

Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 98 MAP 2023

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June 18, 2024

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
 Address: Temp. Special Asst. DA for Northumberland Co.
 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

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:	ACLU of Pennsylvania, et al., Amicus Curiae	
Pro Se:	No	
IFP Status:		
<hr/>		
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:		
<hr/>		
Attorney:	Sinnott, 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:		
<hr/>		
Attorney:	Henry, Michelle Ann	
	Pennsylvania Office of Attorney General	
Address:	Pa Office Of Attorney General Strawberry Sq Fl 16 Harrisburg, PA 17120	
Phone No:	(215) 534-7655	
Receive Mail:	Yes	
Representing:	Office of Attorney General, Amicus Curiae	
Pro Se:	No	
IFP Status:		
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COUNSEL INFORMATION

Attorney: Loney, Stephen Allen
 Address: ACLU of Pennsylvania
 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:

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
October 30, 2023	Allocatur Granted		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?			
October 31, 2023	Sealed Superior Court Record Received		Superior Court of Pennsylvania
November 13, 2023	Application for Extension of Time	Appellant	Kurtz, John Edward
November 15, 2023	No Answer Letter to Application for Extension of Time to File Brief	Appellee	Commonwealth of Pennsylvania
November 17, 2023	Order Granting Application for Extension of Time to File Appellant Brief		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.			
November 17, 2023	Order Exited		Office of the Prothonotary
January 5, 2024	Amicus Curiae Brief	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			
January 10, 2024	Appellant's Brief	Appellant	Kurtz, John Edward
January 10, 2024	Sealed Appellant's Reproduced Record Filed	Appellant	Kurtz, John Edward

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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
May 14, 2024	Argued		
	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