criminal statutes, was indeed committed by largely the same due process standards afforded to adult criminal defendants. See *In Interest of P.S.*, 158 A.3d 643, 650 (Pa. Super. 2017) ("When a juvenile is charged with an act that would constitute a crime if committed by an adult, the Commonwealth must establish the elements of the crime by proof beyond a reasonable doubt."). See also *Lee*, 260 A.3d at 216 ("Although by design juvenile proceedings are characterized by a degree of informality and flexibility, where constitutionally protected interests are at stake, the Due Process Clauses of the United States Constitution impose a requirement of fundamental fairness.") (citation omitted); see also *Commonwealth v. C.L.*, 963 A.2d 489 (Pa. Super. 2008) ("[I]n juvenile proceedings, constitutional due process guarantees a juvenile almost the full panoply of constitutional protections afforded at an adult criminal trial.") (citation omitted)). The due process protections afforded in juvenile proceedings and requirement for proof beyond a reasonable doubt differentiate juvenile adjudications from the mere allegations of criminal conduct, which was the Court's concern in *Morgan*. As such, permitting prosecutors to

use a defendant's prior juvenile adjudications to cross-examine character witnesses does not run afoul of *Morgan*.

To the extent one may reject this distinction and suggest that the rule generally encompasses prior delinquent conduct as a form of criminal conduct, this Court has previously found general precepts to be subject to an exception based on the concept of "fair response" so that the trial court's truth-seeking function is not unduly burdened by a fundamentally unfair application of such precepts. An example of this would be the general rule that a defendant's silence is not usable against him, which limits prosecutorial arguments in criminal proceedings. Although this rule is based on foundational constitutional rights, we have recognized that the Commonwealth may inquire into a defendant's refusal to speak with the police as a fair response to defense argumentation, such as where the defendant criticizes the thoroughness of its investigation. See, e.g., *Commonwealth v. DiNicola*, 866 A.2d 329, 336 (Pa. 2005). In *Commonwealth v. Molina*, 104 A.3d 430 (Pa. 2014), we referred to this exception as necessary to protect the integrity of the adversary system. See *id.* at 447 ("Thus, while we hold the right to remain silent sacrosanct, we also protect our adversarial system by allowing cross-examination of a testifying defendant and fair response to the defense's arguments."); see also *Commonwealth v. Spatz*, 18 A.3d 244, 288 (Pa. 2011) (acknowledging certain prosecutorial remarks that might otherwise be considered improper may be permissible if they constitute a fair response to the defendant's closing argument); *Commonwealth v. Abu-Jamal*, 720 A.2d 79, 110, 116-17 & n.43 (Pa. 1998) (same). The fair response doctrine closely relates to the concept of "opening the door" to otherwise inadmissible evidence. The theory is that if one side creates a false impression through the testimony it adduces, this opens the door for the other side to correct that false impression by providing a more complete picture. See *Commonwealth v. Nypaver*, 69 A.3d 708, 716

(Pa. Super. 2013) (“A litigant opens the door to inadmissible evidence by presenting proof that creates a false impression refuted by the otherwise prohibited evidence.”).

Along these same lines, allowing a character witness to be cross-examined with a defendant’s prior juvenile adjudication serves the same purpose. Not only does it test the accuracy of the character witness’s testimony and the standard by which he or she measures reputation is being tested, see *Fletcher*, 861 A.2d at 915, but it allows the Commonwealth to respond where not doing so would be fundamentally unfair. Appellant’s preferred interpretation of Rule 405(a)(2) would sanction the admission of incomplete trial evidence capable of sewing reasonable doubt of guilt, see *Commonwealth v. Tenbroeck*, 108 A. 635 (Pa. 1919) (“A man of good standing is less likely to commit crime, and evidence of good reputation may of itself work an acquittal, by creating a reasonable doubt of guilt[.]”), while simultaneously precluding the Commonwealth from cross-examining the character witness with relevant information solely based on the offender’s age. Allowing the Commonwealth to rebut this misleading information is required to develop a full picture of a defendant. Where a defendant wishes to preclude the admission of a juvenile adjudication in response to the presentation of good character evidence, the defendant may keep that door closed by not calling those witnesses.

The above interpretation of Rule 405 is additionally consistent with our caselaw addressing when a juvenile adjudication may be treated like an adult conviction. In these cases, the Court’s hesitancy to treat juvenile adjudications and convictions similarly turns on whether doing so would result in an increased penalty. For example, Appellant relies upon *Hale* for the proposition that a juvenile adjudication can never be treated like a conviction. There, this Court addressed “whether juvenile adjudications of delinquency qualified as ‘convictions’ for purposes of grading” within Section 6105 of the Uniform

Firearms Act. We rejected the notion that the concept of convictions in this context included juvenile adjudications, thereby precluding the application of the grading enhancement. *Hale*, 128 A.3d at 782, 786.

