

Appeal Docket Sheet

Docket Number: 3 WAP 2024

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May 4, 2024

CAPTION

Commonwealth of Pennsylvania, Appellee

٧.

Derek Lee, Appellant

CASE INFORMATION

Initiating Document: Order Granting Petition for Allowance of Appeal

Case Status: Active

Journal Number:

Case Category: Criminal Case Type(s): Murder 2

Criminal Conspiracy

Robbery

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Attorney: Grote, Bret Douglas

Address: Abolitionist Law Center

P.O. Box 8654

Pittsburgh, PA 15221

Phone No: (412) 654-9070

Receive Mail: Yes

Receive EMail: Yes

Representing: Lee, Derek, Appellant

Pro Se: No

IFP Status:

Attorney:

Cozzens, Quinn Alexander

Abolitionist Law Center

Address: PO Box 8654

Pittsburgh, PA 15221

Phone No: (717) 419-6583

Receive Mail: Yes

Receive EMail: Yes

Representing: Lee, Derek, Appellant

Pro Se: No

IFP Status:

Email:

Email:



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COUNSEL INFORMATION

Email:

Email:

Email:

Attorney: Grant, Deneekie Kaleel

Amistad Law Project

Address: Po Box 9148

Philadelphia, PA 19139

Phone No: (267) 225-5884

Receive Mail: Yes

Receive EMail: Yes

Representing: Lee, Derek, Appellant

Pro Se: No

IFP Status:

Attorney: Henderson, Kris August Pretlow

Amistad Law Project

Address: PO Box 9148

Philadelphia, PA 19139

Phone No: (215) 310-0424

Receive Mail: Yes

Receive EMail: Yes

Representing: Lee, Derek, Appellant

Pro Se: No

IFP Status:

Attorney: Holston, Nia Olivia Naheelah

Abolitionist Law Center

Address: Po Box 8654

Pittsburgh, PA 15221

Phone No: (267) 357-0948

Receive Mail: Yes

Receive EMail: Yes

Representing: Lee, Derek, Appellant

Pro Se: No

IFP Status:

Attorney: Kebriaei, Pardiss

Pro Hac Vice

Center for Constitutional Rights

Address: 666 Broadway, 7th Floor

New York, NY 10012

Receive Mail: Yes

Representing: Lee, Derek, Appellant

Pro Se: No



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COUNSEL INFORMATION

Attorney: Pokharel, Astha Sharma

Pro Hac Vice

Center for Constitutional Rights

Address: 666 Broadway, 7th Floor

New York, NY 10012

Receive Mail: Yes

Representing: Lee, Derek, Appellant

Pro Se: No

IFP Status:

Attorney: Sisay, Samah

Pro Hac Vice

Center for Constitutional Rights

Address: 666 Broadway, 7th Floor

New York, NY 10012

Receive Mail: Yes

Representing: Lee, Derek, Appellant

Pro Se: No

IFP Status:

Attorney: Wabby, Ronald Michael, Jr.

Allegheny County District Attorney's Office

Address: 401 Crthse 436 Grant St

Pittsburgh, PA 15219

Phone No: (412) 350-4400

Receive Mail: Yes

Receive EMail: Yes Email: Representing: Commonwealth of Pennsylvania, Appellee

Pro Se: No

IFP Status:

Attorney: McCarthy, Kevin Francis

Allegheny County District Attorney's Office

Address: 401 County Courthouse

436 Grant Street

Pittsburgh, PA 15219-2400

Phone No: (412) 350-4377

Receive Mail: Yes

Receive EMail: Yes Email: Representing: Commonwealth of Pennsylvania, Appellee

Pro Se: No



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May 4, 2024

COUNSEL INFORMATION

Attorney: Bady, Kyle

White & Case LLP

Address: 200 S Biscayne Blvd

Miami, FL 33131

Phone No: (646) 413-8355

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Avis Lee, et al., Amicus Curiae

Pro Se: No

IFP Status:

Attorney: Bookman, Marc Alan

Atlantic Center for Capital Representation, Philadelphia PA

Address: Atlantic Ctr For Capital Representation

1315 Walnut St Ste 905 Philadelphia, PA 19107

Phone No: (215) 732-2227

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Trusty, Celeste, Amicus Curiae

