

Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 41 MAP 2019

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March 8, 2021

CAPTION

In re: H.R., a minor

Appeal of: H.R., a minor

CASE INFORMATION

Initiating Document: Order Granting Petition for Allowance of Appeal

Case Status: Closed

Journal Number: J-102-2019 November 20, 2019

Case Category: Civil Case Type(s): Other
Constitutionality of Statute

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Attorney: Deschler, Matthew James
Littner, Deschler & Littner

Address: Littner Deschler & Littner
512 N New St
Bethlehem, PA 18018-5707

Phone No: (610) 865-6770

Receive Mail: Yes

Receive EMail: Yes

Representing: H.R., a minor, Appellant

Pro Se: No

IFP Status: Pa.R.A.P. 551

Email:

Attorney: Shulman, Joshua David
Northampton County

Address: Shulman Law Office Pc
1935 Center St
Northampton, PA 18067

Phone No: (610) 261-9000

Receive Mail: Yes

Representing: Northampton County Solicitor (Northampton County Department of Human Services), Appellee

Pro Se: No

IFP Status:

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COUNSEL INFORMATION

Attorney: Shapiro, Joshua D.
 Pennsylvania Office of Attorney General
 Address: Pa Office Of Attorney General
 Strawberry Sq Fl 16
 Harrisburg, PA 17120
 Phone No: (717) 705-3833
 Receive Mail: Yes
 Representing: Attorney General Office , Commonwealth of Pennsylvania, Intervenor - Appellee
 Pro Se: No
 IFP Status:

Attorney: Morris, Carson Blythe
 Pennsylvania Office of Attorney General
 Address: Strawberry Sq Fl 16
 Harrisburg, PA 17120
 Phone No: (267) 978-6992
 Receive Mail: Yes
 Representing: Attorney General Office , Commonwealth of Pennsylvania, Intervenor - Appellee
 Pro Se: No
 IFP Status:

Attorney: Cuccarese, Eugene K.
 Pennsylvania Department of Human Services, Bureau of Hearings and Appeals
 Address: Pa-Dhs-office Of General Counsel
 Piatt Place 301 Fifth Avenue Suite 430
 Pittsburgh, PA 15222
 Phone No: (412) 565-2557
 Receive Mail: Yes
 Representing: Department of Human Services, Amicus Curiae
 Pro Se: No
 IFP Status:

SUPREME COURT INFORMATION

Appeal From: the Order of the Superior Court at No. 199 EDA 2018 dated September 21, 2018 Affirming the Order of the Court of Common Pleas of Northampton County, Civil Division, dated January 4, 2018, at No. C-0048-CV-2017-10986

Probable Jurisdiction Noted: Docketed Date: April 30, 2019
 Allocatur/Miscellaneous Granted: April 30, 2019 Allocatur/Miscellaneous Docket No.: 703 MAL 2018

Allocatur/Miscellaneous Grant Order: AND NOW, this 30th day of April, 2019, the Petition for Allowance of Appeal is GRANTED, and the Application to File Supplement to Petition for Allowance of Appeal is DISMISSED as moot. The issue, as stated by petitioner, is:

Is Act 21 punitive, such that its retroactive application to [Petitioner] and its mechanism for determining whether an individual is a sexually violent delinquent child are unconstitutional under Commonwealth v. Muniz, 164 A.[3]d 1189 (Pa. 2017) and Commonwealth v. Butler, 173 A.3d 1212 (Pa. Super. 2017)?

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
08/22/2019	2nd Motion for Extension of Time	10.00	08/23/2019	2019-SUP-M-000970	10.00

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FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
08/23/2019	2nd Motion for Extension of Time	10.00	08/26/2019	2019-SUP-M-000975	10.00
09/11/2019	3rd Motion for Extension of Time	25.00	09/11/2019	2019-SUP-M-001042	25.00
09/11/2019	3rd Motion for Extension of Time	25.00	09/12/2019	2019-SUP-M-001045	25.00

INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Superior
 Date of Order: September 21, 2018
 Judge(s): Lazarus, Anne E.
 Dubow, Alice B.
 Platt, William H.
 Intermediate Appellate Court Action: Affirmed
 Referring Court:

Docket Number: 199 EDA 2018
 Rearg/Recon Disp Date:
 Rearg/Recon Disposition:

AGENCY/TRIAL COURT INFORMATION

Court Below: Northampton County Court of Common Pleas
 County: Northampton Division: Northampton County Civil Division
 Date of Agency/Trial Court Order: January 4, 2018
 Docket Number: C-48-CV-2017-10986
 Judge(s): Dally, Craig A. OTN:
 Order Type: Order

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Part(s)	May 03, 2019	30
Transcript(s)	May 03, 2019	2
Exhibits	May 03, 2019	2

