

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
PAUL ROBERT HOLPIT	:	
	:	
Appellant	:	No. 366 WDA 2025

Appeal from the Judgment of Sentence Entered November 1, 2024
In the Court of Common Pleas of Blair County Criminal Division at No(s):
CP-07-CR-0001717-2022

BEFORE: BOWES, J., OLSON, J., and BENDER, P.J.E.

MEMORANDUM BY BENDER, P.J.E.:

FILED: AUGUST 18, 2026

Appellant, Paul Robert Holpit, appeals from the aggregate judgment of sentence of 17 years and four months to 50 years of incarceration and a period of probation¹ imposed after a jury convicted him of 82 of 83 charges, all of which pertained to a common scheme of trading marijuana for sexual favors from eight minor female victims. On appeal, Appellant challenges the sufficiency of the evidence supporting his convictions for eight counts of Trafficking in Individuals. Specifically, Appellant argues that the statutory text requires three separate individuals: a “consumer,” the “pimp,” and the trafficked victim; alternatively, Appellant argues that the statute is unconstitutional as applied. Following our review, we affirm.

¹ The trial court also imposed a five-year probationary term to run concurrently with Appellant's period of incarceration, as well as the mandatory three-year probationary term required by 42 Pa.C.S. § 9718.5(a) based on his qualifying sexual offense convictions, to run consecutively to incarceration.

H.R., who was 19 years old at the time of trial, testified that in early September of 2021, shortly before her 17th birthday, her friends M.L. and E.D. told her that Appellant would sell her marijuana, and provided H.R. with Appellant's Snapchat profile information. N.T., 8/6/24, at 62-63. H.R. then contacted Appellant through Snapchat for that purpose. **Id.** at 64. Appellant would meet H.R. in a parking lot and sell her \$10 to \$20 worth of marijuana at a time. **Id.** at 66. After approximately three weeks and ten sales, Appellant asked H.R. for sexual favors. **Id.** at 69, 74. H.R. agreed, and afterwards Appellant would immediately give H.R. marijuana for free. **Id.** at 73. Appellant told H.R. that he would give her more marijuana, approximately \$120 worth, in exchange for sexual intercourse, but H.R. declined. **Id.** at 75. However, H.R. sent nude pictures to Appellant at his request. **Id.** at 77. Appellant also sent H.R. pictures of his penis and videos of himself masturbating. **Id.** at 80.

H.R. testified that she decided to come forward because she learned that Appellant was contacting a 12-year-old girl that she knew, T.S.² **Id.** at 81. Officer Scott Beall testified that on May 3, 2022, he was dispatched to Tyrone High School due to a report from a guidance counselor that a "student ha[d] been in contact with a[n] adult male who had solicited [that] student

² T.S. is one of the victims in this case. She testified that Appellant sold marijuana to her older sister, N.B., another of the victims. N.T., 8/7/24, at 126. Eventually, Appellant contacted T.S. on Snapchat. T.S. confirmed that she was 12 at the time, and testified that, among other things, Appellant requested oral sex from T.S. **Id.** at 131.

and others for sexual favors.” N.T. Vol. I, 8/6/24, at 51. Officer Beall spoke to H.R., and she identified additional students. ***Id.*** at 52. Officer Beall began the process of notifying the students’ parents and arranging interviews. ***Id.*** at 53.

The ensuing investigation revealed that Appellant had engaged in similar schemes with seven other minor females. The particular facts with respect to each victim varied in the details, but these differences are not pertinent to the issues raised on appeal, as Appellant concedes that the evidence sufficiently established that he “essentially engaged in a scheme where he would exchange marijuana for various sex acts from the victims.” Appellant’s Brief at 13. He timely sought post-trial relief on the grounds that his convictions at counts one through eight could not stand as a matter of law. The trial court denied that requested relief.³

Appellant thereafter filed a notice of appeal.⁴ The trial court did not order Appellant to file a Pa.R.A.P. 1925(b) statement, and the trial court declined to issue an opinion. Appellant raises two claims for our review:

³ The Commonwealth agreed with Appellant that, as a matter of law, six of the charges could not stand. N.T., 1/8/25, at 9-10. That disposition is not relevant to our analysis.