Pro Se: No

IFP Status:

Attorney:

Brooks, Cheryl Ann

Defender Association of Philadelphia

Address: Defender Association Of Phila

1441 Sansom St

Philadelphia, PA 19102-3016

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Receive Mail: Yes Receive EMail: Yes

Receive EMail: Yes Email:

Representing: Defender Association of Philadelphia, Amicus Curiae

Pro Se: No



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COUNSEL INFORMATION

Attorney: Brown, Vanessa Marie

Address: Morgan Lewis & Bockius Llp

2222 Market Street Philadelphia, PA 19103

Phone No: (215) 963-5641

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Fred T. Korematsu Center for Law and Equality, Amicus Curiae

Pro Se: No

IFP Status:

Representing: NAACP Legal Defense and Educational Fund, Inc., Amicus Curiae

Pro Se: No

IFP Status:

Representing: The Antiracism and Community Lawyering Practicum at Boston University School of Law,

Amicus Curiae

Pro Se: No

IFP Status:

Attorney: Campbell, Lisa Susanne

Address: 230 S. Broad St., Ste. 1102

Philadelphia, PA 19102

Phone No: (267) 519-5323

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Philadelphia Lawyers for Social Equity, Amicus Curiae

Pro Se: No

IFP Status:

Attorney: Cioschi, Jonathan David

Wiseman & Schwartz

Address: 718 Arch St Ste 702n

Philadelphia, PA 19143

Phone No: (610) 574-1877

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Family Members and Loved Ones of Victims Killed by Murder, Amicus Curiae

Pro Se: No



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Docket Number: 3 WAP 2024

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May 4, 2024

COUNSEL INFORMATION

Email:

Attorney: Davy, James Patrick

All Rise Trial & Appellate

Address: P.o. Box 15216

Philadelphia, PA 19125

Phone No: (609) 273-5008

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Executives Transforming Probation and Parole, Amicus Curiae

Pro Se: No

IFP Status:

Representing: Little, George, Amicus Curiae

Pro Se: No

IFP Status:

Representing: Wetzel, John, Amicus Curiae

Pro Se: No

IFP Status:

Attorney: Kovatis, Stephen Ronald

Pennsylvania Office of General Counsel

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333 Market St 17th Fl Harrisburg, PA 17101

Phone No: (717) 602-0943

Receive Mail: Yes

Receive EMail: Yes

Representing: Shapiro, Gov. Josh, Amicus Curiae

Pro Se: No

IFP Status:

Attorney: Levick, Marsha

Juvenile Law Center

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Philadelphia, PA 19103

Phone No: (215) 625-0551

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Juvenile Law Center, Amicus Curiae

Pro Se: No

IFP Status:

Attorney: Lin, Susan Mon-Yi

Kairys, Rudovsky, Messing, Feinberg & Lin, LLP

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Ste 501 South

Philadephia, PA 19106

Phone No: (215) 925-4400

Receive Mail: Yes

Receive EMail: Yes Email: Representing: Eighth Amendment Scholars, Amicus Curiae

Pro Se: No



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COUNSEL INFORMATION

Attorney: Lopez, Rachel Elizabeth

Drexel University Thomas R. Kline School of Law

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3320 Market St

Philadelphia, PA 19104

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Receive Mail: Yes

Receive EMail: Yes Email:

Representing: U.N. Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement (EMLER),

Amicus Curiae

Pro Se: No

IFP Status:

Attorney: Merrigan, Jennifer Allison

Phillips Black, Inc.

Address: 1901 S 9TH 608

Philadelphia, PA 19148

Phone No: (971) 255-5610

Receive Mail: Yes

Receive EMail: Yes Email: Representing: Pennsylvania Prison Society, et al., Amicus Curiae

Pro Se: No

IFP Status:

Attorney: Myers, Eleanor W.

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Philadelphia, PA 19102

Phone No: (267) 703-8046

Receive Mail: Yes

Receive EMail: Yes Email:
Representing: Youth Sentencing & Reentry Project, Amicus Curiae

Pro Se: No

IFP Status:

Attorney:

Napiorski, David J.

