

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 282 MDA 2021

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March 28, 2024



CAPTION

Commonwealth of Pennsylvania

Appellant

v.

Richard Aleksandr Moroz

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Decided/Active

Case Processing Status: November 4, 2022 Awaiting Supreme Court Decision

Journal Number: J-S26014-21
J-E01003-22

Case Category: Criminal

Case Type(s): Driving Under the Influence
Careless Driving
Motor Vehicle Violation

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason

Type

1673 EDA 2020
Similar Issue(s)

Related - List Consecutively

385 MDA 2022
Similar Issue(s)

Related

605 MDA 2022
Similar Issue(s)

Related

SCHEDULED EVENT

Next Event Type: Record Remitted

Next Event Due Date: November 3, 2022

COUNSEL INFORMATION

Appellant Commonwealth of Pennsylvania

Pro Se: No

IFP Status: No

Attorney: Chaplin, Amanda Kathleen
 Law Firm: Centre County District Attorney's Office
 Address: Courthouse Annex-Room 302
 106 E High St
 Bellefonte, PA 16823
 Phone No: (814) 355-6735 Fax No:

Attorney: Metzger, Matthew Frederick
 Law Firm: Centre County District Attorney's Office
 Address: Courthouse Annex 3rd Floor
 106 E High St
 Bellefonte, PA 16823
 Phone No: (814) 355-6735 Fax No:

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COUNSEL INFORMATION

Amicus Pennsylvania Office of Attorney General

Pro Se: No

IFP Status:

Attorney: Minegar, Benjamin Garrett
 Law Firm: Pennsylvania Office of Attorney General
 Address: 1251 Waterfront Pl Mezzanine Level
 Pittsburgh, PA 15222
 Phone No: (412) 565-5339 Fax No:

Amicus Pennsylvania District Attorneys Association

Pro Se: No

IFP Status:

Attorney: McCarthy, Kevin Francis
 Law Firm: Allegheny County District Attorney's Office
 Address: Allegheny Co Da's Office
 436 Grant St 401 CO Crthse
 Pittsburgh, PA 15219-2400
 Phone No: (412) 350-4407 Fax No:

Appellee Moroz, Richard Aleksandr

Pro Se: No

IFP Status: No

Attorney: Allatt, Julian G.
 Law Firm: Rehmeier & Allatt Attorneys at Law
 Address: 1317 N Atherton St
 State College, PA 16803
 Phone No: (814) 325-9535 Fax No: (814) 325-9536

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
03/05/2021	Notice of Appeal	90.25	03/08/2021	2021-SPR-M-000139	90.25

AGENCY/TRIAL COURT INFORMATION

Order Appealed From: February 4, 2021 Notice of Appeal Filed: March 5, 2021
 Order Type: Judgment of Sentence Entered
 Documents Received: March 8, 2021

Court Below: Centre County Court of Common Pleas
 County: Centre Division: Centre County Criminal Division
 Judge: Ruest, Pamela A. OTN: X 278253-3
 Docket Number: CP-14-CR-0001515-2019 Judicial District: 49

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Original Record	April 26, 2021	1 part
Original Record	April 26, 2021	2 man env
Transcript(s)	April 26, 2021	8
Trial Court Opinion	April 26, 2021	

Date of Remand of Record:

Appeal Docket Sheet**Superior Court of Pennsylvania****Docket Number: 282 MDA 2021****Page 3 of 7****March 28, 2024****BRIEFING SCHEDULE****Amicus****Pennsylvania District Attorneys Association****Brief**

Due: December 8, 2021

Filed: December 7, 2021

Pennsylvania Office of Attorney General**Brief**

Due: December 8, 2021

Filed: December 8, 2021

Appellant**Commonwealth of Pennsylvania****Brief**

Due: June 7, 2021

Filed: June 7, 2021

Due: December 8, 2021

Filed: December 7, 2021

Reproduced Record

Due: June 7, 2021

Filed: June 7, 2021

Due: December 8, 2021

Filed: December 7, 2021

Appellee**Moroz, Richard Aleksandr****Brief**

Due: July 7, 2021

Filed:

Due: January 19, 2022

Filed: January 19, 2022

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
March 8, 2021	Notice of Appeal Docketed	Appellant	Commonwealth of Pennsylvania
March 8, 2021	Docketing Statement Exited (Criminal)		Superior Court of Pennsylvania
March 22, 2021	Docketing Statement Received (Criminal)	Appellant	Commonwealth of Pennsylvania
April 26, 2021	Trial Court Record Received		Centre County Criminal Division
April 26, 2021	Trial Court Opinion Received		Centre County Criminal Division
April 26, 2021	Briefing Schedule Issued		Superior Court of Pennsylvania
June 7, 2021	Appellant's Brief and Reproduced Record Combined Filed	Appellant	Commonwealth of Pennsylvania
	Comment: Filing consists of brief and separate redacted/unredacted versions of reproduced record (not combined)		
June 8, 2021	Reply Letter(s) Printed		Superior Court of Pennsylvania
June 8, 2021	Other	Appellant	Commonwealth of Pennsylvania
	Document Name: TCO aptl's brief		

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Filed Date	Docket Entry / Representing	Participant Type	Filed By
June 9, 2021	Other	Appellant	Commonwealth of Pennsylvania
	Document Name: Certificate of Compliance		
June 14, 2021	Paper Version of PACFiled Document Received	Appellant	Commonwealth of Pennsylvania
	Document Name: Appellant's Brief & RR		
June 28, 2021	Reply Received (Submission)	Appellant	Commonwealth of Pennsylvania
August 11, 2021	Submission Letter Sent		Superior Court of Pennsylvania
November 17, 2021	Order Directing En Banc Certification		Superior Court of Pennsylvania
	<p>Comment: AND NOW, this 17th day of November 2021, this Court having determined that this case should be considered by the Court sitting en banc, IT IS HEREBY ORDERED:</p> <p>THAT this case be listed before the next available en banc panel;</p> <p>That the parties shall brief the following issue, in addition to any other appealable issue they wish to raise:</p> <p>Whether a defendant's previous acceptance of an Accelerated Rehabilitative Disposition (ARD) for Driving Under the Influence (DUI) fails to qualify as a "prior offense" for purposes of the DUI sentencing enhancement provision at 75 Pa.C.S. § 3804 pursuant to Commonwealth v. Chichkin, 232 A.3d 959 (Pa.Super. 2020), or whether the three-Judge Panel's conclusion in Chichkin, that 75 Pa.C.S. § 3806(a)(1) is unconstitutional, must be overruled?</p> <p>THAT Appellant, the Commonwealth of Pennsylvania, shall file an original and nineteen (19) copies of a substituted Brief for Appellant by December 8, 2021, along with an original and ten (10) copies of the reproduced record.</p> <p>Appellee, Richard Aleksandr Moroz, shall thereafter have twenty-one (21) days after service to file an original and nineteen (19) copies of a substituted Brief for Appellee. The Commonwealth shall thereafter have fourteen (14) days after service to file an original and nineteen (19) copies of a reply brief in accordance with Pa.R.A.P. 2113(a), if desired. No other briefs may be filed by the parties without leave of this Court.</p>		
December 7, 2021	Amicus Curiae Brief	Amicus	Pennsylvania District Attorneys Association
December 7, 2021	Appellant's Brief Filed	Appellant	Commonwealth of Pennsylvania
December 7, 2021	Other	Appellant	Commonwealth of Pennsylvania

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Filed Date	Docket Entry / Representing	Participant Type	Filed By
December 7, 2021	Reproduced Record Filed	Appellant	Commonwealth of Pennsylvania
	Document Name: Unredacted Version		
December 7, 2021	Reproduced Record Filed	Appellant	Commonwealth of Pennsylvania
	Document Name: Redacted Version		
December 8, 2021	Amicus Curiae Brief	Amicus	Pennsylvania Office of Attorney General
December 8, 2021	Entry of Appearance - Attorney General	Amicus	Pennsylvania Office of Attorney General
December 9, 2021	Paper Version of PACFiled Document Received	Amicus	Pennsylvania Office of Attorney General
	Document Name: Amicus Brief - AG		
December 13, 2021	Paper Version of PACFiled Document Received	Amicus	Pennsylvania District Attorneys Association
	Document Name: Amicus - PA DA		
December 14, 2021	Application for Extension of Time to File Brief - First Request	Appellee	Moroz, Richard Aleksandr
December 17, 2021	Paper Version of PACFiled Document Received	Appellant	Commonwealth of Pennsylvania
	Document Name: Appellant's Subst. Brief and Reproduced Record		
January 6, 2022	Order Granting Application for Extension of Time to File Appellee Brief		Per Curiam
	Comment: Appellee's application for an extension of time to file briefs is GRANTED. The Brief of Appellee is due by January 19, 2022. No further extensions shall be granted.		
January 19, 2022	Appellee's Brief Filed	Appellee	Moroz, Richard Aleksandr
January 26, 2022	Paper Version of PACFiled Document Received	Appellee	Moroz, Richard Aleksandr
	Document Name: Appellee's Substituted Brief		
February 28, 2022	Argument Letter Sent		Superior Court of Pennsylvania
	Document Name: En Banc		
February 28, 2022	Entry of Appearance - District Attorney Commonwealth of Pennsylvania	Appellant	Metzger, Matthew Frederick