⁴ The post-sentence motions were filed on November 12, 2024, and the trial court had 120 days to decide them because Appellant did not file a motion for extension. Pa.R.Crim.P. 720(B)(3)(a). The motions should therefore have been denied by operation of law on March 12, 2025. Pa.R.Crim.P. 720(B). The clerk of courts did not enter an order denying the motions, and the trial
(Footnote Continued Next Page)

1. Did the trial court err and/or or abuse its discretion by denying Appellant's post-trial motion that the evidence was insufficient to convict him of 18 Pa.C.S. § 3011 . . . Trafficking in Individuals?
2. Is the application of 18 Pa.C.S. § 3011 . . . to Appellant's conduct unconstitutionally vague as applied?

Appellant's Brief at 4 (some formatting altered).

I.

Sufficiency of the evidence

Appellant was convicted at counts one through eight of Trafficking in Individuals, with each count corresponding to one of the eight victims. The subsection at issue at the time of Appellant's crimes stated that a person commits a felony of the first degree "if the person recruits, entices, solicits, advertises, harbors, transports, provides, obtains or maintains an individual if the person knows or recklessly disregards that the individual will be subject to sexual servitude." 18 Pa.C.S. § 3011(a)(1) (effective April 6, 2020 to February 11, 2024).⁵

Appellant's sufficiency challenge turns on the meaning of the phrase "subject to sexual servitude," as defined by the General Assembly. **See**

court issued its order addressing the post-sentence motions on March 27, 2025. Appellant filed his notice of appeal the next day, March 28, 2025. Appellant's notice of appeal was therefore timely as measured from their denial by operation of law. **See Commonwealth v. Perry**, 820 A.2d 734, 735 (Pa. Super. 2003) (noting that the thirty-day appeal period began when motions should have been denied by operation of law).

⁵ The amended version now in effect added "patronizes" as an additional option for proving the charge of trafficking in individuals. **See** 18 Pa.C.S. § 3011(a)(1).

Appellant's Brief at 18 (stating that "[t]he evidence was not sufficient to support that the Appellant knew or recklessly disregarded that the girls would be 'subject to sexual servitude'").

Whether Appellant's conduct satisfied this definition presents a pure question of law involving the statutory meaning of that phrase, and we therefore apply a *de novo* standard of review. **See Commonwealth v. Gamby**, 283 A.3d 298, 304 (Pa. 2022) (applying this standard of review to a sufficiency claim where the appellant challenged the conclusion that "kissing of the victim's neck, without the victim's consent, constituted the touching of the 'sexual or other intimate parts' of the victim").

Appellant asserts that the statutory definition requires a minimum of three separate parties to the illicit transaction. A key component of this conclusion is the existence of 18 Pa.C.S. § 3013 (Patronizing a Victim of Sexual Servitude). Appellant reasons that Section 3013 criminalizes the "consumer" and therefore the statute at issue, Section 3011, is intended to punish someone else. Specifically, Appellant argues:

The language in the "sexual servitude" definition requires that there are three people. First, the minor whom the sex act is induced or obtained from. Second it requires the consumer; the one sought to be punished by § 3013. Thirdly, it requires the seller, who is "Individual" receiving the "anything of value".

Appellant's Brief at 24. Appellant concludes that this statute only applies to the "seller," *i.e.* a "pimp." **Id.** at 26 (arguing that the statute requires "a victim prostituting herself/himself with another person at the direction of perpetrator, commonly known as the pimp, and it is done without the victim's

consent”). Appellant broadly divides his argument into two parts, which we set forth separately.

The relevant “individual” in the term “sexual servitude”

Appellant first asserts that he is not the type of “individual” contemplated by the definition of “sexual servitude” as set forth in Section 3001. At the time of Appellant’s offenses, the General Assembly defined that term as follows:

“Sexual servitude.” Any sex act or performance involving a sex act for which anything of value is directly or indirectly given, promised to or received by any individual or which is performed or provided by any individual and is induced or obtained from:

(1) A minor.

