



CAPTION

Commonwealth of Pennsylvania, Appellant

v.

Joseph Dean Butler, Appellee

CASE INFORMATION

Initiating Document: Order Granting Petition for Allowance of Appeal

Case Status: Closed

Journal Number: J-89-2019 October 16, 2019

Case Category: Criminal

Case Type(s): Involuntary Deviate Sexual Conduct
Corruption of Minors

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Attorney: Morris, Carson Blythe
 Pennsylvania Office of Attorney General
 Address: PA Office of Attorney General
 Strawberry Sq Fl 16
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 Receive Mail: Yes
 Representing: Commonwealth of Pennsylvania, Appellant
 Pro Se: No
 IFP Status:

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 Address: Pennsylvania Attorney General's Office
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 Receive Mail: Yes
 Representing: Commonwealth of Pennsylvania, Appellant
 Pro Se: No
 IFP Status:



COUNSEL INFORMATION

Attorney: Smith, Joseph Leonard
 Butler County Public Defender's Office
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 Butler, PA 16003
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 Representing: Butler, Joseph Dean, Appellee
 Pro Se: No
 IFP Status:

Attorney: Barna, Terence Jon
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 Representing: Crimewatch Technologies, Inc., Amicus Curiae
 Pro Se: No
 IFP Status:

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 Mechanicsburg, PA 17050
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 Representing: PA Office of Victim Advocate, Amicus Curiae
 Pro Se: No
 IFP Status:

Attorney: Estrella, Suzanne V.
 Pennsylvania Coalition Against Rape
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 Receive Mail: Yes
 Representing: Pennsylvania Coalition Against Rape, Amicus Curiae
 Pro Se: No
 IFP Status:



COUNSEL INFORMATION

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 Receive Mail: Yes
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 Representing: Crimewatch Technologies, Inc., Amicus Curiae
 Pro Se: No
 IFP Status:

SUPREME COURT INFORMATION

Appeal From: the Order of the Superior Court entered October 31, 2017 at No. 1225 WDA 2016, reversing the Judgment of Sentence of the Court of Common Pleas of Butler County dated August 4, 2016 at No. CP-10-CR-0001538-2014 and remanding.

Probable Jurisdiction Noted: Docketed Date: July 31, 2018
 Allocatur/Miscellaneous Granted: July 31, 2018 Allocatur/Miscellaneous Docket No.: 47 WAL 2018
 Allocatur/Miscellaneous Grant Order: AND NOW, this 31st day of July, 2018, the Petition for Allowance of Appeal is GRANTED. The issue, as stated by Petitioner, is as follows:

Whether the Superior Court of Pennsylvania erred in vacating the trial court's Order finding [Respondent] to be [a Sexually Violent Predator ("SVP")] by extrapolating the decision in [Commonwealth v. Muniz, 164 A.3d 1189 (Pa. 2017),] to declare SVP hearings and designations unconstitutional under 42 Pa.C.S. § 9799.24(e)(3).

The Prothonotary is directed to provide notice of this Order to the Attorney General, who is invited to participate as an amicus curiae.

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
11/06/2018	2nd Motion for Extension of Time	10.00	11/06/2018	2018-SUP-W-002474	10.00
12/06/2018	3rd Motion for Extension of Time	25.00	12/06/2018	2018-SUP-W-002818	25.00
01/08/2019	nth Motion for Extension of Time	25.00	01/08/2019	2019-SUP-W-000056	25.00

INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Superior Docket Number: 1225 WDA 2016
 Date of Order: October 31, 2017 Rearg/Recon Disp Date: January 3, 2018
 Rearg/Recon Disposition: Denied
 Judge(s): Bender, John T.
 Olson, Judith F.
 Stabile, Victor P.
 Intermediate Appellate Court Action: Judgment of Sentence Reversed. Case Remanded.
 Referring Court:

AGENCY/TRIAL COURT INFORMATION

Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 25 WAP 2018

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March 8, 2021

Court Below: Butler County Court of Common Pleas
 County: Butler Division: Butler County Criminal Division
 Date of Agency/Trial Court Order: August 4, 2016
 Docket Number: CP-10-CR-0001538-2014
 Judge(s): Shaffer, William R. OTN: T 493151-1
 Order Type: Judgment of Sentence