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Filed Date	Docket Entry / Representing	Participant Type	Filed By
March 8, 2022	Acknowledgement of Argument Notice Commonwealth of Pennsylvania	Appellant	Metzger, Matthew Frederick
March 8, 2022	Acknowledgement of Argument Notice Commonwealth of Pennsylvania	Appellant	Metzger, Matthew Frederick
	Document Name: Certification of Compliance with Protocols		
March 28, 2022	Acknowledgement of Argument Notice Moroz, Richard Aleksandr	Appellee	Allatt, Julian G.
	Document Name: and Certification of Compliance with Protocols		
April 20, 2022	Argued		Superior Court of Pennsylvania
	Document Name: En Banc		
October 4, 2022	Vacated/Remanded		King, Megan
	Comment: Jurisdiction Relinquished		
November 4, 2022	Petition for Allowance of Appeal to PA Supreme Court Filed	Appellee	Moroz, Richard Aleksandr
	Comment: Filed in Supreme Court 11/03/22 at 520 MAL 2022		

SESSION INFORMATION

Journal Number: J-S26014-21
 Consideration Type: Completed
 Listed/Submitted Date: August 23, 2021

Panel Composition:

The Honorable Victor P. Stabile	Judge
The Honorable Mary P. Murray	Judge
The Honorable John L. Musmanno	Judge

Journal Number: J-E01003-22
 Consideration Type: En Banc Argument
 Listed/Submitted Date: April 20, 2022

Panel Composition:

The Honorable Jack A. Panella	President Judge
The Honorable John T. Bender	President Judge Emeritus
The Honorable Mary Jane Bowes	Judge
The Honorable Anne E. Lazarus	Judge
The Honorable Victor P. Stabile	Judge
The Honorable Deborah A. Kunselman	Judge
The Honorable Maria McLaughlin	Judge
The Honorable Megan King	Judge
The Honorable Daniel D. McCaffery	Judge

DISPOSITION INFORMATION

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DISPOSITION INFORMATION

Final Disposition:	Yes	Judgment Date:	October 4, 2022
Related Journal No:	J-E01003-22	Disposition Author:	King, Megan
Category:	Decided	Disposition Date:	October 4, 2022
Disposition:	Vacated/Remanded		
Disposition Comment:	Jurisdiction Relinquished		
Dispositional Filing:	Opinion	Filing Author:	King, Megan
Filed Date:	10/4/2022 12:00:00AM		
Judge:	Panella, Jack A.	Vote:	Join
Judge:	Bowes, Mary Jane	Vote:	Join
Judge:	McLaughlin, Maria	Vote:	Join
Dispositional Filing:	Concurring Opinion	Filing Author:	Stabile, Victor P.
Filed Date:	10/4/2022 12:00:00AM		
Dispositional Filing:	Dissenting Opinion	Filing Author:	McCaffery, Daniel D.
Filed Date:	10/4/2022 12:00:00AM		
Judge:	Bender, John T.	Vote:	Join
Judge:	Lazarus, Anne E.	Vote:	Join
Judge:	Kunselman, Deborah A.	Vote:	Join

CROSS COURT ACTIONS

Docket Number:	520 MAL 2022
Court Name:	Supreme
Short Caption:	Commonwealth v. Moroz, R., Pet.
Case Status:	Active
Disposition:	
Disposition Date:	
Petition Reargument/Reconsideration Filed Date:	
Reargument Disposition:	
Reargument Disposition Date:	
Cross Court Action Type:	Case Initiation