(2) Any other individual by any of the means set forth in section 3012(b).

18 Pa.C.S. § 3001 (effective December 24, 2018 to February 11, 2024).⁶

Because a “performance” is not at issue, Appellant breaks “sexual servitude” down into two possibilities. The first is a “sex act for which anything of value is directly or indirectly given, promised to or received by any individual.” The second, indicated by the word “or” in the statute, is “a sex act which is performed and provided by any individual. **See** Appellant’s Brief at 19. Appellant opines that “[t]his definition is difficult to understand due to the use of ‘individual’ in the passive tense.” **Id.** Appellant then returns to

⁶ The statute now defines the term as: “A commercial sex act or a sex act which is performed or provided by any individual and is induced or obtained from: (1) A minor. (2) Any other individual by any of the means set forth in section 3012(b).” 18 Pa.C.S. § 3001.

Section 3011(a)(1), which he argues “has an implied actor.” **Id.** That actor “is on the receiving end of the transaction so there must be an actor providing the sex act.” **Id.** Appellant opines that the “implied actor” in Section 3011 is the pimp who arranges the illicit transaction and receives the “something of value” for doing so. **Id.**

Next, in a rather confusing segue, Appellant points to Section 3011(a)(2), which states that “[a] person commits a felony . . . of the first degree if the person knowingly benefits financially or receives anything of value from any act that facilitates any activity described in paragraph (1).” 18 Pa.C.S. § 3011. Appellant states that “a plain reading [of subsection (a)(2)] seems to imply that it is the sex act merely has to be performed [sic] and provided by someone, which would seem to be redundant because a ‘sex act’ does not become an act unless it is performed.” **Id.** This, in his view, raises “the question, does the same ‘individual’ have to do the ‘performed’ and the ‘provided’ in order to have criminal liability under this section?” **Id.** at 19-20. Appellant asks: “Who is the actor, or ‘individual’, the statute is seeking to punish, the person providing the ‘anything of value’ or the person receiving the ‘anything of value’? Or, is it both?” Appellant’s Brief at 20.

To answer his question, Appellant notes that “rules of statutory interpretation say that a statute must be read in context with reference to the entire statute as a whole.” **Id.** (citing **Watts Twp. Bd. of Auditors v.**

Raudensky, 200 A.3d 129, 135 (Pa. Commw. 2018)).⁷ Appellant then cites the separate crime of Patronizing a Victim of Sexual Servitude as relevant context for the proposition that Section 3011 does not apply to an individual like himself. Appellant argues that Section 3013 “seeks to punish those who are the consumers, or buyers, of sexual servitude.” **Id.** at 21. In his view, that distinct crime sheds light on the interpretation of Section 3011, in that its existence signals an intent to prohibit application of Section 3011 to a “consumer.” Appellant explains:

In other words, if we go back to the context of § 3011, the § 3013 actor is the person receiving the act or promise and provide[s] the “anything of value”, § 3011 must be seeking to punish those who are the “sellers,” or the person doing the giving, promising or providing of sexual servitude and receiving the “anything of value.”

Id. at 21-22.

Appellant also supports this reasoning with reference to Section 3011(a)(2), claiming that the provision is necessary “because there may be people who are not actively involved in the act of selling the sexual servitude but who benefit from someone else doing it.” **Id.** at 22. Additionally, he argues that “the use ‘subject to’ . . . also implies that the person sought to be punished by the statute is not the person who is receiving the sex act. If that were the intent of the legislature, they would have chosen a different word, for example, ‘engage’.” **Id.** at 25.

⁷ “Although the decisions of the Commonwealth Court are not binding upon this Court, they may serve as persuasive authority.” **Commonwealth v. Rodriguez**, 81 A.3d 103, 107 n.7 (Pa. Super. 2013).

The remaining portions of “sexual servitude”

Appellant next argues that other portions of the “sexual servitude” definition do not apply to him. For ease of reference, we requote the definition.

“Sexual servitude.” Any sex act or performance involving a sex act for which anything of value is directly or indirectly given, promised to or received by any individual or which is performed or provided by any individual and is induced or obtained from:

(1) A minor.