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Transcript(s)		Five
Original Record	August 03, 2018	2 Parts and Superior Court Opinion

Record Remittal: June 24, 2020

BRIEFING SCHEDULE

Amicus Curiae		Appellee	
Crimewatch Technologies, Inc.		Butler, Joseph Dean	
Brief		Brief	
Due: January 25, 2019	Filed: January 24, 2019	Due: March 29, 2019	Filed: March 26, 2019

PA Office of Victim Advocate
Brief
 Due: January 25, 2019 Filed: January 25, 2019

Pennsylvania Coalition Against Rape
Brief
 Due: January 25, 2019 Filed: January 25, 2019

Appellant
Commonwealth of Pennsylvania
Brief
 Due: January 25, 2019 Filed: January 25, 2019

Reply Brief
 Due: April 12, 2019 Filed: April 3, 2019

Reproduced Record
 Due: January 25, 2019 Filed: January 25, 2019

REARGUMENT / RECONSIDERATION / REMITTAL

Filed Date:
 Disposition: Date:
 Reargument Order:
 Record Remittal: June 24, 2020

SESSION INFORMATION



SESSION INFORMATION

Journal Number: J-89-2019
 Listed/Submitted Date: October 16, 2019
 Consideration Type: Oral Argument Supreme Ct.

DISPOSITION INFORMATION

Related Journal No:		Judgment Date:	March 26, 2020
Category:	Decided	Disposition Author:	Dougherty, Kevin M.
Disposition:	Reversed/Remanded	Disposition Date:	March 26, 2020
Dispositional Filing:	Majority Opinion	Author:	Dougherty, Kevin M.
Filed Date:	March 26, 2020		
Justice:	Saylor, Thomas G.	Vote:	Join Majority Opinion
Justice:	Baer, Max	Vote:	Join Majority Opinion
Justice:	Todd, Debra	Vote:	Join Majority Opinion
Justice:	Donohue, Christine	Vote:	Join Majority Opinion
Justice:	Wecht, David N.	Vote:	Join Majority Opinion
Dispositional Filing:	Concurring Opinion	Author:	Mundy, Sallie
Filed Date:	March 26, 2020		

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
July 31, 2018	Allocatur Granted		Per Curiam
<p>Comments: AND NOW, this 31st day of July, 2018, the Petition for Allowance of Appeal is GRANTED. The issue, as stated by Petitioner, is as follows:</p> <p>Whether the Superior Court of Pennsylvania erred in vacating the trial court's Order finding [Respondent] to be [a Sexually Violent Predator ("SVP")] by extrapolating the decision in [Commonwealth v. Muniz, 164 A.3d 1189 (Pa. 2017),] to declare SVP hearings and designations unconstitutional under 42 Pa.C.S. § 9799.24(e)(3).</p> <p>The Prothonotary is directed to provide notice of this Order to the Attorney General, who is invited to participate as an amicus curiae.</p>			
August 3, 2018	Trial Court Record Received		Butler County Criminal Division
August 7, 2018	Praecepte for Appearance		
	Office of Attorney General	Amicus Curiae	Kirkpatrick, Sean Andrew
September 6, 2018	Application for Extension of Time to File Brief - First Request		
		Appellant	Commonwealth of Pennsylvania



