

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 56 MAP 2018

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June 18, 2019

## CAPTION

Commonwealth of Pennsylvania, Appellee

v.

Joseph J. Davis, Appellant

## CASE INFORMATION

Initiating Document: Order Granting Petition for Allowance of Appeal

Case Status: Active

Journal Number: J-42-2019 May 14, 2019

Case Category: Criminal Case Type(s): Child Pornography  
Criminal

## CONSOLIDATED CASES

## RELATED CASES

## COUNSEL INFORMATION

Attorney: Welsh, Robert Eugene, Jr.  
Welsh & Recker, P.C.

Address: Welsh & Recker PC  
2000 Market St Ste 2903  
Philadelphia, PA 19103-3229

Phone No: (215) 972-6433

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Davis, Joseph J., Appellant

Pro Se: No

IFP Status: Pa.R.A.P. 553

Attorney: Christy, Andrew Chapman  
ACLU of Pennsylvania

Address: Aclu Of Pa  
Po Box 60173  
Philadelphia, PA 19102

Phone No: (215) 592-1513

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Davis, Joseph J., Appellant

Pro Se: No

IFP Status: Pa.R.A.P. 553

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## COUNSEL INFORMATION

Attorney: Fannick, Demetrius Wm.  
 Luzerne County Public Defender's Office  
 Address: 20 N Pennsylvania Ave #235  
 Wilkes-Barre, PA 18701  
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 Receive EMail: Yes Email:  
 Representing: Davis, Joseph J., Appellant  
 Pro Se: No  
 IFP Status: Pa.R.A.P. 553

Attorney: Goldberger, Peter David  
 Law Office of Peter Goldberger  
 Address: 50 Rittenhouse Pl  
 Ardmore, PA 19003-2276  
 Phone No: (610) 649-8200  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Davis, Joseph J., Appellant  
 Pro Se: No  
 IFP Status: Pa.R.A.P. 553

Attorney: Granick, Jennifer Stisa  
 Pro Hac Vice  
 Address: American Civil Liberties Union  
 39 Drumm Street  
 San Francisco, CA 94111  
 Receive Mail: Yes  
 Representing: Davis, Joseph J., Appellant  
 Pro Se: No  
 IFP Status: Pa.R.A.P. 553

Attorney: Greenwald, Steven M.  
 Luzerne County Public Defender's Office  
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 Wilkes Barre, PA 18701-3503  
 Phone No: (570) 825-1754  
 Receive Mail: Yes  
 Representing: Davis, Joseph J., Appellant  
 Pro Se: No  
 IFP Status: Pa.R.A.P. 553

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## COUNSEL INFORMATION

Attorney: Kaufman, Brett Max  
Pro Hac Vice

Address: American Civil Liberties Union Foundation  
125 Broad Street  
18th Floor  
New York, NY 10004

Receive Mail: Yes

Representing: Davis, Joseph J., Appellant

Pro Se: No

IFP Status: Pa.R.A.P. 553

Attorney: Kostelaba, Michael Charles

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Penn Place Building  
20 N Pennsylvania Ave - Suite 235  
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Representing: Davis, Joseph J., Appellant

Pro Se: No

IFP Status: Pa.R.A.P. 553

Attorney: Singer, Mark Alan

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Penn Place  
20 N. Pennsylvania Avenue  
Wilkes-Barre, PA 18711

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Representing: Davis, Joseph J., Appellant

Pro Se: No

IFP Status: Pa.R.A.P. 553

Attorney: Walczak, Witold J.

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Aclu of Pennsylvania  
247 Ft Pitt Blvd 2nd Fl  
Pittsburgh, PA 15222

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Representing: Davis, Joseph J., Appellant

Pro Se: No

IFP Status: Pa.R.A.P. 553

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## COUNSEL INFORMATION

Attorney: Young, Amanda Marie

Address: Luzerne County Public Defender's Office  
20 N Pennsylvania Ave Ste 231  
Wilkes-Barrre, PA 18701

Phone No: (570) 825-1754

Representing: Davis, Joseph J., Appellant

Pro Se: No

IFP Status: Pa.R.A.P. 553

Attorney: Shapiro, Joshua D.

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PA Office of Attorney General  
Strawberry Sq Fl 16  
Harrisburg, PA 17120

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Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Commonwealth of Pennsylvania, Appellee

Pro Se: No

IFP Status:

Attorney: Stoycos, William Ross

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16th Floor, Strawberry Square  
Harrisburg, PA 17120-0001

Phone No: (717) 787-6348

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Commonwealth of Pennsylvania, Appellee

Pro Se: No

IFP Status:

Attorney: Farrell, Thomas

Address: Farrell & Reisinger, LLC  
Farrell & Reisinger LLC  
436 7TH Ave Ste 300  
Pittsburgh, PA 15219-1818

Phone No: (412) 894-1380

Receive Mail: Yes

Representing: Electronic Frontier Foundation, Amicus Curiae

Pro Se: No

IFP Status:

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## COUNSEL INFORMATION

Attorney: Green, Tyler R.

