

SUPERIOR COURT OF PENNSYLVANIA

Commonwealth v. Randolph

2025 Pa. Super. 167 · No. 487 WDA 2024 · Decided July 31, 2025

SUMMARY

The Pennsylvania Superior Court reviews Andre Randolph Jr.'s constitutional challenges to 18 Pa.C.S. § 6105(a)(1), which prohibits certain persons with prior drug convictions from possessing firearms. Applying Second Amendment precedent, including *Heller*, *Bruen*, and *Rahimi*, the court addresses both as-applied and facial challenges to the statute in connection with Randolph's convictions for persons not to possess a firearm and carrying a firearm without a license. The court affirms the judgment of sentence.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Judge Bowes; Judge Olson; President Judge Emeritus Bender
JURISDICTION	Pennsylvania Superior Court
DECIDED	July 31, 2025
DOCKET	487 WDA 2024
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment of sentence following a jury conviction for persons not to possess a firearm and carrying a firearm without a license. The appeal challenged the constitutionality of 18 Pa.C.S. § 6105(a)(1) under the Second and Fourteenth Amendments.
STANDARD OF REVIEW	Constitutionality of a criminal statute is reviewed de novo, with plenary scope of review. The challenger bears a heavy burden to show that the statute clearly, palpably, and plainly violates the Constitution.
PRECEDENTIAL VALUE	Published, precedential opinion of the Superior Court of Pennsylvania.
PARTIES	Andre Randolph Jr. v. Commonwealth of Pennsylvania

TOPICS

second amendment

fourteenth amendment

criminal procedure

appellate procedure

standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether 18 Pa.C.S. § 6105(a)(1), as applied to Randolph based on prior possession-with-intent-to-deliver convictions, violated the Second and Fourteenth Amendments.
2. Whether 18 Pa.C.S. § 6105(a)(1) was facially unconstitutional under the Second and Fourteenth Amendments.

HOLDINGS

1. Section 6105(a)(1) was constitutional as applied to Randolph, whose prior possession-with-intent-to-deliver convictions placed him within a category of persons historically subject to firearm restrictions.
2. Randolph's facial challenge failed because § 6105(a)(1) was constitutional in at least one application, including its application to Randolph, and he did not show that the statute lacked any plainly legitimate sweep.

KEY QUOTATIONS

“Like most rights, the right secured by the Second Amendment is not unlimited.” (at 4)

“The government must then justify its regulation by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation.” (at 6)

“A court must ascertain whether the new law is “relevantly similar” to laws that our tradition is understood to permit, “applying faithfully the balance struck by the founding generation to modern circumstances.”” (at 7)

“No “dead ringer” is required.” (at 20)

FACTUAL BACKGROUND

On March 11, 2022, Andre Randolph Jr. was observed possessing a handgun in a bar in Munhall, Pennsylvania. He had prior 2005 convictions for two counts of possession with intent to deliver controlled substances, which rendered him subject to Pennsylvania's firearm-possession prohibition under 18 Pa.C.S. § 6105. A jury convicted him of persons not to possess a firearm and carrying a firearm without a license, and the court imposed an aggregate sentence of four to eight years' imprisonment.

PROCEDURAL HISTORY

Randolph was charged after being observed possessing a handgun in a bar. Before trial, he moved to dismiss the persons-not-to-possess charge as unconstitutional under the Second Amendment; the Court of Common Pleas of Allegheny County denied the motion. A jury convicted him of both firearms offenses, and the trial court imposed an aggregate sentence of four to eight years' imprisonment. His post-sentence motion was denied by operation of law, and he timely appealed after filing a Rule 1925(b) statement.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Farmer, 329 A.3d 449 (Pa. Super. 2024)
- District of Columbia v. Heller, 554 U.S. 570 (2008)
- McDonald v. City of Chicago, 561 U.S. 742 (2010)
- New York State Rifle & Pistol Ass'n v. Bruen, 597 U.S. 1 (2022)
- United States v. Rahimi, 602 U.S. 680 (2024)
- Commonwealth v. Jenkins, 328 A.3d 1076 (Pa. Super. 2024)
- Commonwealth v. McIntyre, 333 A.3d 417 (Pa. Super. 2025)
- Range v. Attorney General, 69 F.4th 96 (3d Cir. 2023)
- Range v. Attorney General United States, 124 F.4th 218 (3d Cir. 2024)
- United States v. Jackson, 110 F.4th 1120 (8th Cir. 2024)
- Commonwealth v. Anderson, 332 A.3d 1259, 2024 WL 5205507 (Pa. Super. 2024)
- Halpern v. Ricoh U.S.A., Inc., 299 A.3d 1023 (Pa. Super. 2023)
- United States v. Stevens, 599 U.S. 460 (2010)
- Commonwealth v. Hunte, 2025 WL 1703981 (Pa. June 17, 2025)
- United States v. DeCastro, 682 F.3d 160 (2d Cir. 2012)