

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 98 MAP 2023

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July 2, 2025

## CAPTION

Commonwealth of Pennsylvania, Appellee

v.

John Edward Kurtz, Appellant

## CASE INFORMATION

Initiating Document: Order Granting Petition for Allowance of Appeal

Case Status: Active

Journal Number: J-36A-2024 May 14, 2024

Case Category: Criminal

Case Type(s):

Rape  
 Aggravated Assault  
 Burglary  
 Criminal Attempt  
 False Imprisonment  
 Involuntary Deviate Sexual  
 Intercourse  
 Kidnapping  
 Sexual Assault  
 Simple Assault  
 Unlawful Restraint

## CONSOLIDATED CASES

## RELATED CASES

Docket No / Reason	Type
99 MAP 2023 Sua Sponte	Consolidated
100 MAP 2023 Sua Sponte	Consolidated

## COUNSEL INFORMATION

Attorney:	Taglieri, Douglas Joseph	
	Williamson, Friedberg & Jones, LLC	
Address:	10 Westwood Rd	
	Pottsville, PA 17901	
Phone No:	(570) 622-5933	
Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	Kurtz, John Edward, Appellant	
Pro Se:	No	
IFP Status:		

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## COUNSEL INFORMATION

Attorney: Matulewicz, Anthony Michael  
Northumberland County District Attorney's Office  
Address: 201 Market St  
Sunbury, PA 17801  
Phone No: (570) 205-2009  
Receive Mail: Yes  
Receive EMail: Yes Email:  
Representing: Commonwealth of Pennsylvania, Appellee  
Pro Se: No  
IFP Status:

Attorney: O'Donnell, Michael Charles  
Northumberland County District Attorney's Office  
Address: Northumberland Co Da's Office  
201 Market St  
Sunbury, PA 17801  
Phone No: (717) 991-0169  
Receive Mail: Yes  
Representing: Commonwealth of Pennsylvania, Appellee  
Pro Se: No  
IFP Status:

Attorney: Skinner, Julia Margaret  
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c/o Cumberland Co Da's Office  
1 Courthouse Sq. Suite 202  
Carlisle, PA 17013  
Phone No: (717) 240-6210  
Receive Mail: Yes  
Receive EMail: Yes Email:  
Representing: Commonwealth of Pennsylvania, Appellee  
Pro Se: No  
IFP Status:

Attorney: Burns, Hugh J., Jr.  
Pennsylvania Office of Attorney General, 16th Floor , Strawberry Square, Harrisburg, PA  
Address: Pa Office Of Attorney General  
1600 Arch St Ste 300  
Philadelphia, PA 19103  
Phone No: (215) 429-2968  
Receive Mail: Yes  
Receive EMail: Yes Email:  
Representing: Office of Attorney General, Amicus Curiae  
Pro Se: No  
IFP Status:

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## COUNSEL INFORMATION

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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
Representing:	ACLU of Pennsylvania, et al., Amicus Curiae
Pro Se:	No
IFP Status:	

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Attorney:	Mishkin, Jeremy D.
	Montgomery McCracken Walker & Rhoads LLP
Address:	Montgomery Mccracken Et Al
	1735 Market St
	Philadelphia, PA 19103-7505
Phone No:	(215) 772-7246
Receive Mail:	Yes
Representing:	Electronic Frontier Foundation, et al., Amicus Curiae
Pro Se:	No
IFP Status:	

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Attorney:	Sinnett, Brian Ray
	PA District Attorneys Association
Address:	2929 N Front St
	Harrisburg, PA 17110
Phone No:	(717) 238-5416
Receive Mail:	Yes
Representing:	PA District Attorney's Association, Amicus Curiae
Pro Se:	No
IFP Status:	

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Attorney:	Loney, Stephen Allen
	ACLU of Pennsylvania
Address:	P.o. Box 60173
	Philadelphia, PA 19102
Phone No:	(215) 592-1513
Receive Mail:	Yes
Representing:	ACLU of Pennsylvania, et al., Amicus Curiae
Pro Se:	No
IFP Status:	

