



August 2nd, 2023

Commonwealth of Pennsylvania v. Goslin

...and why it is so important!

In 2017, there was a monumental decision in the Pennsylvania Superior Court regarding the lawful purpose of self-defense with a firearm and school property. FOAC-ILLEA and our founding organization FOAC, had a small role to play in that decision, prompted by our counsel, Joshua Prince, Esq.

On August 28, 2014, Andrew Goslin went to his son's school to discuss a disciplinary action taken against his son by the school for carrying a pocketknife into the school. The man is a carpenter, and his 9-year old son accidentally took a Swiss Army knife to school he'd been using the night before to whittle wood with his father. Upon discovering he had the knife on him, the young man immediately notified a teacher that he'd accidentally brought it to school with him. He received a suspension as a result. Mr. Goslin went to the school administration on September 4th, 2014, to discuss the incident, uninformed of the reason for the hearing only being advised that he needed to immediately go to the school. While arguing the ridiculousness of the suspension, Mr. Goslin produced a pocketknife from his own pocket and put it on the table, asking if that meant he should be arrested.

On September 14th, 2014, police filed charges against Mr. Goslin for possession of a weapon on school property, as well as terroristic threats. The threats charge was dismissed at a December 9th, 2014, hearing. A bench trial was held on the possession of a weapon charge where Mr. Goslin argued that he possessed the weapon for a lawful purpose. Unfortunately, he was found guilty and sentenced to one year of probation.

Mr. Goslin appealed the case, filing *pro se*, or without counsel, for his appeal. He appealed based upon several factors, but the thrust of the argument was that the trial court erred in finding that the defense of "other lawful purpose" ([18 Pa. C.S. §912](#))ⁱ did not apply to Mr. Goslin. We could spend pages on that issue alone, but in the interest of brevity, we'll just note here that Mr. Goslin lost his appeal, as the three-judge panel ruled 2-1 that the intent of the general assembly in passing the law was to prevent weapons in or near schools.

After that decision, our legal counsel Joshua Prince, Esq., reached out to then President Kim Stolfer to discuss the case and the impact it would have. He felt that if the proper motion for consideration were to be made to the Superior Court, they may be enticed to review the case *en banc*, meaning all the Superior Court judges would be on the bench. Mr. Prince agreed to represent Mr. Goslin *pro bono*, or for the public good meaning at no charge. Mr. Prince penned a letter to Mr. Goslin offering to represent him and requesting court documents for review. Mr. Prince asked President Stolfer if he could get the letter hand delivered to Mr. Goslin. FOAC did exactly that. Mr. Goslin agreed to the representation and thus began Mr. Prince filing a motion that would result in the Superior Court vacating its prior decision and reconsidering the case *en banc*.

On December 13th, 2016, Mr. Prince argued the matter before the nine judges of the Superior Court. He argued that the court's prior ruling violated the 2nd Amendment if possession were

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Jim Stoker
President

Klint Macro
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Dale Brackin
Secretary/Treasurer

Board of Directors
Ed Bogats
Stephen LaSpina
Lisha Mihalko

FOAC-ILLEA
P.O. Box 308
Morgan, PA 15064

Phone
412.260.4675

E-Mail
info@foac-illea.org

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solely lawful if engaged in a school activity, that such rulings would have unintended consequences, including restricting law-abiding residents who may live on school campuses from owning firearms, or police officers from visiting schools while armed, unless their purpose for visiting required an armed response. Mr. Prince also argued that the superior Court had previously held that pocketknives have a “common lawful purpose”, which is more expansive than the statutory “other lawful purpose” required under the statute. And lastly, Mr. Prince presented several other statutes already in effect in the Commonwealth that preclude violence in the school and protect the students and staff from harmful conduct.

On February 16th, 2017, the Superior Court, *en banc*, without any dissenting opinions, unanimously filed its decision vacating the trial court’s finding of guilt. The Superior Court concluded that “other lawful purpose” expands the defense to include any lawful reason and suffices as a reasonable defense against the charge of possession of a weapon on school property. As noted by Mr. Prince “when a defendant raises a plausible defense, the Commonwealth must not only prove beyond a reasonable doubt that the crime was committed (which typically isn’t in dispute if raising a defense) but must additionally prove beyond a reasonable doubt that the defendant is not entitled to the defense.”

