

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 25 WAP 2018

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March 29, 2024

## 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  
 Harrisburg, PA 17120  
 Phone No: (267) 978-6992  
 Receive Mail: Yes  
 Representing: Commonwealth of Pennsylvania, Appellant  
 Pro Se: No  
 IFP Status:

Attorney: Eisenberg, Ronald  
 Pennsylvania Office of Attorney General  
 Address: Pennsylvania Attorney General's Office  
 1600 Arch St  
 Philadelphia, PA 19103  
 Phone No: (267) 940-6676  
 Receive Mail: Yes  
 Representing: Commonwealth of Pennsylvania, Appellant  
 Pro Se: No  
 IFP Status:

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## COUNSEL INFORMATION

Attorney: Smith, Joseph Leonard  
 Butler County Public Defender's Office  
 Address: Butler Co Pd's Office  
 124 W Diamond St  
 Butler, PA 16003  
 Phone No: (724) 284-5335  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Butler, Joseph Dean, Appellee  
 Pro Se: No  
 IFP Status:

Attorney: Barna, Terence Jon  
 Benn Law Firm  
 Address: 103 E Market St  
 York, PA 17401-1277  
 Phone No: (717) 852-7020  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Crimewatch Technologies, Inc., Amicus Curiae  
 Pro Se: No  
 IFP Status:

Attorney: Diggs, Khadija Tamu  
 Department of Corrections  
 Address: Pa Department Of Corrections  
 1920 Technology Pkwy 3rd Fl  
 Mechanicsburg, PA 17050  
 Phone No: (717) 728-4716  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: PA Office of Victim Advocate, Amicus Curiae  
 Pro Se: No  
 IFP Status:

Attorney: Estrella, Suzanne V.  
 Pennsylvania Coalition Against Rape  
 Address: 2101 N Front St Governors Plz N Bldg 2  
 2101 N Front St Bldg 2  
 Harrisburg, PA 17110  
 Phone No: (717) 728-9740  
 Receive Mail: Yes  
 Representing: Pennsylvania Coalition Against Rape, Amicus Curiae  
 Pro Se: No  
 IFP Status:

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## COUNSEL INFORMATION

Attorney: Benn, Niles  
 Benn Law Firm  
 Address: 103 E Market St Ste 1  
 York, PA 17401-1277  
 Phone No: (717) 852-7020  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 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

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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****Crimewatch Technologies, Inc.****Brief**

Due: January 25, 2019 Filed: January 24, 2019

**Appellee****Butler, Joseph Dean****Brief**

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

## SESSION INFORMATION

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

## DISPOSITION INFORMATION

Related Journal No: J-89-2019 Judgment Date: March 26, 2020

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## DISPOSITION INFORMATION

Category:	Decided	Disposition Author:	Dougherty, Kevin M.
Disposition:	Reversed/Remanded	Disposition Date:	March 26, 2020
Dispositional Filing:	<b>Majority Opinion</b>	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:	<b>Concurring Opinion</b>	Author:	Mundy, Sallie U.
Filed Date:	March 26, 2020		

## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>July 31, 2018</b>	<b>Allocatur Granted</b>		Per Curiam
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:  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.			
<b>August 3, 2018</b>	<b>Trial Court Record Received</b>		Butler County Criminal Division
<b>August 7, 2018</b>	<b>Praeceptum for Appearance</b>		
	Office of Attorney General	Amicus Curiae	Kirkpatrick, Sean Andrew
<b>September 6, 2018</b>	<b>Application for Extension of Time to File Brief - First Request</b>		
		Appellant	Commonwealth of Pennsylvania
<b>September 7, 2018</b>	<b>Order Granting Application for Extension of Time to File Brief and Reproduced Record</b>		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.

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## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 7, 2018	Order Exited		Office of the Prothonotary
November 2, 2018	<b>Praeipce for Appearance</b> Commonwealth of Pennsylvania	Appellant	Morris, Carson Blythe
November 6, 2018	<b>Application for Extension of Time to File Brief - Second Request</b>	Appellant	Commonwealth of Pennsylvania
November 6, 2018	<b>Order Granting Application for Extension of Time to File Brief and Reproduced Record</b>		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	<b>Praeipce for Withdrawal of Appearance</b> Commonwealth of Pennsylvania	Appellant	Schultz, Terri M.
December 6, 2018	<b>Application for Extension of Time to File Brief - Third Request</b>	Appellant	Commonwealth of Pennsylvania
December 6, 2018	<b>Order Granting Application for Extension of Time to File Brief and Reproduced Record</b>		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	<b>Application for Extension of Time to File Brief Fourth Request</b>	Appellant	Commonwealth of Pennsylvania
January 8, 2019	<b>Order Granting Fourth Application for Extension of Time to File Appellant Brief</b>		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	<b>Praeipce for Appearance</b> Pennsylvania Coalition Against Rape	Amicus Curiae	Estrella, Suzanne V.
January 24, 2019	<b>Amicus Curiae Brief</b>	Amicus Curiae	Crimewatch Technologies, Inc.
January 25, 2019	<b>Amicus Curiae Brief</b>	Amicus Curiae	PA Office of Victim Advocate

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Filed Date	Docket Entry / Representing	Participant Type	Filed By
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
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

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## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>March 26, 2020</b>	<b>Reversed/Remanded</b>		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.			
<b>March 26, 2020</b>	<b>Judgment Entered</b>		Office of the Prothonotary
<b>June 24, 2020</b>	<b>Remitted</b>		Office of the Prothonotary
<b>July 6, 2020</b>	<b>Acknowledgement of Record Remittal</b>		Butler County Criminal Division

## CROSS COURT ACTIONS

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