

SUPERIOR COURT OF PENNSYLVANIA

Commonwealth v. Washington

2025 Pa. Super. 183 (Superior Court of Pennsylvania 2025) · No. 3046 EDA 2024 · Decided August 26, 2025

SUMMARY

The Pennsylvania Superior Court affirmed Jeffrey Washington's judgment of sentence for access device fraud. The court held that Pennsylvania had subject matter jurisdiction because the victim's lack of consent occurred in Pennsylvania and that venue was proper in Montgomery County under the statutory venue provision for access device fraud, even though Washington committed the transactions in New York.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Stabile, J.; Dubow, J.; Sullivan, J.
JURISDICTION	Pennsylvania Superior Court
DECIDED	August 26, 2025
DOCKET	3046 EDA 2024
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment of sentence entered after Appellant pleaded guilty to one count of access device fraud. Appellant challenged the trial court's subject matter jurisdiction and venue because the fraudulent conduct occurred in New York.
STANDARD OF REVIEW	Subject matter jurisdiction is reviewed de novo as a pure question of law. A challenge to subject matter jurisdiction is not waivable and may be raised at any stage of the proceedings.
PRECEDENTIAL VALUE	Published Pennsylvania Superior Court opinion
PARTIES	Jeffrey Washington v. Commonwealth of Pennsylvania

TOPICS

criminal procedure appellate jurisdiction statutory interpretation appellate procedure standard of review

PRACTICE AREAS

criminal law criminal procedure appellate procedure statutory interpretation

QUESTIONS PRESENTED

1. Whether Pennsylvania courts had subject matter jurisdiction over access device fraud when the defendant's physical conduct occurred in New York but the unauthorized access device belonged to a Pennsylvania resident.
2. Whether venue was proper in Montgomery County under the access device fraud statute when the funds came from an account held by a bank with a Montgomery County branch and the victim resided there.

HOLDINGS

1. Pennsylvania courts had subject matter jurisdiction because the unauthorized use of the victim's access devices included the defendant's failure to obtain the victim's consent, and that omission occurred in Pennsylvania where the victim resided at the time of the unauthorized use.
2. Venue was proper in Montgomery County because 18 Pa.C.S.A. § 4106(e) permits an access device fraud prosecution where the property or services were received or provided, or where lawful charges were billed, and the record showed that Key Bank operated a branch in Montgomery County and the victim resided there.

KEY QUOTATIONS

“Subject matter jurisdiction and venue are distinct. However, since jurisdiction references the power of a court to entertain and adjudicate a matter while venue pertains to the locality most convenient to the proper disposition of a matter, venue can only be proper where jurisdiction already exists.” (3)

“Where a person who owns an access device resides in Pennsylvania at the time of its unauthorized use, the failure to obtain that individual’s consent is an omission by the defendant occurring within that state.” (6-7)

FACTUAL BACKGROUND

While physically present in New York on October 25, 2023, Jeffrey Washington used an altered check and a fake identification card belonging to James Tammaro. A counterfeit check was cashed for \$3,500, and Washington used the victim's identification to withdraw \$5,000 from the victim's bank account. The victim resided in Montgomery County, Pennsylvania, and Key Bank had a branch there; surveillance footage from New York identified Washington as the person who conducted the transactions.

PROCEDURAL HISTORY

Washington used an altered check and a victim's identification card in New York to obtain funds from the victim's bank account. He was transported to Pennsylvania, pleaded guilty to access device fraud in the Montgomery County Court of Common Pleas, and received a sentence of nine to twenty-three months' imprisonment. The Superior Court affirmed after reviewing his jurisdiction and venue claims.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Czapla, 430 A.2d 313 (Pa. Super. 1981)
- Commonwealth v. Jones, 929 A.2d 205, 208, 211 (Pa. 2007)
- Commonwealth v. Bethea, 828 A.2d 1066, 1074-75 (Pa. 2003)
- McGinley v. Scott, 164 A.2d 424, 428 (Pa. 1960)
- Commonwealth v. Seiders, 11 A.3d 495, 497 (Pa. Super. 2010)
- Commonwealth v. Thompson, 50 N.E.3d 845, 857-58 (Mass. App. Ct. 2016)
- State v. Roberts, 143 So. 3d 936, 938-39 (Fla. 2d DCA 2014)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/pennsylvania-superior-court-superior-court-of-pennsylvania/2025/commonwealth-v-washington-p3jsegaj>