(2) Any other individual by any of the means set forth in section 3012(b).

18 Pa.C.S. § 3001 (effective December 24, 2018 to February 11, 2024).

Appellant suggests that “‘performed and provided by an individual’ must mean something other than the sex act itself or the definition would be duplicative.” Appellant’s Brief at 27. “In addition, because in the larger definition it is followed by ‘induced or obtained from (1) a minor’, the individual doing the ‘performed and provided’ must be a different person than the minor.” **Id.** Appellant again maintains that there must be a third person involved:

The key term in the sentence is “provided”. This implies that there are three participants in this crime. The first person is the minor; the victim of the crime. The second is the party receiving the sex act, again punished under § 3013. The third person providing the sex act.

Id. at 27-28.

Developing this point further, Appellant argues that absurd results follow if this “three participant” scheme is not applied. Appellant cites four sexual

crimes which he argues would have encompassed his conduct and submits that affirming his convictions “would be an absurd result because then there is no reason for any of the above crimes.” *Id.* at 31.

Analysis

“When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.” 1 Pa.C.S. § 1921(b). Thus, our task is simply to determine whether the plain language employed by the General Assembly unambiguously applies. “If the plain language is clear and unambiguous, that unambiguous interpretation controls.” *Commonwealth v. Strunk*, 325 A.3d 530, 534 (Pa. 2024) (citation omitted). “A statute is ambiguous when there are at least two reasonable interpretations of the text under review.” *Commonwealth v. Green*, 291 A.3d 317, 328 (Pa. 2023).

Appellant does not present his textual analysis in terms of whether the statute is ambiguous and thus does not concede that there are two reasonable interpretations of the text.⁸ Indeed, the bulk of Appellant’s argument reasons backwards: Appellant begins with the conclusion that the General Assembly must have intended this statute to punish third-party “pimps” and fashions an interpretation of the text that supports the conclusion. Thus, Appellant arguably does not discern any ambiguity at all. *See* Appellant’s Brief at 26

⁸ His brief mentions ambiguity only once. Appellant’s Brief at 25 (“[W]here ambiguity exists in the language of a penal statute, such language should be interpreted in the light most favorable to the accused.”).

(“This statute was designed to, **and the definition supports**, who [sic] has a victim prostituting herself/himself with another person at the direction of perpetrator, commonly known as the pimp[.]”) (emphasis added).

We conclude that a plain language interpretation of this statute establishes that the Commonwealth presented sufficient evidence of his guilt. Appellant’s argument fails to account for the fact the General Assembly chose the language “any individual” in the Section 3001 definition of “sexual servitude.” The modifier “any” means just that: **any** individual.

Appellant concedes that the Commonwealth presented sufficient evidence to satisfy everything up to “subject to sexual servitude.” Appellant’s Brief at 18 (“[T]he evidence produced at trial could support a jury’s determination that the Appellant recruited, enticed or solicited at least some [of] the girls to do something.”).⁹ Continuing, the crime punishes the “person” who, among other possibilities, recruits, entices, or solicits **an** individual, if the person knows or recklessly disregards that **the** individual will be subject to sexual servitude. The individual(s) at issue are the eight victims. Turning to Section 3001, the Commonwealth had to establish that Appellant knew the individual victims would be “subject to” the following:

⁹ Appellant argues that two of the victims “testified that they were the ones who suggested that they provide sexual favors for free marijuana.” Appellant’s Brief at 18. This suggests that the evidence may not be sufficient as to those two counts. However, Appellant presents a global challenge in that his argument requires we either affirm or discharge all eight convictions with no middle ground.

“Sexual servitude.” Any sex act or performance involving a sex act for which anything of value is directly or indirectly given, promised to or received by **any individual** [or which is performed or provided by any individual] and is induced or obtained from:

(1) A minor.

(2) Any other individual by any of the means set forth in section 3012(b).

