

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

City of Philadelphia :
 :
 v. : No. 1204 C.D. 2020
 : ARGUED: November 15, 2021
 Rashad T. Armstrong, :
 Appellant :

BEFORE: HONORABLE PATRICIA A. McCULLOUGH, Judge
 HONORABLE ANNE E. COVEY, Judge
 HONORABLE BONNIE BRIGANCE LEADBETTER, Senior Judge

**CONCURRING OPINION BY
 SENIOR JUDGE LEADBETTER**

FILED: February 14, 2022

If we were not bound by controlling precedent, aptly set out by the Majority, I would affirm the trial court. It seems to me that the overwhelming blight of gun violence occurring in the City of Philadelphia, of which I believe we can take judicial notice, and the policy issues argued by the City in the case before us, call for a recognition that local conditions may well justify more severe restrictions than are necessary statewide. It is neither just to impose unnecessarily harsh limits in communities where they are not required nor consistent with simple humanity to deny basic safety regulations to citizens who desperately need them. When a child cannot leave his home to walk to the corner of his street without risking the prospect of being caught in a crossfire, we are denying him the most fundamental right, that of life and liberty, and so I would urge our Supreme Court to reconsider the breadth of the *Ortiz* doctrine¹ and allow for local restrictions narrowly tailored to local necessities.



BONNIE BRIGANCE LEADBETTER,
President Judge Emerita

¹ *Ortiz v. Commonwealth*, 681 A.2d 152 (Pa. 1996).