Address: 350 N. State Street, Suite 230  
Salt Lake City, UT 84114

Receive Mail: Yes

Representing: States of Utah, Arkansas, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, et al, Amicus Curiae

Pro Se: No

IFP Status:

## SUPREME COURT INFORMATION

Appeal From: the order of the Superior Court at No. 1243 MDA 2016 dated November 20, 2017, Reconsideration denied February 5, 2018, Affirming the Order of the Luzerne County Court of Common Pleas, Criminal Division, at Nos. CP-40-CR-291-2016 and CP-40-MD-11-2016 dated June 30, 2016

Probable Jurisdiction Noted: Docketed Date: October 3, 2018

Allocatur/Miscellaneous Granted: October 3, 2018 Allocatur/Miscellaneous Docket No.: 169 MAL 2018

Allocatur/Miscellaneous Grant Order: AND NOW, this 3rd day of October, 2018, the Petition for Allowance of Appeal is GRANTED. The issue, as stated by Petitioner, is:  
May [Petitioner] be compelled to disclose orally the memorized password to a computer over his invocation of privilege under the Fifth Amendment to the Constitution of the United States, and Article I, [S]ection 9 of the Pennsylvania Constitution?

## FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
01/18/2019	2nd Motion for Extension of Time	10.00	01/18/2019	2019-SUP-M-000066	10.00
02/06/2019	3rd Motion for Extension of Time	25.00	02/06/2019	2019-SUP-M-000137	25.00

## INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Superior Docket Number: 1243 MDA 2016

Date of Order: November 30, 2017 Rearg/Recon Disp Date: February 5, 2018

Rearg/Recon Disposition: Denied

Judge(s): Gantman, Susan Peikes  
Panella, Jack A.  
Ford Elliott, Kate

Intermediate Appellate Court Action: Affirmed

Referring Court:

## AGENCY/TRIAL COURT INFORMATION

Court Below: Luzerne County Court of Common Pleas

County: Luzerne Division: Luzerne County Criminal Division

Date of Agency/Trial Court Order: June 30, 2016

Docket Number: CP-40-CR-0000291-2016

Judge(s): Polachek Gartley, Tina OTN: T7162724

Order Type: Order

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Court Below: Luzerne County Court of Common Pleas  
 County: Luzerne Division: Luzerne County Criminal Division  
 Date of Agency/Trial Court Order: June 30, 2016  
 Docket Number: CP-40-MD-0000011-2016  
 Judge(s): Polachek Gartley, Tina OTN:  
 Order Type: Order

## ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Part(s)	October 09, 2018	2 Parts
Transcript(s)	October 09, 2018	1 Transcript
Original Record	October 09, 2018	1 Supplemental Record

## Record Remittal:

## BRIEFING SCHEDULE

## Amicus Curiae

**Electronic Frontier Foundation  
 Brief**

Due: November 19, 2018 Filed: November 19, 2018

## Appellee

**Commonwealth of Pennsylvania  
 Brief**

Due: February 7, 2019 Filed: February 7, 2019

**States of Utah, Arkansas, Georgia, Idaho, Indiana,  
 Iowa, Kansas, Kentucky, Louisiana, Maine, et al  
 Brief**

Due: February 7, 2019 Filed: February 6, 2019

## Appellant

**Davis, Joseph J.  
 Brief**

Due: November 19, 2018 Filed: November 19, 2018

## Reply Brief

Due: February 25, 2019 Filed: February 25, 2019

## Reproduced Record

Due: November 19, 2018 Filed:

## SESSION INFORMATION

Journal Number: J-42-2019  
 Listed/Submitted Date: May 14, 2019  
 Consideration Type: Oral Argument Supreme Ct.

