

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Swift, J.

No. 123 WAL 2025 (Pa. Jan. 15 2026) · No. 123 WAL 2025 · Decided January 15, 2026

SUMMARY

The Supreme Court of Pennsylvania granted allowance of appeal in part to consider whether separate, consecutive sentences for two counts of Arson-Endangering Property constituted an illegal sentence under the applicable statute. The court vacated the Superior Court’s order and remanded for reconsideration in light of Commonwealth v. Smith, while denying allowance of appeal on all remaining issues.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
JURISDICTION	Supreme Court of Pennsylvania
DECIDED	January 15, 2026
DOCKET	123 WAL 2025
DISPOSITION	vacated
PROCEDURAL POSTURE	Petition for allowance of appeal from the Superior Court's unpublished memorandum and order affirming the judgment of sentence entered by the Allegheny County Court of Common Pleas.
PRECEDENTIAL VALUE	Published per curiam order; the court's disposition is precedential to the extent it vacates and remands for reconsideration, but the underlying statutory-construction issue was not decided.
PARTIES	James Michael Swift v. Commonwealth of Pennsylvania

TOPICS

- appellate procedure
- sentencing
- statutory interpretation
- criminal procedure

PRACTICE AREAS

- Pennsylvania criminal law
- appellate procedure
- sentencing
- statutory interpretation

QUESTIONS PRESENTED

- Whether the sentencing court imposed an illegal sentence by imposing separate, consecutive sentences for two convictions for arson-endangering property when the applicable statute, properly construed, may

provide for a single sentence regardless of the number of properties endangered.

HOLDINGS

1. The Supreme Court granted allowance of appeal on the identified sentencing issue, vacated the Superior Court's order, and remanded for reconsideration in light of Commonwealth v. Smith; it did not decide the underlying statutory-construction question.

KEY QUOTATIONS

“The Superior Court’s order is VACATED, and this matter is REMANDED for reconsideration in light of Commonwealth v. Smith, --- A.3d ---, 2025 WL 3229045 (Pa. filed Nov. 19, 2025).”

FACTUAL BACKGROUND

Swift was convicted of two counts of arson-endangering property. The sentencing court imposed separate consecutive sentences for the convictions. The appeal concerns whether the governing statute permits separate sentences when multiple properties were endangered.

PROCEDURAL HISTORY

The Allegheny County Court of Common Pleas entered judgment of sentence on June 28, 2023. The Superior Court affirmed in an unpublished memorandum and order entered April 10, 2025. The Supreme Court of Pennsylvania granted allowance of appeal limited to whether separate consecutive sentences for two arson-endangering-property convictions were illegal, vacated the Superior Court's order, and remanded for reconsideration in light of Commonwealth v. Smith.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Remand to the Superior Court for reconsideration in light of Commonwealth v. Smith. Allowance of appeal was denied as to all remaining issues.

CASES CITED

- Commonwealth v. Smith, --- A.3d ---, 2025 WL 3229045 (Pa. filed Nov. 19, 2025)

OPINION

PER CURIAM.

IN THE SUPREME COURT OF PENNSYLVANIA WESTERN DISTRICT COMMONWEALTH OF PENNSYLVANIA,; No. 123 WAL 2025 Respondent:: Petition for Allowance of Appeal: from the Unpublished v.: Memorandum and Order of the: Superior Court at No. 860 WDA: 2023 entered on April 10, 2025, JAMES MICHAEL SWIFT,; affirming the Judgment of Sentence: of

the Allegheny County Court of Petitioner: Common Pleas at No. CP-02-CR-: 0010274-2019 entered on June 28, 2023 ORDER PER CURIAM AND NOW, this 15th day of January, 2026, the Petition for Allowance of Appeal is GRANTED, LIMITED TO the following issue, stated by Petitioner: Did the sentencing court impose an illegal sentence by imposing separate, consecutive sentences for Swift's convictions for two counts of Arson-Endangering Property, where the statute providing for the offense, properly construed according to the rules of statutory interpretation, provided for a single sentence no matter how many properties were endangered?

The Superior Court's order is VACATED, and this matter is REMANDED for reconsideration in light of Commonwealth v. Smith, --- A.3d ---, 2025 WL 3229045 (Pa. filed Nov. 19, 2025). Allowance of appeal is DENIED as to all remaining issues.