Philadelphia District Attorney's Office

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3 S Penn Sq 13th Fl Philadelphia, PA 19107

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Receive Mail: Yes

Receive EMail: Yes Email:
Representing: Philadelphia Distict Attorney's Office, Amicus Curiae

Pro Se: No



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May 4, 2024

COUNSEL INFORMATION

Attorney: O'Donnell, Lauren Elizabeth

Blank Rome LLP

Address: One Logan Sq 130 N 18th St

Philadelphia, PA 19103-6998

Phone No: (215) 569-5735

Receive Mail: Yes

Representing: Former Judges and Prosecutors of Pennsylvania, Amicus Curiae

Pro Se: No

IFP Status:

Pro Se: POWER

Address: Center on Race, Inequality and The Law New York University

139 MacDougal Street

New York, NY 10012

Receive Mail: Yes

Pro Se: POWER, Amicus Curiae

Pro Se: Yes

IFP Status:

Attorney: Taticchi, Mark David

Address: Faegre Drinker Biddle & Reath Llp

1 Logan Sq Ste 2000 Philadelphia, PA 19103

Phone No: (215) 988-2987

Receive Mail: Yes

Receive EMail: Yes Email: Representing: The Sentencing Project, et al., Amicus Curiae

Pro Se: No

IFP Status:

Attorney: Walczak, Witold J.

American Civil Liberties Union of Pennsylvania

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Pittsburgh, PA 15222

Phone No: (412) 681-7864

Receive Mail: Yes

Receive EMail: Yes Email:
Representing: ACLU of Pennsylvania, Pittsburgh, Amicus Curiae

Pro Se: No



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COUNSEL INFORMATION

Attorney: Whitlatch, Randal Miller

Duane Morris LLP

Address: 625 Liberty Ave Ste 1000

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Phone No: (412) 497-1029

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: The Pennsylvania Innocence Project, Amicus Curiae

Pro Se: No

IFP Status:

Attorney: Wright, Alexander Brening

O'Brien, Coleman & Wright, LLC

Address: O'Brien Coleman & Wright LLC

116 Blvd of the Allies Pittsburgh, PA 15222

Phone No: (412) 260-1662

Receive Mail: Yes

Receive EMail: Yes Email:
Representing: Criminologists and Law Professors, Amicus Curiae

Pro Se: No

IFP Status:

Attorney: Burdick, Katherine Eisenhauer

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Philadelphia, PA 19103

Phone No: (215) 625-0551

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Juvenile Law Center, Amicus Curiae

Pro Se: No

IFP Status:

Attorney: Casey, Elizabeth Mary

Address: Faegre Drinker Biddle & Reath Llp

1 Logan Sq Ste 2000 Philadelphia, PA 19103

Phone No: (215) 988-2932

Receive Mail: Yes

Receive EMail: Yes Email: Representing: The Sentencing Project, et al., Amicus Curiae

Pro Se: No



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COUNSEL INFORMATION

Greene, Tiara JaNeice Attorney:

1800 JFK Blvd Ste 1900B Address:

Philadelphia, PA 19103

Phone No: (215) 625-0551

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Juvenile Law Center, Amicus Curiae

Pro Se: No

IFP Status:

Robb, Emily Attorney:

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Philadelphia, PA 19102

Phone No: (267) 703-8046

Receive Mail: Yes

Receive EMail: Yes Email: Representing: Youth Sentencing & Reentry Project, Amicus Curiae

Pro Se:

IFP Status:

Shah, Riya Saha Attorney:

Juvenile Law Center, Inc.

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Philadelphia, PA 19103

Phone No: (215) 625-0551

Receive Mail: Yes

Receive EMail: Yes

Email:

Representing: Juvenile Law Center, Amicus Curiae

Pro Se: No



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SUPREME COURT INFORMATION

the Order of the Superior Court entered June 13, 2023, at No. Appeal From:

WDA 2021, Affirming the Order of the Court of Common Pleas of

Allegheny County entered December 19, 2016, at No.