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## COUNSEL INFORMATION

Attorney: Sunday, David Winslow  
 Pennsylvania Office of Attorney General  
 Address: PA Office of Attorney General  
 Strawberry Square, 14th Floor  
 Harrisburg, PA 17120  
 Receive Mail: Yes  
 Representing: Office of Attorney General, Amicus Curiae  
 Pro Se: No  
 IFP Status:

## SUPREME COURT INFORMATION

Appeal From: the Order of the Superior Court at No. 811 MDA 2021 entered on April 28, 2023, Affirming the Judgment of Sentence of the Northumberland County Court of Common Pleas, Criminal Division, at No. CP-49-CR-0000045-2018 entered on March 2, 2021

Probable Jurisdiction Noted: Docketed Date: October 30, 2023  
 Allocatur/Miscellaneous Granted: October 30, 2023 Allocatur/Miscellaneous Docket No.: 289 MAL 2023  
 Allocatur/Miscellaneous Grant Order: AND NOW, this 30th day of October, 2023, the Petition for Allowance of Appeal is GRANTED. The issues, as stated by petitioner, are:

1. In an issue of first impression, whether the Superior Court erred in concluding that an individual does not have a reasonable expectation of privacy in his or her electronic content, particularly in his or her private internet search queries and IP address?

2. In an issue of first impression, whether the Superior Court erred in finding that probable cause may be established to support a search warrant to Google, Inc. requesting the content of an individual's private internet search queries where the suspect is unknown and no evidence is presented establishing that Google, Inc. was used in the planning or commission of the crime?

## FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
02/29/2024	2nd Motion for Extension of Time	10.00	02/29/2024	2024-SUP-M-000550	10.00

## INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Superior Docket Number: 811 MDA 2021  
 Date of Order: April 28, 2023 Rearg/Recon Disp Date:  
 Rearg/Recon Disposition:  
 Judge(s): Murray, Mary P.  
 McLaughlin, Maria  
 Colins, James G.  
 Intermediate Appellate Court Action: Affirmed  
 Referring Court:

## AGENCY/TRIAL COURT INFORMATION

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Court Below: Northumberland County Court of Common Pleas  
 County: Northumberland Division: Northumberland County Criminal Division  
 Date of Agency/Trial Court Order: March 2, 2021  
 Docket Number: CP-49-CR-0000045-2018  
 Judge(s): Saylor, Charles H. OTN: U 536095-0  
 Order Type: Judgment of Sentence

## ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Transcript(s)	October 31, 2023	18 (1 part contains sealed exhibits/envelope)
Part(s)	October 31, 2023	9

## Record Remittal:

## BRIEFING SCHEDULE

## Amicus Curiae

ACLU of Pennsylvania, et al.

## Brief

Due: January 10, 2024 Filed: January 10, 2024

## Appellee

Commonwealth of Pennsylvania

## Brief

Due: March 27, 2024 Filed: March 26, 2024

## Electronic Frontier Foundation, et al.

## Brief

Due: January 10, 2024 Filed: January 5, 2024

## Office of Attorney General

## Brief

Due: March 27, 2024 Filed: March 27, 2024

## PA District Attorney's Association

## Brief

Due: March 27, 2024 Filed: March 27, 2024

## Appellant

Kurtz, John Edward

## Brief

Due: January 10, 2024 Filed: January 10, 2024

## Reply Brief

Due: April 12, 2024 Filed:

## Reproduced Record

Due: January 10, 2024 Filed: January 10, 2024

## SESSION INFORMATION

Journal Number: J-36A-2024  
 Listed/Submitted Date: May 14, 2024  
 Consideration Type: Oral Argument Supreme Ct.

