

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 2171 EDA 2012

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February 12, 2016



CAPTION

Commonwealth of Pennsylvania

v.

William Lynn
Appellant

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Decided/Active

Case Processing Status: February 10, 2016 Awaiting Remittal

Journal Number: J-A23005-13

Case Category: Criminal Case Type(s): Endangering Welfare of Children

CONSOLIDATED CASES

RELATED CASES

SCHEDULED EVENT

Next Event Type: Appellant Brief Filed Next Event Due Date: July 6, 2015

Next Event Type: Appellee Brief Filed Next Event Due Date: August 5, 2015

Next Event Type: Record Remitted Next Event Due Date: January 21, 2016

Next Event Type: Record Remitted Next Event Due Date: March 11, 2016

COUNSEL INFORMATION

Appellant Lynn, William
Pro Se: No
IFP Status:

Attorney: Bergstrom, Thomas A.
Law Firm: Buchanan Ingersoll & Rooney PC
Address: Buchanan Ingersoll & Rooney PC
50 S 16TH St Ste 3200
Philadelphia, PA 19103
Phone No: (215) 665-3955 Fax No:

Attorney: Schumacher, David Andrew
Law Firm: Buchanan Ingersoll & Rooney PC
Address: Buchanan Ingersoll & Rooney
50 S 16TH St Ste 3200
Philadelphia, PA 19102
Phone No: (215) 665-3854 Fax No:

Attorney: Khaskelis, Allison
Law Firm: Duane Morris LLP
Address: Duane Morris Llp
1540 Broadway
New York, NY 10036-4086
Phone No: (212) 471-1868 Fax No:

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COUNSEL INFORMATION

Appellee Commonwealth of Pennsylvania

Pro Se: No

IFP Status:

Attorney: Williams, R. Seth
 Address: District Attorney Office
 Three South Penn Square
 Philadelphia, PA 19107
 Phone No: (215) 686-8701 Fax No:

Attorney: Coelho, Jacqueline Juliano
 Law Firm: Philadelphia District Attorney's Office
 Address: Philadelphia Da's Office
 3 S Penn Sq
 Philadelphia, PA 19107-3499
 Phone No: (215) 686-8934 Fax No:

Attorney: Sorensen, Mariana Coleman
 Law Firm: Philadelphia District Attorney's Office
 Address: 8016 Navajo St
 Philadelphia, PA 19118-3927
 Phone No: (215) 247-0365 Fax No:

Attorney: Blessington, Patrick J.
 Law Firm: Philadelphia District Attorney's Office
 Address: Phila District Attorney Office
 3 S Penn Sq
 Philadelphia, PA 19107-3499
 Phone No: (215) 686-8000 Fax No:

Attorney: Burns, Hugh J., Jr.
 Address: Philadelphia District Attorney's Office
 3 S. Penn Square
 Philadelphia, PA 19107-3499
 Phone No: (215) 686-5730 Fax No: (215) 686-5725

Attorney: Cipolletti, Mark John
 Law Firm: Philadelphia District Attorney's Office
 Address: Philadelphia Da's Office
 3 S Penn Sq
 Philadelphia, PA 19107-3499
 Phone No: (215) 686-8054 Fax No:

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
12/28/2015	Petition for Reargument	15.00			0.00
08/08/2012	Notice of Appeal	73.50	08/10/2012	2012-SPR-E-001381	73.50
09/17/2012	Motion for Reconsideration or Clarification	15.00	09/17/2012	2012-SPR-E-001583	15.00

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AGENCY/TRIAL COURT INFORMATION

Court Below:	Philadelphia County Court of Common Pleas		
County:	Philadelphia	Division:	Philadelphia County Criminal Division
Order Appealed From:	July 24, 2012	Judicial District:	01
Documents Received:	August 10, 2012	Notice of Appeal Filed:	August 8, 2012
Order Type:	Judgment of Sentence		
OTN(s):	N7264121		
Lower Ct Docket No(s):	CP-51-CR-0003530-2011		
Lower Ct Judge(s):	Sarmina, M. Teresa Judge		

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Record (4 Boxes)	June 03, 2015	S-E-A-L-E-D