Record Remittal: May 18, 2020

BRIEFING SCHEDULE

Amicus Curiae Department of Human Services Brief Due: September 11, 2019 Filed: September 11, 2019	Appellee Northampton County Solicitor (Northampton County Department of Human Services) Brief Due: September 16, 2019 Filed: September 16, 2019
Appellant H.R., a minor Brief Due: June 26, 2019 Filed: June 26, 2019	Intervenor - Appellee Attorney General Office , Commonwealth of Pennsylvania Brief Due: September 16, 2019 Filed: September 16, 2019
Reply Brief Due: October 3, 2019 Filed:	

REARGUMENT / RECONSIDERATION / REMITTAL

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Filed Date:
Disposition: Date:
Reargument Order:
Record Remittal: May 18, 2020

SESSION INFORMATION

Journal Number: J-102-2019
Listed/Submitted Date: November 20, 2019
Consideration Type: Oral Argument Supreme Ct.

DISPOSITION INFORMATION

Related Journal No:	Judgment Date:	April 1, 2020
Category: Decided	Disposition Author:	Dougherty, Kevin M.
Disposition: Affirmed	Disposition Date:	April 1, 2020
Dispositional Filing: Majority Opinion	Author:	Dougherty, Kevin M.
Filed Date: April 1, 2020		
Justice: Saylor, Thomas G.	Vote:	Joins
Justice: Baer, Max	Vote:	Joins
Justice: Todd, Debra	Vote:	Joins
Justice: Donohue, Christine	Vote:	Joins
Justice: Wecht, David N.	Vote:	Joins
Justice: Mundy, Sallie	Vote:	Joins

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
April 30, 2019	Allocatur Granted		Per Curiam

Comments:

AND NOW, this 30th day of April, 2019, the Petition for Allowance of Appeal is GRANTED, and the Application to File Supplement to Petition for Allowance of Appeal is DISMISSED as moot. The issue, as stated by petitioner, is: Is Act 21 punitive, such that its retroactive application to [Petitioner] and its mechanism for determining whether an individual is a sexually violent delinquent child are unconstitutional under Commonwealth v. Muniz, 164 A.[3]d 1189 (Pa. 2017) and Commonwealth v. Butler, 173 A.3d 1212 (Pa. Super. 2017)?

May 3, 2019	Sealed Superior Court Record Received		Superior Court of Pennsylvania
May 7, 2019	Praecepte for Appearance		
	Attorney General Office , Commonwealth of Pennsylvania	Intervenor - Appellee	Morris, Carson Blythe
	Attorney General Office , Commonwealth of Pennsylvania	Intervenor - Appellee	Shapiro, Joshua D.

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
May 15, 2019	Application for Leave to View Record	Intervenor - Appellee	Attorney General Office , Commonwealth of Pennsylvania
May 16, 2019	No Answer Letter	Appellant	H.R., a minor
May 16, 2019	Letter in Support of Application for Leave to View Record	Appellee	Northampton County Solicitor (Northampton County Department of Human Services)
June 11, 2019	Application for Extension of Time to File Brief - First Request	Appellant	H.R., a minor
June 12, 2019	Order Granting Application for Extension of Time to File Appellant Brief		Dreibelbis, Amy
June 12, 2019	Order Exited		Office of the Prothonotary
June 17, 2019	Order Granting Application for Leave to View Record		Per Curiam
June 17, 2019	Order Exited		Office of the Prothonotary
June 26, 2019	Appellant's Brief	Appellant	H.R., a minor
July 26, 2019	Application for Extension of Time to File Brief - First Request	Appellee	Northampton County Solicitor (Northampton County Department of Human Services)
July 26, 2019	Application for Extension of Time	Intervenor - Appellee	Attorney General Office , Commonwealth of Pennsylvania
July 28, 2019	No Answer Letter to Appellee's Application for Extension of Time	Appellant	H.R., a minor
July 29, 2019	No Answer Letter to Possible Intervenor's Application for Extension of Time	Appellant	H.R., a minor

Comments:

AND NOW, this 12th day of June, 2019, Appellant's application for extension of time is granted. Appellant's Brief shall be filed on or before June 26, 2019.

Comments:

AND NOW, this 17th day of June, 2019, the Unopposed Application for Leave to View Record is GRANTED.