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## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 3, 2018	Allocatur Granted		Per Curiam
Comments: AND NOW, this 3rd day of October, 2018, the Petition for Allowance of Appeal is GRANTED. The issue, as stated by Petitioner, is: May [Petitioner] be compelled to disclose orally the memorized password to a computer over his invocation of privilege under the Fifth Amendment to the Constitution of the United States, and Article I, [S]ection 9 of the Pennsylvania Constitution?			
October 9, 2018	Sealed Superior Court Record Received		Luzerne County Court of Common Pleas
October 12, 2018	Praecipe for Appearance Davis, Joseph J.	Appellant	Christy, Andrew Chapman
October 12, 2018	Application to Proceed In Forma Pauperis	Appellant	Davis, Joseph J.
October 17, 2018	Order Granting Application to Proceed In Forma Pauperis		Dreibelbis, Amy
Comments: AND NOW, this 17th day of October, 2018, Appellant's Application to Proceed In Forma Pauperis is hereby granted.			
October 17, 2018	Order Exited		Office of the Prothonotary
November 19, 2018	Amicus Curiae Brief	Amicus Curiae	Electronic Frontier Foundation
November 19, 2018	Appellant's Brief	Appellant	Davis, Joseph J.
November 19, 2018	Appellant's Reproduced Record Filed	Appellant	Davis, Joseph J.
November 26, 2018	Application for Admission of Jennifer Granick Pro Hac Vice Davis, Joseph J.	Appellant	Christy, Andrew Chapman
November 26, 2018	Application for Admission of Brett Kaufman Pro Hac Vice Davis, Joseph J.	Appellant	Christy, Andrew Chapman
November 28, 2018	No Answer Letter to Applications for Admission Pro Hac Vice	Appellee	Commonwealth of Pennsylvania
November 28, 2018	Order Granting Application to be Admitted Pro Hac Vice		Dreibelbis, Amy

Comments:  
AND NOW, this 28th day of November, 2018, the Application to be Admitted Pro Hac Vice of Jennifer Granick, Esquire, is hereby granted.

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## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
November 28, 2018	Order Granting Application to be Admitted Pro Hac Vice		Dreibelbis, Amy
Comments: AND NOW, this 28th day of November, 2018, the Application to be Admitted Pro Hac Vice of Brett Kaufman, Esquire, is hereby granted.			
November 28, 2018	Order Exited		Office of the Prothonotary
December 14, 2018	Motion for 30-Day Extension of Time to File Brief	Appellee	Commonwealth of Pennsylvania
December 17, 2018	Order Granting Application for Extension of Time to File Appellee Brief		Dreibelbis, Amy
Comments: AND NOW, this 17th day of December, 2018, Appellee's application for extension of time is granted. Appellee's Brief shall be filed on or before January 23, 2019.			
December 17, 2018	Order Exited		Office of the Prothonotary
January 18, 2019	Application for Extension of Time to File Brief - Second Request	Appellee	Commonwealth of Pennsylvania
January 18, 2019	Order Granting Application for Extension of Time to File Appellee Brief		Dreibelbis, Amy
Comments: AND NOW, this 18th day of January, 2019, Appellee's second application for extension of time is granted. Appellee's Brief shall be filed on or before February 6, 2019. Absent exigent circumstances, further extensions of time will not be granted.			
January 18, 2019	Order Exited		Office of the Prothonotary
February 6, 2019	Application for Extension of Time to File Brief - Third Request	Appellee	Commonwealth of Pennsylvania
February 6, 2019	Order Granting Application for Extension of Time to File Appellee Brief		Dreibelbis, Amy
Comments: AND NOW, this 6th day of February, 2019, Appellee's third application for extension of time is granted. Appellee's Brief shall be filed on or before February 7, 2019. Absent exigent circumstances, further extensions of time will not be granted.			
February 6, 2019	Order Exited		Office of the Prothonotary
February 6, 2019	Amicus Curiae Brief	Amicus Curiae	States of Utah, Arkansas, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, et al



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## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
February 7, 2019	Appellee's Brief	Appellee	Commonwealth of Pennsylvania
February 25, 2019	Appellant's Reply Brief	Appellant	Davis, Joseph J.
March 20, 2019	Acknowledgement of Argument Notice Davis, Joseph J.	Appellant	Goldberger, Peter David
March 27, 2019	Acknowledgement of Argument Notice Commonwealth of Pennsylvania	Appellee	Stoycos, William Ross
May 14, 2019	Argued Davis, Joseph J. Commonwealth of Pennsylvania	Appellant Appellee	Goldberger, Peter David Stoycos, William Ross
May 14, 2019	Post-Submission Communication Pa.R.A.P. 2501A	Appellant	Davis, Joseph J.
June 17, 2019	Motion for Leave to File Response to Post-Argument Submission	Appellee	Commonwealth of Pennsylvania
June 18, 2019	Answer to Motion for Leave to File Response to Post-Argument Submission	Appellant	Davis, Joseph J.

## CROSS COURT ACTIONS

Docket Number: 1243 MDA 2016  
Docket Number: 169 MAL 2018