



## CAPTION

Commonwealth of Pennsylvania, Appellee

v.

Brendan Alexander Linton, Appellant

## CASE INFORMATION

Initiating Document: Order Granting Petition for Allowance of Appeal

Case Status: Decided/Active

Journal Number: J-72-2024 October 10, 2024

Case Category: Criminal Case Type(s): Summary Offense/Conviction

## CONSOLIDATED CASES

## RELATED CASES

## COUNSEL INFORMATION

Attorney: Woods, Ashley Nicole

Address: Woods Law Offices PLLC  
200 Commerce Dr  
Ste 210  
Moon Township, PA 15108

Phone No: (412) 329-7751

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Linton, Brendan Alexander, Appellant

Pro Se: No

IFP Status:

Attorney: Woods, Corrie Allen

Address: Woods Law Offices PLLC  
200 Commerce Dr Ste 210  
Moon Township, PA 15108

Phone No: (412) 329-7751

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Linton, Brendan Alexander, Appellant

Pro Se: No

IFP Status:



#### COUNSEL INFORMATION

Attorney: Goldinger, Richard Aaron  
 Butler County District Attorney's Office  
 Address: Butler County Government Center  
 124 W. Diamond St.  
 P.O. Box 1208  
 Butler, PA 16003  
 Phone No: (724) 284-5222  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Commonwealth of Pennsylvania, Appellee  
 Pro Se: No  
 IFP Status:

Attorney: Kulzer, John Paul, III  
 Butler County District Attorney's Office  
 Address: Third Floor County Government Center  
 124 W Diamond St  
 Butler, PA 16003  
 Phone No: (724) 284-5222  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Commonwealth of Pennsylvania, Appellee  
 Pro Se: No  
 IFP Status:

Attorney: Davis, Eric Stephan  
 Elliott & Davis, PC  
 Address: Elliott & Davis Pc  
 6425 Living Pl Ste 200  
 Pittsburgh, PA 15206  
 Phone No: (412) 326-0467  
 Receive Mail: Yes  
 Representing: BikePGH and League of American Bicyclists, Amicus Curiae  
 Pro Se: No  
 IFP Status:

#### SUPREME COURT INFORMATION

Appeal From: the Order of the Superior Court entered July 21, 2023, at No. 747 WDA 2022, affirming the Judgment of Sentence of the Court of Common Pleas of Butler County entered May 26, 2022, at No. CP-10-CR-0001351-2021.

Probable Jurisdiction Noted: Docketed Date: April 2, 2024  
 Allocatur/Miscellaneous Granted: April 2, 2024 Allocatur/Miscellaneous Docket No.: 261 WAL 2023

Allocatur/Miscellaneous Grant Order: AND NOW, this 2nd day of April, 2024, the Petition for Allowance of Appeal is GRANTED. The issue, as stated by petitioner, is:

Section 3364(b)(2) of the Vehicle Code requires individuals operating pedalcycles to "use reasonable efforts so as not to impede the normal and reasonable movement of traffic." Does a proper construction of the Vehicle Code inform the meaning of reasonable efforts and foreclose any interpretation that it includes leaving the roadway whenever faster moving traffic approaches or backs up, which would effectively prohibit operation of pedalcycles on most roadways and/or endanger those operating them throughout the Commonwealth?

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 11 WAP 2024

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June 19, 2025

## FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
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## INTERMEDIATE APPELLATE COURT INFORMATION

Court Name:	Superior	Docket Number:	747 WDA 2022
Date of Order:	July 21, 2023	Rearg/Recon Disp Date:	September 29, 2023
Judge(s):	Stabile, Victor P. Sullivan, Megan Pellegrini, Dan	Rearg/Recon Disposition:	Denied.
Intermediate Appellate Court Action:	Affirmed.		
Referring Court:			

## AGENCY/TRIAL COURT INFORMATION

Court Below:	Butler County Court of Common Pleas		
County:	Butler	Division:	Butler County Criminal Division
Date of Agency/Trial Court Order:	May 26, 2022		
Docket Number:	CP-10-CR-0001351-2021		
Judge(s):	McCune, Timothy F.	OTN:	R 162452-3
Order Type:	Judgment of Sentence		

## ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Original Record	April 02, 2024	1 Part including 1925(a) Opinion and Testimony

## Record Remittal:

## BRIEFING SCHEDULE

<b>Amicus Curiae</b>	<b>Appellee</b>
<b>BikePGH and League of American Bicyclists</b>	<b>Commonwealth of Pennsylvania</b>
<b>Brief</b>	<b>Brief</b>
Due: June 12, 2024	Filed: June 12, 2024
	Due: August 12, 2024
	Filed: August 9, 2024

## Appellant

<b>Linton, Brendan Alexander</b>
<b>Brief</b>
Due: June 12, 2024
Filed: June 12, 2024

## Reply Brief

Due: August 26, 2024	Filed: August 16, 2024
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## Reproduced Record

Due: June 12, 2024	Filed: June 12, 2024
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## SESSION INFORMATION



## SESSION INFORMATION

Journal Number: J-72-2024  
 Listed/Submitted Date: October 10, 2024  
 Consideration Type: Oral Argument Supreme Ct.