18 Pa.C.S. § 3001 (effective December 24, 2018 to February 11, 2024) (emphasis and brackets added).¹⁰

The phrase “any individual” contains no nuance. Appellant knew that the minor female victims would be “subject to [a]ny sex act” when Appellant convinced them to accept marijuana in exchange for those acts. The minor female victims simultaneously were “any individual” who received “something of value” in exchange for the sex acts. While Appellant maintains that “[t]his definition is difficult to understand because of the use of ‘individual’ in the passive tense,” Appellant’s Brief at 19, a difficulty arises only if we presume that the General Assembly did not intend for this result. Even if we were convinced that is true, we may not pursue the spirit in contradiction of the clear text. 1 Pa.C.S. § 1921(b).

Finally, we decline to credit Appellant’s argument that the “context” supports his reading, specifically his multiple references to Section 3013, the crime of Patronizing a Victim of Sextual Servitude. Context is, of course,

¹⁰ We have bracketed this language because Appellant’s brief also addresses the “or which is performed or provided by any individual” language. We have no need to discuss this language, because the first part of the definition applies to his conduct.

important since “we interpret statutory language not in isolation, but with reference to the context in which it appears.” ***Commonwealth v. Kingston***, 143 A.3d 917, 922 (Pa. 2016). “Even unambiguous language must be viewed in context.” ***City of Philadelphia v. J.S.***, 353 A.3d 566, 574 n.14 (Pa. 2026) (citation omitted). We view “the language in its context as part of the overall statutory scheme.” ***Commonwealth v. Giulian***, 141 A.3d 1262, 1269 (Pa. 2016).

We do not agree that Section 3013 supplies “context” for our analysis of Section 3011 and the definition of “sexual servitude.” A contextual analysis ensures that courts do not look to provisions in isolation. “So when deciding whether the language is plain, we must read the words in their context and with a view to their place in the overall statutory scheme. Our duty, after all, is to construe statutes, not isolated provisions.” ***Sivick v. State Ethics Comm’n***, 238 A.3d 1250, 1264 (Pa. 2020) (quoting ***King v. Burwell***, 576 U.S. 473, 486 (2015) (cleaned up)). We agree that Section 3013 is part of the “overall statutory scheme” as both are codified under Subchapter B (“Prosecution of Human Trafficking”) of Chapter 30 of the Crimes Code (“Human Trafficking”). However, Appellant’s “contextual” analysis does not look to any specific provision of Section 3013 to shed light on the plain language interpretation of “sexual servitude” to determine whether an ambiguity is present, such that we may then consider other indicators of legislative intent. Instead, he skips directly to arguing that the mere existence

of Section 3013 proves that Section 3011 cannot apply. This is a conclusory analysis, not a contextual one.

In any event, we do not agree that Section 3013 helps Appellant. Appellant insists that the statute exists to penalize the “consumer” of trafficked victims and thus demonstrates that Section 3011 cannot simultaneously punish the “consumer.” Appellant does not explain why multiple punishments would be inconsistent with legislative intent; in fact, his “absurdity” argument argues that several other provisions of the Crimes Code would apply to his conduct. It is not clear why Appellant concludes those provisions all apply but not these two.

More importantly, Appellant overlooks that the facts establish that he acted as **both** “pimp” and “consumer.” Therefore, even accepting *arguendo* that the General Assembly intended for Section 3011 to require a “third party” in the form of a “pimp,” nothing in the statute precludes a determination that one person served both roles. Indeed, the language “any individual” may well have been chosen by the General Assembly to specifically account for a fact pattern like this one where an individual entices minors to trade sex acts for something of value, and then becomes the “customer.”

Relatedly, Appellant’s point that the General Assembly could have used different words to more clearly signal its intent is beside the point. Statutory interpretation does not proceed by imagining the best phrasing and then comparing the version chosen to that ideal. The wisdom of that approach is borne out by observing the General Assembly—if Appellant’s theory is

correct—could have written “an individual other than an individual performing the sex act or performance involving a sex act.” We would not reject Appellant’s claim on the basis it did not use that language. In all cases, we must interpret the words used. Because those words are unambiguous, we reject Appellant’s challenge to the sufficiency of the evidence.

II.

