

[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
LUIS MANUEL SERRANO-DELGADO,	: Division, at No. CP-22-CR-
	: 0005747-2019 entered on May 9,
Appellant	: 2022.
	:
	: ARGUED: October 8, 2025

OPINION IN SUPPORT OF VACATION AND REMAND

JUSTICE DOUGHERTY

DECIDED: July 21, 2026

I agree with Justice Donohue’s opinion in support of reversal (OISR) that “Rule [of Evidence] 405(a)(2) prohibits a character witness from being cross-examined about a criminal defendant’s juvenile adjudications.” OISR at 6 (Donohue, J.). The plain text of the rule bars “inquiry into allegations of other criminal conduct by the defendant, not resulting in conviction[.]” Pa.R.E. 405(a)(2). Juvenile adjudications are not convictions. See 42 Pa.C.S. §6354(a). Therefore, I agree with the OISR that the opinion in support of affirmance’s (OISA) interpretation “reads the phrase ‘not resulting in conviction’ out of the Rule.” OISR at 6 (Donohue, J.).

I respectfully disagree, however, with the OISR’s recommendation to remand for a new trial. See *id.* at 6-9. Rather, consistent with our typical practice, I would remand this

matter to the Superior Court so it could determine, in the first instance, whether the trial court's error in denying appellant's motion *in limine* was harmless.¹

Finally, because there is a clear conflict between Rule 405(a)(2) and the Juvenile Act, see 42 Pa.C.S. §6354(b)(4) ("The disposition of a child under this chapter may[] be used against him . . . 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."), I join the OISA's decision "to refer this matter to the Committee on Rules of Evidence for clarification." OISA at 21 n.11 (Mundy, J.).

I respectfully concur in part and dissent in part.

¹ The OISR concludes appellant is entitled to a new trial because "he was deprived of presenting 'substantive' character evidence which 'may, in and of itself, [have] create[d] a reasonable doubt of guilty and thus, require[d] a verdict of not guilty.'" OISR at 8-9 (Donohue, J.), *quoting Commonwealth v. Weiss*, 606 A.2d 439, 442 (Pa. 1992). If we remanded the case, the Superior Court might reach the same conclusion. It is well established that evidence of a defendant's good character "may, in and of itself, create a reasonable doubt of guilt and, thus, require a verdict of not guilty." *Id.* at 8, *quoting Weiss*, 606 A.2d at 442. However, the value of good character evidence is relevant only if appellant would, in fact, have called his character witnesses to the stand but for the trial court's ruling. Although I would defer this issue to the Superior Court, I note appellant's juvenile adjudications were not the only tool in the Commonwealth's arsenal to undermine his character witnesses. The Commonwealth had its own witness ready to rebut their testimony. "[I]f [appellant] put his reputation as a peaceful, law-abiding citizen" at issue, then the Commonwealth intended to present Detective Christopher Silvio "in rebuttal to say[.]" based on his investigation, "that [appellant] has the opposite reputation[.]" N.T. Trial, 4/4/22, at 10. The trial court ruled Detective Silvio's testimony was admissible, see *id.* at 12 — a ruling we declined to review, see *Commonwealth v. Serrano-Delgado*, 330 A.3d 1250 (Pa. 2024) (*per curiam*). Accordingly, even if the trial court had precluded the Commonwealth from introducing appellant's juvenile adjudications to impeach his character witnesses, appellant may have decided not to call his character witnesses to the stand to avoid opening the door to Detective Silvio's potentially damaging rebuttal testimony. Moreover, appellant testified to two of his juvenile adjudications when he took the stand — specifically, his adjudications for retail theft and receiving stolen property. See N.T. Trial, 4/5/22, at 235-37, 260-62. Thus, even absent Detective Silvio's potential rebuttal testimony, the jury heard evidence undermining any testimony that appellant was "law-abiding." N.T. Trial, 4/4/22, at 11. In my view, the Superior Court should be given the opportunity to determine, in the first instance, whether the trial court's error was harmless based on this record.