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## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>October 30, 2023</b>	<b>Allocatur Granted</b>		Per Curiam
Comments: AND NOW, this 30th day of October, 2023, the Petition for Allowance of Appeal is GRANTED. The issues, as stated by petitioner, are:			
1. In an issue of first impression, whether the Superior Court erred in concluding that an individual does not have a reasonable expectation of privacy in his or her electronic content, particularly in his or her private internet search queries and IP address?			
2. In an issue of first impression, whether the Superior Court erred in finding that probable cause may be established to support a search warrant to Google, Inc. requesting the content of an individual's private internet search queries where the suspect is unknown and no evidence is presented establishing that Google, Inc. was used in the planning or commission of the crime?			
<b>October 31, 2023</b>	<b>Sealed Superior Court Record Received</b>		Superior Court of Pennsylvania
<b>November 13, 2023</b>	<b>Application for Extension of Time</b>	Appellant	Kurtz, John Edward
<b>November 15, 2023</b>	<b>No Answer Letter to Application for Extension of Time to File Brief</b>	Appellee	Commonwealth of Pennsylvania
<b>November 17, 2023</b>	<b>Order Granting Application for Extension of Time to File Appellant Brief</b>		Dreibelbis, Amy
Comments: AND NOW, this 17th day of November, 2023, Appellant's application for extension of time is granted. Appellant's Brief and Reproduced Record shall be filed on or before January 10, 2024.			
<b>November 17, 2023</b>	<b>Order Exited</b>		Office of the Prothonotary
<b>January 5, 2024</b>	<b>Amicus Curiae Brief</b>	Amicus Curiae	Electronic Frontier Foundation, et al.
Comments: Amicus Brief on behalf of: Electronic Frontier Foundation, National Association of Criminal Defense lawyers, and PA Association of Criminal Defense Lawyers			
<b>January 10, 2024</b>	<b>Appellant's Brief</b>	Appellant	Kurtz, John Edward
<b>January 10, 2024</b>	<b>Sealed Appellant's Reproduced Record Filed</b>	Appellant	Kurtz, John Edward

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## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
January 10, 2024	Amicus Curiae Brief	Amicus Curiae	ACLU of Pennsylvania, et al.
Comments: Amicus Brief on behalf of: AMERICAN CIVIL LIBERTIES UNION (ACLU), ACLU OF PENNSYLVANIA, LIBRARY FREEDOM PROJECT, ASSOCIATION OF RESEARCH LIBRARIES, FREEDOM TO READ FOUNDATION, AND INTERNET ARCHIVE			
February 9, 2024	Application for Extension of Time to File Brief - First Request	Appellee	Commonwealth of Pennsylvania
February 9, 2024	No Answer Letter to Application for Extension of Time	Appellant	Kurtz, John Edward
February 9, 2024	Order Granting Application for Extension of Time to File Appellee Brief		Dreibelbis, Amy
Comments: AND NOW, this 9th day of February, 2024, Appellee's application for extension of time is GRANTED. Appellee's Brief shall be filed on or before March 13, 2024.			
February 9, 2024	Order Exited		Office of the Prothonotary
February 29, 2024	Application for Extension of Time to File Brief - Second Request	Appellee	Commonwealth of Pennsylvania
March 4, 2024	Answer to Second Application for Extension of Time to File Appellee's Brief	Appellant	Kurtz, John Edward
March 12, 2024	Order Granting Appellee's Second Motion for an Extension of Time, in Part		Per Curiam
Comments: AND NOW, this 12th day of March, 2024, the Commonwealth's Second Motion for an Extension of Time is GRANTED, IN PART. The Commonwealth shall file its brief no later than March 27, 2024. No further extensions will be granted absent extraordinary circumstances.			
March 12, 2024	Order Exited		Office of the Prothonotary
March 22, 2024	Acknowledgement of Argument Notice	Kurtz, John Edward Appellant	Taglieri, Douglas Joseph
March 22, 2024	Acknowledgement of Argument Notice	Commonwealth of Pennsylvania Appellee	Skinner, Julia Margaret
March 26, 2024	Appellee's Brief	Appellee	Commonwealth of Pennsylvania
March 27, 2024	Amicus Curiae Brief	Amicus Curiae Amicus Curiae	Office of Attorney General PA District Attorney's Association

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## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>May 14, 2024</b>	<b>Argued</b>		
	Kurtz, John Edward	Appellant	Taglieri, Douglas Joseph
	Commonwealth of Pennsylvania	Appellee	Skinner, Julia Margaret

## CROSS COURT ACTIONS

Docket Number:	289 MAL 2023
Docket Number:	811 MDA 2021