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 7, 2018	Order Granting Application for Extension of Time to File Brief and Reproduced Record		Vaskov, John A.
Comments: AND NOW, this 7th day of September, 2018, the application for extension of time is granted. The Appellant's brief and reproduced record shall be served and filed on or before November 13, 2018.			
September 7, 2018	Order Exited		Office of the Prothonotary
November 2, 2018	Praeipce for Appearance Commonwealth of Pennsylvania	Appellant	Morris, Carson Blythe
November 6, 2018	Application for Extension of Time to File Brief - Second Request	Appellant	Commonwealth of Pennsylvania
November 6, 2018	Order Granting Application for Extension of Time to File Brief and Reproduced Record		Vaskov, John A.
Comments: AND NOW, this 6th day of November, 2018, the application for extension of time is granted. The Appellant's brief and reproduced record shall be served and filed on or before December 13, 2018.			
November 6, 2018	Order Exited		Office of the Prothonotary
November 7, 2018	Praeipce for Withdrawal of Appearance Commonwealth of Pennsylvania	Appellant	Schultz, Terri M.
December 6, 2018	Application for Extension of Time to File Brief - Third Request	Appellant	Commonwealth of Pennsylvania
December 6, 2018	Order Granting Application for Extension of Time to File Brief and Reproduced Record		Vaskov, John A.
Comments: AND NOW, this 6th day of December, 2018, the application for extension of time is granted. The Appellant's brief and reproduced record shall be served and filed on or before January 11, 2019.			
December 6, 2018	Order Exited		Office of the Prothonotary
January 8, 2019	Application for Extension of Time to File Brief Fourth Request	Appellant	Commonwealth of Pennsylvania
January 8, 2019	Order Granting Fourth Application for Extension of Time to File Appellant Brief		Vaskov, John A.
Comments: AND NOW, this 8th day of January, 2019, the application for extension of time is granted. The Appellant's brief and reproduced record shall be served and filed on or before January 25, 2019. No further requests for extension on the part of the Appellant will be entertained.			
January 11, 2019	Praeipce for Appearance Pennsylvania Coalition Against Rape	Amicus Curiae	Estrella, Suzanne V.



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
January 24, 2019	Amicus Curiae Brief	Amicus Curiae	Crimewatch Technologies, Inc.
January 25, 2019	Amicus Curiae Brief	Amicus Curiae	PA Office of Victim Advocate
January 25, 2019	Application to Exceed Page/Word Limitations	Appellant	Commonwealth of Pennsylvania
January 25, 2019	Appellant's Reproduced Record Filed	Appellant	Commonwealth of Pennsylvania
January 25, 2019	Appellant's Reproduced Record Filed	Appellant	Commonwealth of Pennsylvania
January 25, 2019	Order Granting Application to Exceed Page/Word Limitations		Vaskov, John A.
Comments: AND NOW, this 25th day of January, 2019, the "Unopposed Application to Exceed Word Limitations" is granted.			
January 25, 2019	Order Exited		Office of the Prothonotary
January 25, 2019	Appellant's Brief	Appellant	Commonwealth of Pennsylvania
January 25, 2019	Appellant's Brief	Appellant	Commonwealth of Pennsylvania
January 25, 2019	Amicus Curiae Brief	Amicus Curiae	Pennsylvania Coalition Against Rape
February 22, 2019	Application for Extension of Time to File Brief - First Request	Appellee	Butler, Joseph Dean
February 22, 2019	Order Granting Application for Extension of Time to File Appellee Brief		Vaskov, John A.
Comments: AND NOW, this 22nd day of February, 2019, the application for extension of time is granted in part. The Appellee's brief shall be served and filed on or before March 29, 2019.			
February 22, 2019	Order Exited		Office of the Prothonotary
March 26, 2019	Appellee's Brief	Appellee	Butler, Joseph Dean
April 3, 2019	Appellant's Reply Brief	Appellant	Commonwealth of Pennsylvania
September 4, 2019	Acknowledgement of Argument Notice Butler, Joseph Dean	Appellee	Smith, Joseph Leonard



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 17, 2019	Acknowledgement of Argument Notice Commonwealth of Pennsylvania	Appellant	Morris, Carson Blythe
October 16, 2019	Argued Commonwealth of Pennsylvania Butler, Joseph Dean	Appellant Appellee	Morris, Carson Blythe Smith, Joseph Leonard
March 26, 2020	Reversed/Remanded		Dougherty, Kevin M.
Comments: Accordingly, we reverse the order of the Superior Court vacating the trial court's SVP order and remand for consideration of appellee's claims that were raised and not addressed below.			
Chief Justice Saylor and Justices Baer, Todd, Donohue and Wecht join this opinion. Justice Mundy files a concurring opinion.			
March 26, 2020	Judgment Entered		Office of the Prothonotary
June 24, 2020	Remitted		Office of the Prothonotary
July 6, 2020	Acknowledgement of Record Remittal		Butler County Criminal Division

CROSS COURT ACTIONS

Docket Number: 1225 WDA 2016
Docket Number: 47 WAL 2018