Constitutional claim

Appellant’s second claim is that Section 3011 is “unconstitutionally vague as applied.” Appellant’s Brief at 39. Appellant notes that “conduct which meets [Trafficking in Individuals] also meets the definition of several other statutes.” *Id.* Appellant then discusses the Section 3001 definition of “sex act.” In support of his claim, he argues:

This is a broad definition of a sex act which makes sense given the context of attempting to stop people from selling victims without their consent. However, if we are to apply it to the Appellant’s conduct, where he did not attempt to sell the victims to a third party, the[n] it become[s] unconstitutionally vague.

As more fully described earlier, this definition leaves out the “anything of value”, so it encompasses any effort to get a minor to engage in a sex act and that sex act includes any touching or exposure of intimate parts. This would encompass many acts that reason would dictate could not be classified as human trafficking[.]

Id. at 40.

“The concept of unconstitutional vagueness arises from due process norms.” ***Commonwealth v. Herman***, 161 A.3d 194, 204 (Pa. 2017).

“Where, as here, a vagueness challenge does not involve First Amendment

freedoms, it is examined in the light of the facts of the case at hand, and the statute is judged on an as-applied basis.” **Id.** (cleaned up). The “inquiry is whether the law forbids or requires the doing of an act in terms so vague that persons of common intelligence must necessarily guess at its meaning and differ as to its application.” **Id.** (cleaned up).

While this does not appear to be a vagueness challenge at all because Appellant is simply reframing his statutory argument, we first address the Commonwealth’s argument that the claim has been waived. The Commonwealth acknowledges that the trial court did not order Appellant to file a Rule 1925(b) statement, but submits that the claim would be waived even if raised in that document. **See** Commonwealth’s Brief at 16 (quoting **Commonwealth v. Strunk**, 953 A.2d 577, 579 (Pa. Super. 2008) (explaining that “[e]ven issues of constitutional dimension cannot be raised for the first time on appeal”)). We agree. In **Commonwealth v. Muniz**, 164 A.3d 1189, 1195 n.7 (Pa. 2017), **abrogated by Commonwealth v. Santana**, 266 A.3d 528 (Pa. 2021), our Supreme Court agreed with the Commonwealth that the appellant “waived his argument that [a statute] violates the reputation clause of the Pennsylvania Constitution” and stated that this Court had “correctly concluded the issue was waived because it was not raised in [the] appellant’s post-sentence motion, and [the] appellant has not raised an independent reputation clause claim before this Court.”

In **Commonwealth v. Talley**, 236 A.3d 42, 50 (Pa. Super. 2020), the appellant “first raised his procedural and substantive due process claims in his

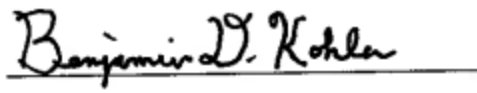
. . . concise statement, which he filed after his notice of appeal.” This Court found the claim waived, as the appellant “never raised these federal constitutional challenges in his original motion for nominal bail, the hearing on that motion, his motion for reconsideration, or at argument on the reconsidered motion.” ***Id.***¹¹

Here, Appellant filed post-sentence motions but failed to raise the constitutional claim he now raises on appeal. We agree with the Commonwealth that the issue has been waived due to his failure to present the issue to the trial court. The constitutional challenge could have been raised in the post-sentence motion, and in fact could have been raised before trial. ***See Herman***, 161 A.3d at 200 (addressing the Commonwealth’s appeal from order granting the appellant’s pre-trial motion raising void-for-vagueness challenge). ***Cf. Commonwealth v. Arnold***, 284 A.3d 1262, 1269 (Pa. Super. 2022) (disagreeing with the trial court’s conclusion that constitutional claim raised in concise statement was not raised with adequate specificity, as the appellant raised those claims during trial and he “further distilled and preserved his claim that both the statute and jury instructions violated his due process rights in his post-sentence motion”). For these reasons, Appellant is not entitled to relief. Accordingly, we affirm.

Judgment of sentence affirmed.

¹¹ Our Supreme Court granted the appellant’s petition for allowance of appeal, but the appellant did not challenge that waiver holding. ***Talley***, 265 A.3d at 505 n.7.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is written over a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

DATE: 8/18/2026