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
July 29, 2019	Order Granting Appellee's & Possible Intervenor's Application for Extension of Time		
			Vaskov, John A.
Comments:			
AND NOW, this 29th day of July, 2019 the applications for extension of time filed by appellee, Northampton County Department of Human Services, and possible intervenor, Office of the Attorney General, are granted in part. The briefs are now due on or before August 28, 2019.			
July 29, 2019	Order Exited		
			Office of the Prothonotary
August 22, 2019	Application for Extension of Time to File Brief - Second Request		
		Appellee	Northampton County Solicitor (Northampton County Department of Human Services)
August 23, 2019	Order Granting Application for Extension of Time to File Appellee Brief		
			Dreibelbis, Amy
Comments:			
AND NOW, this 23rd day of August, 2019, Appellee, Northampton County Department of Human Services' second application for extension of time is granted. Appellee's Brief shall be filed on or before September 11, 2019.			
August 23, 2019	Order Exited		
			Office of the Prothonotary
August 23, 2019	Application for Extension of Time to File Brief - Second Request		
		Intervenor - Appellee	Attorney General Office , Commonwealth of Pennsylvania
August 24, 2019	No Answer Letter		
		Appellant	H.R., a minor
August 26, 2019	Order Granting Application for Extension of Time to File Brief		
			Dreibelbis, Amy
Comments:			
AND NOW, this 26th day of August, 2019, possible intervenor, Office of the Attorney General's second application for extension of time is granted. Possible Intervenor's Brief shall be filed on or before September 11, 2019.			
August 26, 2019	Order Exited		
			Office of the Prothonotary
September 6, 2019	Praecepte for Appearance		
	Department of Human Services	Amicus Curiae	Cuccarese, Eugene K.
September 11, 2019	Application for Extension of Time to File Brief - Third Request		
		Appellee	Northampton County Solicitor (Northampton County Department of Human Services)

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Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 11, 2019	Order Granting Application for Extension of Time to File Appellee Brief		Dreibelbis, Amy
Comments: AND NOW, this 11th day of September, 2019, Appellee, Northampton County Department of Human Services' third application for extension of time is granted. Appellee's Brief shall be filed on or before September 16, 2019. Absent exigent circumstances, additional extensions of time will not be granted.			
September 11, 2019	Order Exited		Office of the Prothonotary
September 11, 2019	Application for Extension of Time to File Brief - Third Request	Intervenor - Appellee	Attorney General Office , Commonwealth of Pennsylvania
September 11, 2019	Amicus Curiae Brief	Amicus Curiae	Department of Human Services
September 12, 2019	Order Granting Application for Extension of Time to File Brief		Dreibelbis, Amy
Comments: AND NOW, this 12th day of September, 2019, possible intervenor, Office of the Attorney General's third application for extension of time is granted. Possible Intervenor's Brief shall be filed on or before September 16, 2019. Absent exigent circumstances, additional extensions of time will not be granted.			
September 12, 2019	Order Exited		Office of the Prothonotary
September 16, 2019	Appellee's Brief	Appellee	Northampton County Solicitor (Northampton County Department of Human Services)
September 16, 2019	Application to Exceed Page/Word Limitations	Intervenor - Appellee	Attorney General Office , Commonwealth of Pennsylvania
September 16, 2019	Intervenor's Brief -- CONFIDENTIAL-UNREDACTED	Intervenor - Appellee	Attorney General Office , Commonwealth of Pennsylvania
September 16, 2019	Intervenor's Brief -- REDACTED	Intervenor - Appellee	Attorney General Office , Commonwealth of Pennsylvania
September 30, 2019	Acknowledgement of Argument Notice H.R., a minor	Appellant	Deschler, Matthew James
October 1, 2019	Acknowledgement of Argument Notice Attorney General Office , Commonwealth of Pennsylvania	Intervenor - Appellee	Morris, Carson Blythe

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Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 2, 2019	Acknowledgement of Argument Notice Northampton County Solicitor (Northampton County Department of Human Services)	Appellee	Shulman, Joshua David
October 8, 2019	Order Granting Application to Exceed Page/Word Limitations		Per Curiam
Comments: AND NOW, this 8th day of October, 2019, the Unopposed Application to Exceed Word Limitations is GRANTED.			
October 8, 2019	Order Exited		Office of the Prothonotary
November 20, 2019	Argued H.R., a minor Attorney General Office , Commonwealth of Pennsylvania Northampton County Solicitor (Northampton County Department of Human Services)	Appellant Intervenor - Appellee Appellee	Deschler, Matthew James Morris, Carson Blythe Shulman, Joshua David
April 1, 2020	Affirmed		Dougherty, Kevin M.
Comments: Our finding that the challenged provisions of Act 21 do not constitute criminal punishment dictates our conclusion that appellant's present claims pursuant to Muniz and Butler I fail; both appellant's ex post facto claims and his Apprendi/Alleyne due process claims require a finding that the statutory regime at issue constitutes criminal punishment. See Muniz, 164 A.3d at 1208 (ex post facto claims depend upon finding sanctions constitute criminal punishment); Lee, 935 A.2d at 880 (due process claims under Apprendi and Alleyne cannot succeed where sanctions do not constitute punishment). Accordingly, we affirm the order of the Superior Court. Chief Justice Saylor and Justices Baer, Todd, Donohue, Wecht and Mundy join this opinion.			
April 1, 2020	Judgment Entered		Office of the Prothonotary
May 18, 2020	Remitted		Office of the Prothonotary
Comments: Original record remitted to Northampton County CCP, Civil Division. cc: Superior Court			
May 22, 2020	Acknowledgement of Record Remittal		Northampton County Court of Common Pleas

CROSS COURT ACTIONS

Docket Number: 199 EDA 2018
Docket Number: 703 MAL 2018