

**TITLE 6: CRIMES AND CRIMINAL PROCEDURE**  
**DIVISION 8: APPEALS**

**§ 8101. Right of Commonwealth to Appeal.**

(a) In a criminal case, the Commonwealth government shall have the right to appeal only when a written enactment intended to have the force and effect of law has been held invalid.

(b) In a criminal case an appeal by the Commonwealth government shall lie to the Supreme Court from a decision, judgment or order of the Superior Court dismissing an information or granting a new trial after verdict or judgment, as to any one or more counts, except that no appeal shall lie where the double jeopardy clause of the Commonwealth Constitution prohibits further prosecution.

An appeal by the Commonwealth government shall lie to the Supreme Court from a decision or order of the Superior Court suppressing or excluding evidence or requiring the return of seized property in a criminal proceeding, not made after the defendant has been put in jeopardy and before the verdict or finding on an information, if the Attorney General certifies to the Superior Court that the appeal is not taken for purpose of delay and that the evidence is a substantial proof of a fact material in the proceeding.

An appeal by the Commonwealth government shall lie to the Supreme Court from a decision or order, entered by the Superior Court, granting the release of a person charged with or convicted of an offense, or denying a motion for revocation of, or modification of the conditions of, a decision or order granting release.

The appeal in all such cases shall be taken within 30 days after the decision, judgment or order has been rendered and shall be diligently prosecuted.

The provisions of this section shall be liberally construed to effectuate its purpose.

(c) If the Commonwealth government has appealed in a criminal case, the Supreme Court may not reverse any finding of not guilty.

**Source:** 6 TTC §§ 353, 355; amended by PL 7-16, § 1.