## DISPOSITION INFORMATION

Related Journal No:	J-72-2024	Judgment Date:	June 17, 2025
Category:	Decided	Disposition Author:	Dougherty, Kevin M.
Disposition:	Reversed/Remanded	Disposition Date:	June 17, 2025
Dispositional Filing:	<b>Majority Opinion</b>	Author:	Dougherty, Kevin M.
Filed Date:	June 17, 2025		
Justice:	Todd, Debra	Vote:	Join Majority Opinion
Justice:	Donohue, Christine	Vote:	Join Majority Opinion
Justice:	Mundy, Sallie U.	Vote:	Join Majority Opinion
Justice:	Brobson, P. Kevin	Vote:	Join Majority Opinion
Dispositional Filing:	<b>Dissenting Opinion</b>	Author:	McCaffery, Daniel D.
Filed Date:	June 17, 2025		
Justice:	Wecht, David N.	Vote:	Join Dissenting Opinion

## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>April 2, 2024</b>	<b>Allocatur Granted</b>		Per Curiam
Comments: AND NOW, this 2nd day of April, 2024, the Petition for Allowance of Appeal is GRANTED. The issue, as stated by petitioner, is: Section 3364(b)(2) of the Vehicle Code requires individuals operating pedalcycles to "use reasonable efforts so as not to impede the normal and reasonable movement of traffic." Does a proper construction of the Vehicle Code inform the meaning of reasonable efforts and foreclose any interpretation that it includes leaving the roadway whenever faster moving traffic approaches or backs up, which would effectively prohibit operation of pedalcycles on most roadways and/or endanger those operating them throughout the Commonwealth?			
<b>April 2, 2024</b>	<b>Superior Court Record Received</b>		Superior Court of Pennsylvania
<b>May 10, 2024</b>	<b>Application for Extension of Time to File Brief - First Request</b>	Appellant	Linton, Brendan Alexander



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
May 13, 2024	<b>Order Granting Application for Extension of Time to File Appellant Brief</b>		Ceraso, Betsy
Comments: AND NOW, this 13th day of May, 2024, the application for extension of time is GRANTED. The Appellant's brief shall be served and filed on or before June 12, 2024.			
May 13, 2024	<b>Order Exited</b>		Office of the Prothonotary
June 12, 2024	<b>BikePGH and League of American Bicyclists Brief</b>	Amicus Curiae	BikePGH and League of American Bicyclists
June 12, 2024	<b>Appellant's Brief</b>	Appellant	Linton, Brendan Alexander
June 12, 2024	<b>Appellant's Reproduced Record Filed</b>	Appellant	Linton, Brendan Alexander
July 11, 2024	<b>Application for Extension of Time to File Brief - First Request</b>	Appellee	Commonwealth of Pennsylvania
July 12, 2024	<b>Order Granting Application for Extension of Time to File Appellee Brief</b>		Ceraso, Betsy
Comments: AND NOW, this 12th day of July, 2024, the application for extension of time is GRANTED. The Appellee's brief shall be served and filed on or before August 12, 2024.			
July 12, 2024	<b>Order Exited</b>		Office of the Prothonotary
August 9, 2024	<b>Appellee's Brief</b>	Appellee	Commonwealth of Pennsylvania
August 15, 2024	<b>Acknowledgement of Argument Notice</b> Linton, Brendan Alexander	Appellant	Woods, Corrie Allen
August 16, 2024	<b>Appellant's Reply Brief</b>	Appellant	Linton, Brendan Alexander
August 19, 2024	<b>Acknowledgement of Argument Notice</b> Commonwealth of Pennsylvania	Appellee	Kulzer, John Paul, III
October 10, 2024	<b>Argued</b> Linton, Brendan Alexander Commonwealth of Pennsylvania	Appellant Appellee	Woods, Corrie Allen Kulzer, John Paul, III
February 21, 2025	<b>Substitution of Counsel</b> Linton, Brendan Alexander	Appellant	Woods, Corrie Allen



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
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June 17, 2025	Reversed/Remanded		
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Dougherty, Kevin M.

## Comments:

Having now supplied the proper construction of the statute, "we reverse the order of the Superior Court and remand . . . for it to reconsider the sufficiency of the evidence claim utilizing the proper legal standard." Commonwealth v. Sanford, 863 A.2d 428, 432 (Pa. 2004); see Commonwealth v. Clay, 64 A.3d 1049, 1057 (Pa. 2013) ("When a reviewing court applies the incorrect legal standard, our [C]ourt generally will remand the matter with appropriate directions.").

Jurisdiction relinquished.

Chief Justice Todd and Justices Donohue, Mundy and Brobson join the opinion.

Justice McCaffery files a dissenting opinion in which Justice Wecht joins.

June 17, 2025	Judgment Entered		
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Office of the Prothonotary

## CROSS COURT ACTIONS

Docket Number:	261 WAL 2023
Docket Number:	747 WDA 2022