Similarly, in *Thomas*, the Superior Court declined to treat juvenile adjudications as convictions for purposes of the three strikes sentencing enhancement statute. It reasoned that no language in the applicable statute “purport[ed] to alter the presumptions underlying the juvenile justice system to apply a more expansive definition of conviction.” *Commonwealth v. Thomas*, 743 A.2d 460, (Pa. Super. 1999), *dismissed as improvidently granted*, 758 A.2d 1177 (Pa. 2000) (“Section 9714 does not purpose to prescribe a penalty on the basis of any form of decision other than conviction, and makes no reference in any context, to adjudications of delinquency.”). Unlike both *Hale* and *Thomas*, this case does not involve the application of an increased grading or statutory penalty based on the admission of a juvenile adjudication. We are simply looking to whether a juvenile adjudication, for which the defendant received due process, should be permitted on cross-examination to rebut evidence of good character.

The general rule stating that juvenile adjudications are not convictions, see 42 Pa.C.S. § 6354(a), squares with this idea that juvenile adjudications should not be treated as convictions where they would result in an increased penalty or deprivation of a benefit that would otherwise be unavailable with a conviction. Specifically, Section 6354(a) states that juvenile adjudications are not convictions and, as such, “do[] not impose any civil liability ordinarily resulting from a conviction or operate to disqualify the child in any civil service application or appointment.” It is apparent that the legislature’s concern in treating adjudications the same as convictions in this context is the deprivation of a benefit or the imposition of additional liability. Notwithstanding, Section 6354(b), which of course includes the provision at issue here, goes on to list circumstances where juvenile

adjudications would not run counter to this policy. Aside from permitting admission of a juvenile adjudication in a criminal proceeding if that evidence would be admissible if committed by an adult, the other subsection permits use of juvenile adjudications where a person puts his reputation or character in issue in a civil matter, other juvenile proceedings, or presentence investigation reports. 42 Pa.C.S. § 6354(b)(1)-(4). A cursory look at these permissible uses indicates that juvenile adjudications may be considered where they are necessary to provide a full picture of an individual for either courts or juries.

In addition to the foregoing, both the Statutory Construction Act and the Rules of Judicial Administration contain interpretive tools that direct a particular provision of a rule or statute prevail over a general provision of a rule of statute. See Pa.R.J.A. 113 (prescribing as a rule of construction that the particular controls over the general); 1 Pa.C.S. § 1933 (same). In this case, Rule 405(a)(2) is a general rule regarding methods of proving character, while Section 6354 is a more specific rule addressing under what circumstances a juvenile adjudication may be used as evidence. Thus, in Section 6354(b)(4), the pointed allowance of juvenile adjudications in criminal proceedings where such offenses would have been admissible if committed by an adult prevails over the general provisions in Rule 405(a)(2) that does not directly address juvenile adjudications. See *e.g.*, *Commonwealth v. Ramos*, 83 A.3d 86 (Pa. 2013) (holding that the general rule regarding minimum and maximum sentences must yield to offense-specific statute regarding mandatory minimum).

Finally, we turn to Appellant's two remaining arguments. Appellant's position that Rule 405(a)(2) should be read *in pari materia* with Rule 609(d) is well-taken. However, in light of the other interpretative tools utilized herein that suggest Rule 405(a)(2) does permit a character witness to be impeached with a defendant's juvenile adjudication, we

do not find this specific point determinative. Lastly, Appellant's interpretation of Rule 405(a)(2) and Section 6354(b)(4) in order to avoid any purported conflict between them is unpersuasive. Appellant avers that Section 6354(b)(4) should be understood to mean that a character witness may be confronted with his own juvenile adjudications but not those of the defendant, though a defendant may be confronted with his own juvenile adjudications. We disagree. Section 6354 does not contain the limitation that Appellant proposes, and it is not for this Court to add to the legislative text.¹⁰

V. Conclusion

In conclusion, we hold that Section 6354(b)(4) permits the cross-examination of a character witness with the defendant's juvenile adjudications, notwithstanding use of the word "conviction" in Rule 405(a)(2). Accordingly, we affirm the Superior Court's order affirming Appellant's judgment of sentence.¹¹

Chief Justice Todd joins this opinion in support of affirmance.

¹⁰ The Commonwealth makes a harmless error argument, which we need not address in light of our disposition.

¹¹ Although we find the intent of the Court clear in that it permits admission of juvenile adjudications in circumstances such as this, we find it appropriate to refer this matter to the Committee on Rules of Evidence for clarification.