NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

IN RE: QUANN MICHAEL WASHINGTON	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
APPEAL OF: QUANN MICHAEL WASHINGTON	:	No. 1344 MDA 2025

Appeal from the Order Entered September 4, 2025
In the Court of Common Pleas of York County Criminal Division at No(s): CP-67-MD-0000820-2013

BEFORE: KUNSELMAN, J., McLAUGHLIN, J., and BENDER, P.J.E.

MEMORANDUM BY McLAUGHLIN, J.: **FILED: AUGUST 19, 2026**

Quann Michael Washington appeals from the order holding him in contempt and imprisoning him for failure to pay court-ordered fines and costs. We affirm in part and vacate and remand in part.

Washington was ordered to pay court costs in a series of criminal cases over a period of years. Relevant to this appeal, on August 1, 2024, Washington appeared for his 15th cost contempt hearing. The court ordered Washington to pay $135 per month, maintain employment for six months and not leave employment without having established other gainful employment, obtain a sponsor and attend AA meetings for the next six months, and contact the Public Defender for a mental health evaluation within 60 days and follow all recommendations. ***See*** Order, 8/1/24.

One year later, in August 2025, the York County Clerk of Courts filed a petition for contempt alleging that Washington had failed to comply with the

August 1, 2024 order. The court held a hearing on the petition on September 4, 2025, and found Washington was in willful violation of the August 1, 2024 order because he had failed to make any payments since September 1, 2024, maintain employment or obtain other gainful employment, obtain a sponsor and attend AA meetings, and complete a mental health evaluation. ***See*** N.T., 9/4/25, at 21-22. The court ordered Washington to serve six months' incarceration for contempt subject to a purge condition of paying $1,620 and completing a mental health evaluation. This appeal followed.

Washington raises the following issues:

> [1.] Did the lower court abuse its discretion in finding Quann Washington in contempt on three grounds where any such violations of the order in question were not willful because Washington's nonpayment was due to his indigency, his unemployment resulted from losing his job after he was arrested, and his failure to seek a mental health evaluation was through no fault of his own?
>
> [2.] Did the lower court abuse its discretion in setting the cash purge component of Washington's contempt judgment and sentence where there was no evidentiary basis for concluding that, beyond a reasonable doubt, Washington had the present ability to pay $1,620 and thus avoid incarceration?

Washington's Br. at 4.

We review an order imposing sanctions on a finding of contempt for an abuse of discretion. ***Commonwealth v. Bowden***, 838 A.2d 740, 761 (Pa. 2003). "Discretion is abused when the course pursued represents not merely an error of judgment, but where the judgment is manifestly unreasonable or

where the law is not applied or where the record shows that the action is a result of partiality, prejudice, bias or ill will." ***Id.*** at 762 (citation omitted).

Washington was found to be in indirect civil contempt. ***See*** Trial Court Opinion, filed 11/10/25, at 4. "The purpose of a civil contempt order is to coerce the contemnor to comply with a court order." ***Hyle v. Hyle***, 868 A.2d 601, 604 (Pa.Super. 2005). To find someone to be in civil contempt, three elements must be met: "(1) that the contemnor had notice of the specific order or decree which he is alleged to have disobeyed; (2) that the act constituting the contemnor's violation was volitional; and (3) that the contemnor acted with wrongful intent." ***Hanbicki v. Leader***, 294 A.3d 1234, 1241 (Pa.Super. 2023) (citation omitted). "If the alleged contemnor is unable to perform and has, in good faith, attempted to comply with the court order, then contempt is not proven." ***Cunningham v. Cunningham***, 182 A.3d 464, 471 (Pa.Super. 2018). "The contemnor has the burden to prove the affirmative defense that he lacks the ability to comply." ***Id.*** "The defense of impossibility of performance is available to a party in a contempt proceeding if the impossibility to perform is not due to the actions of that party." ***Id.***

The Sentencing Code sets forth specific procedures for when a defendant defaults in payment of a fine, court costs, or restitution. It provides "[i]f a defendant defaults in the payment of court costs, restitution or fines after imposition of sentence," the court "may conduct a hearing to determine whether the defendant is financially able to pay." 42 Pa.C.S.A. § 9730(b)(1). If the court "determines that the defendant is financially able to pay the costs,

restitution or fine, [it] may enter an order for wage attachment, turn the delinquent account over to a private collection agency or impose imprisonment for nonpayment, as provided by law." 42 Pa.C.S.A. § 9730(b)(2). "Before an offender can be confined solely for nonpayment of financial obligations he or she must be given an opportunity to establish inability to pay." ***Commonwealth v. Smetana***, 191 A.3d 867, 871 (Pa.Super. 2018) (citation omitted, emphasis removed).