CP-02-CR-0016878-2014.

Probable Jurisdiction Noted: Docketed Date: February 16, 2024

Allocatur/Miscellaneous Granted: February 16, 2024 Allocatur/Miscellaneous Docket No.: 180 WAL 2023

Allocatur/Miscellaneous Grant Order: AND NOW, this 16th day of February, 2024, the Petition for Allowance of Appeal is GRANTED, LIMITED TO the issues set forth below. Allocatur is DENIED as to all remaining issues. The issues, as stated by Petitioner, are:

(1) Is [Petitioner's] mandatory sentence of life imprisonment with no possibility of parole unconstitutional under Article I, § 13 of the Constitution of Pennsylvania where he was convicted of second-degree murder in which

he did not kill or intend to kill and therefore had categorically-diminished culpability, and where Article I, § 13 should provide better protections in those circumstances than the Eighth Amendment to the U.S. Constitution?

(2) Is [Petitioner's] mandatory sentence of life imprisonment with no possibility of parole unconstitutional under the Eighth Amendment to the U.S. Constitution where he was convicted of second-degree murder in which he did not kill or intend to kill and therefore had categorically-diminished culpability under the Eighth Amendment?

The Applications for Leave to File Amicus Briefs in support of Petition for Allowance of Appeal filed by Scholars of Eighth Amendment Law; The Boston University Center for Antiracist Research, Fair and Just Prosecution, and FAMM; Former Department of Corrections Secretaries John Wetzel and George Little; and Roderick and Solange MacArthur Justice Center and American Civil Liberties Union are GRANTED.

FEE INFORMATION

Fee Dt Fee Name Fee Amt Receipt Dt Receipt No Receipt Amt

INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Superior 1008 WDA 2021 Docket Number:

Date of Order: June 13, 2023 Rearg/Recon Disp Date:

Rearg/Recon Disposition:

Olson, Judith F. Judge(s):

Dubow, Alice B. Colins, James G.

Intermediate Appellate Court Action: Affirmed.

Referring Court:

AGENCY/TRIAL COURT INFORMATION

Court Below: Allegheny County Court of Common Pleas

County: Allegheny Division: Allegheny County Criminal Division

Date of Agency/Trial Court Order: December 19, 2016

CP-02-CR-0016878-2014 Docket Number:

Howsie, Elliot C. G 694614-4 Judge(s): OTN:

Order Type: Judgment of Sentence

ORIGINAL RECORD CONTENT



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ORIGINAL RECORD CONTENT

Original Record Item Filed Date Content/Description

Original Record February 16, 2024 **Original Record Electronically

Filed**

Record Remittal:

BRIEFING SCHEDULE

Amicus Curiae Appellee

Avis Lee, et al. Commonwealth of Pennsylvania

Brief B

Due: Filed: April 26, 2024 Due: May 29, 2024 Filed:

Criminologists and Law Professors

Brief

Due: Filed: April 26, 2024

Defender Association of Philadelphia

Brief

Due: Filed: April 22, 2024

Eighth Amendment Scholars

Brief

Due: Filed: April 26, 2024

Executives Transforming Probation and Parole

Brief

Due: Filed: April 26, 2024

Family Members and Loved Ones of Victims Killed by

Murder Brief

Due: Filed: April 26, 2024

Former Judges and Prosecutors of Pennsylvania

Brief

Due: Filed: April 26, 2024

Fred T. Korematsu Center for Law and Equality

Brief

Due: Filed: April 26, 2024

Juvenile Law Center

Brief

Due: Filed: April 26, 2024

Little, George

Brief

Due: Filed: April 26, 2024

NAACP Legal Defense and Educational Fund, Inc.



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BRIEFING SCHEDULE

Amicus Curiae

NAACP Legal Defense and Educational Fund, Inc.

Brief

Due: Filed: April 26, 2024

Pennsylvania Prison Society, et al.