Date of Remand of Record: May 8, 2014

BRIEFING SCHEDULE

Appellant	Appellee
Lynn, William	Commonwealth of Pennsylvania
Brief	Brief
Due: April 16, 2013	Filed: April 16, 2013
Due: July 6, 2015	Filed: June 30, 2015
	Due: June 25, 2013
	Filed: June 25, 2013
	Due: August 5, 2015
	Filed: August 5, 2015
Reply Brief	
Due: July 9, 2013	Filed: July 9, 2013
Reproduced Record	
Due: April 16, 2013	Filed: April 16, 2013
Supplemental Brief	
Due: April 26, 2013	Filed: April 26, 2013

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
August 10, 2012	Notice of Appeal Docketed	Appellant	Lynn, William
August 10, 2012	Docketing Statement Exited (Criminal)		Bramblett, Karen Reid
August 15, 2012	Sealed Application for Bail	Appellant	Lynn, William
August 23, 2012	Docketing Statement Received (Criminal)	Appellant	Lynn, William
August 27, 2012	Sealed Answer to Application for Bail	Appellee	Commonwealth of Pennsylvania
	Document Name: Sealed (Commonwealth)		

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 4, 2012	Sealed Answer to Application for Bail	Appellant	Lynn, William
	Document Name: Sealed (appellant)		
September 7, 2012	Sealed Answer to Application for Bail	Appellee	Commonwealth of Pennsylvania
	Document Name: Sealed (Comm.)		
September 13, 2012	Order Denying Application to Stay Bail		Per Curiam
	Comment: "Appellant William J. Lynn's Application for Bail Pending Appeal Pursuant to Rule 1762 of Pennsylvania Rules of Appellate Procedure" is denied.		
September 17, 2012	Sealed Application for Reconsideration of Order	Appellant	Lynn, William
October 2, 2012	Sealed Answer to Application for Reconsideration	Appellee	Commonwealth of Pennsylvania
October 4, 2012	Order		Per Curiam
	Comment: AND NOW, this 4th day of October 2012, it is hereby ORDERED that all references to victims shall be by their initials only in all filings with this Court in the above-captioned case. Further, the parties are hereby ORDERED to redact the names of victims from previous filings with this Court in the above-captioned case, replace the names with initials, and re-file one (1) such revised copy with this Court within fourteen (14) days of this Order.		
October 17, 2012	Sealed Application for Reconsideration of Order	Appellant	Lynn, William
	Document Name: Sealed (REDACTED)		
October 17, 2012	Order Denying Application for Reconsideration		Per Curiam
	Comment: Upon consideration of "Appellant William J. Lynn's Motion for Reconsideration of Bail Pending Appeal" and the Commonwealth's answer to the motion for reconsideration, the Appellant's motion for reconsideration is denied. Based upon this Court's review of the bail determination and the applicable Rules, we cannot say as a matter of law that the trial court abused its discretion and we have no basis for overturning the trial court's order.		
January 14, 2013	Application to Compel	Appellant	Lynn, William
	Comment: LOWER TO FILE 1925 OPINION.		

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Filed Date	Docket Entry / Representing	Participant Type	Filed By
February 5, 2013	Order		Per Curiam
Document Name: (re: Compel)			
Comment: Upon consideration of the Appellant's "Motion Seeking an Order Directing the Lower Court to file 1925 Opinion," the trial court is directed to file its Pa.R.A.P. 1925(a) opinion and transmit the record, which was due on October 9, 2012, to this Court forthwith. The Prothonotary of this Court is directed to provide copies of this Order and the Appellant's motion to the Hon. Sheila A. Woods-Skipper, in her capacity as Supervising Judge of the Criminal Trial Division, for informational purposes.			
2/26/13 - T/C Judge's Letter to appellant's atty dated 2/25/13			
February 15, 2013	Sealed Application for Relief	Appellant	Lynn, William
March 6, 2013	Order		Per Curiam
Comment: The Appellant's "Motion for Appropriate Relief" is denied upon consideration of the trial court's February 25, 2013, correspondence to the Appellant's counsel.			
March 7, 2013	Trial Court Record Received		Philadelphia County Court of Common Pleas
April 16, 2013	Appellant's Brief Filed	Appellant	Lynn, William
Comment: TRIAL COURT OPINION FILED -SEPARATELY.			
April 16, 2013	Reproduced Record Filed	Appellant	Lynn, William
Comment: VOLS. I thru XII.			
April 16, 2013	Reply Letter(s) Printed		O'Connor, Jr., Charles E.
April 16, 2013	Application to File Supplemental	Appellee	Commonwealth of Pennsylvania
Comment: MOTION SEEKING PERMISSION TO SUPPLEMENT APPELLANT'S BRIEF.			
April 19, 2013	Order		Per Curiam
Comment: Appellant's Motion seeking permission to supplement appellant's brief is hereby GRANTED. Appellant shall file the supplement to his brief by April 26, 2013 as requested Accordingly, the Prothonotary of this Court is directed to vacate the Commonwealth's briefing schedule. The Commonwealth's brief shall be due thirty (30) days after Appellant files the supplement to his brief			
April 19, 2013	Reply Received (Argument) Lynn, William	Appellant	Bergstrom, Thomas A.
April 26, 2013	Appellant's Supplemental Brief Filed	Appellant	Lynn, William