Here, Washington does not dispute that he had notice of the August 1, 2024 order and that he did not make the monthly payments. Rather, he argues that his conduct was not willful because he had the inability to pay. Washington's Br. at 14. While he acknowledges that the court made findings as to his inability to pay, he maintains that those findings did not support the contempt judgment. ***Id.*** at 16. Washington points to his testimony at the contempt hearing, in which he told the court that he had no money at the time of the hearing, was involuntarily let go from his job, was facing eviction, and was taking care of his teenage son and ailing mother. ***Id.*** at 16-19. He further argues that although he did not complete a mental health evaluation, he attempted to seek one when he went to the Public Defender's Office. ***Id.*** at 19.

The trial court found that because Washington left his job, was not diligent in his job search, and unemployed by choice, he willfully failed to pay his fines and costs. N.T. at 21; Trial Ct. Op. at 2, 6.

Our review of the record supports the trial court's finding of contempt. As the court observed, Washington had had 15 prior cost contempt hearings before the instant case. N.T. at 14. Washington was incarcerated from August 14, 2024 until August 28, 2024. ***Id.*** at 6. He then worked at South County Brewery for nine days before being arrested again. ***Id.*** at 6, 9-10. After he was released from jail after serving another two weeks, he did not seek employment. ***Id.*** at 9-10. Washington made one payment for $135 when he was employed at South County Brewery, effective September 1, 2024. ***Id.*** at 11-12. Washington testified that he did not seek employment because he was caring for his ailing mother. ***Id.*** at 10. The record further indicates that Washington failed to complete a mental health evaluation and attend AA meetings. ***Id.*** at 7-8, 13. We therefore find sufficient evidence that Washington willfully failed to pay his fines and costs in contravention of the August 1, 2024 order.

Washington next argues that the court erred in setting the purge condition because there was no evidence that he had the present ability to pay $1,620. He maintains that there was no evidence that he had any money at the time of the hearing. Washington's Br. at 26. Rather, he points out that the evidence was that he was unemployed and facing eviction and thus had the present inability to satisfy the purge. ***Id.*** at 25-26. We agree.

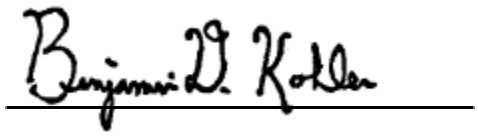
"[T]he trial court must set the conditions for a purge in such a way as the contemnor has the **present ability** to comply with the order." ***Hyle***, 868 A.2d at 605 (emphasis in original). "[A] court may not convert a coercive

sentence into a punitive one by imposing conditions that the contemnor cannot perform and thereby purge himself of the contempt." ***Id.*** at 606 (citation omitted; alteration in original). If an appellant's ability to comply with the purge set by the court can only occur sometime in the future, the purge condition should be vacated. ***Id.*** at 605.

Here, immediately after the court announced the purge in the amount of $1,620, Washington stated, "I don't think that we have that. I have $1,000 maybe." N.T. at 25. There is no evidence in the record that Washington had the present ability to pay the purge amount of $1,620. We therefore vacate the contempt order directing payment of $1,620 and remand for the trial court to determine what conditions will be sufficiently coercive yet enable Washington to comply with the order. ***See Hyle***, 868 A.2d at 606.

Order affirmed in part and vacated in part. Case remanded for further proceedings consistent with this memorandum. Jurisdiction relinquished.

Judgment Entered.



Benjamin D. Kohler, Esq.
Prothonotary

Date: 8/19/2026