Brief

Due: Filed: April 26, 2024

Philadelphia Distict Attorney's Office

Brief

Due: Filed: April 25, 2024

Philadelphia Lawyers for Social Equity

Brief

Due: Filed: April 26, 2024

POWER Brief

Due: Filed: April 26, 2024

Shapiro, Gov. Josh

Brief

Due: Filed: April 26, 2024

The Antiracism and Community Lawyering Practicum at Boston University School of Law

Brief

Due: Filed: April 26, 2024

The Pennsylvania Innocence Project

Brief

Due: Filed: April 26, 2024

The Sentencing Project, et al.

Brief

Due: Filed: April 26, 2024

Trusty, Celeste

Brief

Due: Filed: April 24, 2024

U.N. Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement (EMLER)

Brief

Due: Filed: April 26, 2024

Wetzel, John

Brief



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BRIEFING SCHEDULE

Amicus Curiae Wetzel, John Brief

Due: Filed: April 26, 2024

Youth Sentencing & Reentry Project

Brief

Due: Filed: April 26, 2024

Appellant Lee, Derek Brief

Due: April 26, 2024 Filed: April 26, 2024

Reply Brief

Reproduced Record

Due: April 26, 2024 Filed: April 26, 2024

DOCKET ENTRY				
Filed Date	Docket Entry / Representing	Participant Type	Filed By	
February 16, 2024	Allocatur Granted			
			Per Curiam	

Comments:

AND NOW, this 16th day of February, 2024, the Petition for Allowance of Appeal is GRANTED, LIMITED TO the issues set forth below. Allocatur is DENIED as to all remaining issues. The issues, as stated by Petitioner, are:

- (1) Is [Petitioner's] mandatory sentence of life imprisonment with no possibility of parole unconstitutional under Article I, § 13 of the Constitution of Pennsylvania where he was convicted of second-degree murder in which he did not kill or intend to kill and therefore had categorically-diminished culpability, and where Article I, § 13 should provide better protections in those circumstances than the Eighth Amendment to the U.S. Constitution?
- (2) Is [Petitioner's] mandatory sentence of life imprisonment with no possibility of parole unconstitutional under the Eighth Amendment to the U.S. Constitution where he was convicted of second-degree murder in which he did not kill or intend to kill and therefore had categorically-diminished culpability under the Eighth Amendment?

The Applications for Leave to File Amicus Briefs in support of Petition for Allowance of Appeal filed by Scholars of Eighth Amendment Law; The Boston University Center for Antiracist Research, Fair and Just Prosecution, and FAMM; Former Department of Corrections Secretaries John Wetzel and George Little; and Roderick and Solange MacArthur Justice Center and American Civil Liberties Union are GRANTED.

February 16, 2024	Superior Court Record Received	
		Office of the Prothonotary
February 29, 2024	Application for Extension of Time to File Brief - First Request	



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		May 4, 2	2024
	D	OCKET ENTRY	
Filed Date	Docket Entry / Representing	Participant Type	Filed By
March 1, 2024	Order Granting Application for Extension of Time to File Brief and Reproduced Record Ceraso, Betsy		
	day of March, 2024, the applicat all be served and filed on or before A		s GRANTED. The Appellant's brief and
March 1, 2024	Order Exited		Office of the Prothonotary
March 27, 2024	Designation of Contents of Repr	roduced Record Appellant	Lee, Derek
March 28, 2024	Application to be Admitted Pro Lee, Derek	Hac Vice (Astha Sharma Pok Appellant	harel) Cozzens, Quinn Alexander
March 28, 2024	Application to be Admitted Pro I Lee, Derek	Hac Vice (Pardiss Kebriaei) Appellant	Cozzens, Quinn Alexander
March 28, 2024	Application to be Admitted Pro I Lee, Derek	Hac Vice (Samah Sisay) Appellant	Cozzens, Quinn Alexander
April 22, 2024	Defenders Association of Philad	lelphia Brief Amicus Curiae	Defender Association of Philadelphia
April 24, 2024	Brandon Flood & Celeste Trusty	Brief Amicus Curiae	Trusty, Celeste
April 25, 2024	Praecipe for Appearance Lee, Derek	Appellant	Holston, Nia Olivia Naheelah
April 25, 2024	Certificate of Service Filed	Appellant	Lee, Derek
April 25, 2024	Philadelphia District Attorney's	Office Brief Amicus Curiae	Philadelphia Distict Attorney's Office
April 26, 2024	Scholars of Eighth Amendment	Law Brief Amicus Curiae	Eighth Amendment Scholars
April 26, 2024	The Sentencing Project, et al Br	ief Amicus Curiae	The Sentencing Project, et al.
April 26, 2024	Order Granting Application to be	e Admitted Pro Hac Vice - Pa	rdiss Kebriaei Ceraso, Betsy
Comments: AND NOW, this 26t GRANTED.	h day of April, 2024, the applicat	ion for the admission pro h	nac vice of Pardiss Kebriaei, Esquire is
April 26, 2024	Order Exited		Office of the Prothonotary