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
May 23, 2013	Application for Extension of Time to File Brief - First Request	Appellee	Commonwealth of Pennsylvania
	Comment: requesting addl. 45 days.		
May 24, 2013	Answer to Application for Extension of Time to File Brief	Appellant	Lynn, William
	Comment: OBJECTION TO COMMONWEALTH'S APPLICATION FOR EXTENSION.		
May 28, 2013	Order Granting Application for Extension of Time to File Appellee Brief		Per Curiam
	Comment: AND NOW, this 28th day of May 2013, the Commonwealth's motion for extension of time in which to file Brief for Appellee is GRANTED IN PART. The Commonwealth is granted a thirty (30)-day extension from the due date, and shall file its brief by June 25, 2013.		
June 25, 2013	Appellee's Brief Filed	Appellee	Commonwealth of Pennsylvania
July 9, 2013	Appellant's Reply Brief	Appellant	Lynn, William
August 5, 2013	Argument Letter Sent		O'Connor, Jr., Charles E.
August 9, 2013	Acknowledgement of Argument Notice Commonwealth of Pennsylvania	Appellee	Williams, R. Seth
August 12, 2013	Acknowledgement of Argument Notice Lynn, William	Appellant	Khaskelis, Allison
August 12, 2013	Acknowledgement of Argument Notice Lynn, William	Appellant	Bergstrom, Thomas A.
September 17, 2013	Entry of Appearance - District Attorney Commonwealth of Pennsylvania	Appellee	Burns, Hugh J., Jr.
December 26, 2013	Reversed		Bender, John T.
	Comment: Appellant is discharged.		
December 26, 2013	Application for Bail	Appellant	Lynn, William
	Document Name: "EMERGENCY"		
December 26, 2013	Order Denying Application for Review of Bail		Per Curiam
	Comment: AND NOW, this 26th day of December, 2013, having received from Appellant, William J. Lynn, an Application for Bail Pending Appeal Pursuant to Pa.R.A.P. 1762, and a request seeking an order of mandamus directing S.C.I. Waymart to release him immediately, we deny the Application and related request for mandamus without prejudice to raise the matters in the trial court.		
January 27, 2014	Petition for Allowance of Appeal to PA Supreme Court Filed		Supreme Court of Pennsylvania
	Comment: 26 EAL 2014		

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Filed Date	Docket Entry / Representing	Participant Type	Filed By
May 8, 2014	Record Remitted to Supreme Court		Seletyn, Joseph D.
May 11, 2015	Other	Appellant	Lynn, William
	Document Name: (seeking addl. briefing) Comment: Appellant's Application Seeking Additional Briefing.		
May 11, 2015	Other	Appellant	Lynn, William
	Document Name: (return to orig. panel) Comment: Appellant's Application Seeking Return to the Original Panel and Oral Argument before the same.		
May 15, 2015	Other	Appellee	Commonwealth of Pennsylvania
	Document Name: **(Answer- Pet. for Orig. Panel) Comment: Commonwealth's ANSWER to Petition for Assignment to Original Panel.		
May 18, 2015	Other	Appellee	Commonwealth of Pennsylvania
	Document Name: **(Answer to Addl. Briefing)		
May 20, 2015	Other	Appellant	Lynn, William
	Document Name: (Reply in Support-T) Comment: Appellant's Reply in support of application seeking return to the original panel and oral argument before the same & application seeking additional briefing.		
May 21, 2015	Entry of Appearance - Private Lynn, William	Appellant	Schumacher, David Andrew
May 22, 2015	Order		Per Curiam
	Document Name: (re: Orig. Panel & Addl. Brief) Comment: AND NOW, this 22nd day of May, 2015, having received from Appellant, William J. Lynn, an "Application Seeking Return to the Original Panel and Oral Argument Before the Same" and an "Application Seeking Additional Briefing," as well as having received the Commonwealth's "Answer to Petition for Assignment to Original Panel," we hereby issue the following orders: First, Appellant's application to return to the original panel is GRANTED. Second, Appellant's application for additional briefing is GRANTED. Appellant's supplementary brief is due within forty-five (45) days of the date of this order. The Commonwealth is ordered to file its response within seventy-five (75) days of the date of this order. No extensions of time will be granted with respect to either deadline. Third, Appellant's application for oral argument is deferred until after the parties' briefs are filed. In the event that the panel requests oral argument, the failure of either party to file a timely brief will result in their exclusion from the argument session.		