So how does all this impact the common citizen of the Commonwealth? The court ruled that the “other lawful purpose” is a defense, and that means you can still be charged with possession of a weapon on school property, then raise the “other lawful purpose” as your defense in trial. This weighs even more on citizens as in order for your possession of a concealed weapon to be lawful, you **MUST** have a license to carry firearms by Pennsylvania law. You may not be a person prohibited from possessing firearms, this defense would not apply to you. And lastly, if you used the weapon in the commission of a crime on school grounds, you would also lose this defense.

So, nothing prevents you being charged by a district attorney or police for the offense. You then have to present your defense in court. But few police officers are going to want to charge someone they know will be acquitted. The problem here is many officers and many school administrators **will not know this is legal**. It was presented in legal updates to officers in 2018, as one very brief moment in two days full of legal updates. The only recourse is, if you are charged and acquitted or charges are dismissed, you can bring a civil rights action under 42 U.S. Code §1983ⁱⁱ against them for violating your rights.

The Superior Court remanded the case to the trial court, as the trial court now needed to address whether Mr. Goslin possessed the knife for a lawful purpose or not. The Superior Court did acknowledge that Mr. Goslin had testified that he used the knife for his employment, whittling with his sons, and even opening cans of food for his lunches at work. At that point the District Attorney decided that they were going to *nolle prosequi* (formally abandon) the case, and that would be the end of Mr. Goslin’s journey through the legal system over a pocketknife.

This case continues to have a legal impact. Various parents attending school activities, school faculty lawfully carrying for self-defense, and other law-abiding Pennsylvanians are protected by this ruling from an overbearing legal system and over-zealous anti-Constitutionalists who would leave our citizens and our children helpless in the eyes of the violent criminal element that so frequently preys on the unarmed in our society. It serves as a reminder that though “gun free zones” are the preferred target of the criminally insane predators in our midst, one must not be helpless as long as they take the proper steps to protect themselves not only from the criminal, but from those who would use the justice system to criminalize us.

FOAC-ILLEA would like to thank Joshua Prince, Esq., for his hard work in pursuing this matter for us all. Josh is our legal counsel on all matters Article I Section 21 / 2nd Amendment in the Commonwealth and for good reason. If you’ve been charged with possession of a weapon on school property while lawfully carrying your firearm, we strongly encourage you to reach out to Mr. Prince.

Mr. Prince's own write-up on this case can be viewed below:

- [Devastating decision from the superior court on other lawful purpose.](#)ⁱⁱⁱ
- [Chief Counsel Prince Secures Monumental Decision from the Superior Court, en banc, Regarding Possession of a Weapon on School Property](#)^{iv}
- [Superior Court Order Vacating and Remanding](#)^v
- [The Goslin Decision's Impact on Possessing Weapons on School Property](#)^{vi}

“The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.”

If you should have any further questions or need clarification on the legality of the issues raised in this ILLEA Paper, please feel free to e-mail us at info@foac-illea.org.

FOAC-ILLEA, P.O. BOX 308, Morgan, Pa. 15064
www.foac-illea.org

Respectfully,



J.R. Stoker Jr., President
jstoker@foac-illea.org

Endnotes

ⁱ <https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=18&div=0&chpt=9&sctn=12&subctn=0>

ⁱⁱ <https://www.govinfo.gov/app/details/USCODE-2021-title42/USCODE-2021-title42-chap21-subchapl-sec1983/summary>

ⁱⁱⁱ [Devastating Decision from the Superior Court on “Other Lawful Purpose” – Prince Law Offices Blog](#)

^{iv} [Chief Counsel Prince Secures MONUMENTAL Decision from the Superior Court, en banc, regarding Possession of Weapons on School Property – Prince Law Offices Blog](#)

^v [vacated_remanded.pdf \(wordpress.com\)](#)

^{vi} <https://blog.princelaw.com/2017/02/16/the-goslin-decisions-impact-on-possessing-weapons-on-school-property/>