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	May 4, 2024				
	DOCK	ET ENTRY			
Filed Date	Docket Entry / Representing	Participant Type	Filed By		
April 26, 2024	Order Granting Application to be Admitted Pro Hac Vice - Astha Sharma Pokarel				
Camananta			Ceraso, Betsy		
Comments: AND NOW, this 26th Esquire is GRANTED.	day of April, 2024, the application	for the admission pro hac	vice of Astha Sharma Pokharel		
April 26, 2024	Order Exited				
	Office of the Prothonotary				
April 26, 2024	Order Granting Application to be Admitted Pro Hac Vice - Samah Sisay				
_			Ceraso, Betsy		
Comments: AND NOW, this 26th GRANTED.	day of April, 2024, the application	for the admission pro hac	vice of Samah Sisay, Esquire is		
April 26, 2024	Order Exited				
			Office of the Prothonotary		
April 26, 2024	UN Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement Brief				
		Amicus Curiae	U.N. Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement (EMLER)		
April 26, 2024	Criminologists and Law Professors B	rief			
		Amicus Curiae	Criminologists and Law Professors		
April 26, 2024	John Wetzel & George Little & Executives Transforming Probation & Parole Brief				
		Amicus Curiae	Wetzel, John		
		Amicus Curiae	Little, George		
		Amicus Curiae	Executives Transforming Probation and Parole		
April 26, 2024	Appellant's Brief				
		Appellant	Lee, Derek		
April 26, 2024	Appellant's Reproduced Record Filed	1			
		Appellant	Lee, Derek		
April 26, 2024	Family Members and Loved Ones of Victims Killed by Murder Brief				
		Amicus Curiae	Family Members and Loved Ones of Victims Killed by Murder		
April 26, 2024	Juvenille Law Center, Youth Sentencing & Reentry Project & Philadelphia Lawyers for Social Brief				
		Amicus Curiae	Juvenile Law Center		
		Amicus Curiae	Youth Sentencing & Reentry Project		
		Amicus Curiae	Philadelphia Lawyers for Social Equity		



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DOCKET ENTRY				
Filed Date	Docket Entry / Representing	Participant Type	Filed By	
April 26, 2024	Pennsylvania Prison Society, et al. Brief			
		Amicus Curiae	Pennsylvania Prison Society, et al.	
April 26, 2024	The Antiracisom & Community Lawyering Practicum at Boston University et al. Brief			
		Amicus Curiae	NAACP Legal Defense and Educational Fund, Inc.	
		Amicus Curiae	The Antiracism and Community Lawyering Practicum at Boston University School of Law	
		Amicus Curiae	Fred T. Korematsu Center for Law and Equality	
April 26, 2024	The Pennsylvania Innocence Project Brief			
		Amicus Curiae	The Pennsylvania Innocence Project	
April 26, 2024	Avis Lee, Et al. Brief			
		Amicus Curiae	Avis Lee, et al.	
April 26, 2024	POWER - Brief			
		Amicus Curiae	POWER	
April 26, 2024	Govenor Josh Shapiro - Brief			
		Amicus Curiae	Shapiro, Gov. Josh	
April 26, 2024	Former Judges and Prosecutors of Pennsylvania - Brief			
		Amicus Curiae	Former Judges and Prosecutors of Pennsylvania	

CROSS COURT ACTIONS

Docket Number: 1008 WDA 2021
Docket Number: 180 WAL 2023