** VACATED - See order dated 6/16/15 **

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Filed Date	Docket Entry / Representing	Participant Type	Filed By
May 22, 2015	Other	Appellee	Commonwealth of Pennsylvania
	Comment: Comm.'s Answer to Def. Reply to the Comm.'s Ans. to Def. Petition for Assignment to Orig. Panel, etc.		
May 28, 2015	Application for Relief	Appellee	Commonwealth of Pennsylvania
	Comment: Commonwealth's Petition for Consideration, by the Court En Banc, of the Order of May 22, 2015 Granting Defendant's Motion to Reappoint the Original Panel, and His Motion to Re-Litigate the Sufficiency of the Evidence.		
June 1, 2015	Answer to Application for Relief	Appellant	Lynn, William
	Comment: In opposition to Commonwealth's Petition for En Banc consideration.		
June 2, 2015	Answer to Application for Relief	Appellee	Commonwealth of Pennsylvania
	Document Name: (reply to answer)		
June 3, 2015	Record Received **Impounded**		Philadelphia County Court of Common Pleas
June 8, 2015	Order		Per Curiam
	Comment: In light of the concerns raised in the Commonwealth's May 28, 2015 Application for Relief, and the President Judge having already determined that the original merits panel in the above-captioned appeal remains intact, this Court hereby DENIES any request by the Commonwealth for further review by the President Judge of the merits-panel composition following remand by the Supreme Court of Pennsylvania. See Superior Ct. O.P. 65.5(G) ("Cases remanded to this Court from the Supreme Court for further disposition shall be returned to the panel originally assigned to the case. In the event that the original panel cannot be reconstituted. . . the president judge, in consultation with any remaining members of the merits panel, will create a new argument or submission panel depending on the nature of the remand") (emphases added).		

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Filed Date	Docket Entry / Representing	Participant Type	Filed By
June 16, 2015	Order		Per Curiam
	<p>Comment: AND NOW, this 16th day of June, 2015, having received the "Commonwealth's Petition for Consideration by the Court En Banc, of the order of May 22, 2015 granting [Appellant's] Motion to Reappoint the Original Panel, and his Motion to Re-litigate the Sufficiency of the Evidence," Appellant's answer thereto, and the Commonwealth's subsequent reply to Appellant's answer, as well as the President Judge's order rejecting the Commonwealth's attempt to have a different panel appointed, we hereby rule as follows:</p> <p>First, we address the Commonwealth's assertion that this Court lacked jurisdiction to issue the May 22, 2015 Order. The notion that jurisdiction follows the record, rather than the record following jurisdiction, appears unsound on its face, notwithstanding Commonwealth v. Salley, 957 A.2d 320 (Pa. Super. 2008). However, this panel is not empowered to overrule Salley and, in any event, we have not been asked to do so. Thus, out of an abundance of caution, in recognition of Salley, and to prevent any unnecessary delay, we VACATE our May 22, 2015 order as premature.</p> <p>This action leaves pending Appellant's Motion for Additional Briefing and his Application for Oral Argument, while Appellant's Petition to Assign this Case to the Original Panel is DENIED as moot. Now that the record has been received by this Court on remand from the Supreme Court, following the order issued by the President Judge, and upon careful consideration and review of the parties' arguments in favor and against, we hereby GRANT Appellant's Motion for Additional Argument. Appellant's supplemental brief is due on or before July 6, 2015. The Commonwealth may file a brief in response on or before August 5, 2015. No extensions of time will be granted with respect to either deadline. Appellant's Application for Oral Argument is DEFERRED until after both briefs are filed. In the event that the panel orders oral argument, the failure of either party to file a timely brief will result in that party's exclusion from the argument session.</p> <p>The Commonwealth also seeks reversal of this Court's purported granting of a Motion to Re-litigate the Sufficiency of the Evidence. Our May 22, 2015 Order neither addressed, granted, nor denied any such motion, nor has any such motion been filed by Appellant. In any event, our May 22 Order having been vacated above, the Commonwealth's motion is rendered moot. For all of these reasons, this aspect of the Commonwealth's Petition is hereby DENIED. Nevertheless, in recognition of the Commonwealth's concerns, we advise the parties that, to the extent that Appellant is attempting to litigate claims precluded by the law of the case or the doctrine of collateral estoppel, such matters can be addressed in the parties' briefs, at oral argument (if ordered), and decided by this Court at disposition.</p>		
June 30, 2015	Appellant's Supplemental Brief Filed	Appellant	Lynn, William
August 5, 2015	Appellee's Supplemental Brief Filed	Appellee	Commonwealth of Pennsylvania
December 22, 2015	Vacated/Remanded		Bender, John T.
	Comment: Remanded for new trial. Jurisdiction Relinquished.		
December 28, 2015	Application for Reargument	Appellee	Commonwealth of Pennsylvania
January 7, 2016	Answer to Application for Reargument	Appellant	Lynn, William

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Filed Date	Docket Entry / Representing	Participant Type	Filed By
February 10, 2016	Order Denying Application for Reargument		Per Curiam

Comment: THAT the application filed December 28, 2015, requesting reargument of the decision dated December 22, 2015, is DENIED.

SESSION INFORMATION

Journal Number: J-A23005-13
 Consideration Type: Oral Argument - Panel
 Listed/Submitted Date: September 17, 2013

Panel Composition:

The Honorable John T. Bender	President Judge
The Honorable Christine Donohue	Judge
The Honorable John L. Musmanno	Judge

DISPOSITION INFORMATION

Final Disposition:	No	Judgment Date:	December 26, 2013
Related Journal No:	J-A23005-13	Disposition Author:	Bender, John T.
Category:	Decided	Disposition Date:	December 26, 2013
Disposition:	Reversed		
Disposition Comment:	Appellant is discharged.		
Dispositional Filing:	Opinion	Filing Author:	Bender, John T.
Filed Date:	12/26/2013 12:00:00AM		

Final Disposition:	Yes	Judgment Date:	December 22, 2015
Related Journal No:	J-A23005-13	Disposition Author:	Bender, John T.
Category:	Decided	Disposition Date:	December 22, 2015
Disposition:	Vacated/Remanded		
Disposition Comment:	Remanded for new trial. Jurisdiction Relinquished.		
Dispositional Filing:	Memorandum	Filing Author:	Bender, John T.
Filed Date:	12/22/2015 12:00:00AM		
Judge:	Musmanno, John L.	Vote:	Join

Dispositional Filing:	Concurring/Dissenting	Filing Author:	
Filed Date:	Memorandum		

REARGUMENT / RECONSIDERATION / REMITTAL

Filed Date:	December 28, 2015
Disposition:	Order Denying Application for Reargument
Disposition Date:	February 10, 2016
Record Remittal:	

CROSS COURT ACTIONS

Appeal Docket Sheet**Superior Court of Pennsylvania****Docket Number: 2171 EDA 2012****Page 11 of 11****February 12, 2016****CROSS COURT ACTIONS**

Docket Number:	26 EAL 2014
Court Name:	Supreme
Short Caption:	Commonwealth, Pet. v. Lynn, W.
Case Status:	Closed
Disposition:	Order Granting Petition for Allowance of Appeal
Disposition Date:	May 8, 2014
Petition Reargument/Reconsideration Filed Date:	
Reargument Disposition:	
Reargument Disposition Date:	
Cross Court Action Type:	Filing of Decision or Opinion

Docket Number:	15 EAP 2014
Court Name:	Supreme
Short Caption:	Commonwealth, Aplt. v. Lynn, W.
Case Status:	Closed
Disposition:	Reversed/Remanded
Disposition Date:	April 27, 2015
Petition Reargument/Reconsideration Filed Date:	
Reargument Disposition:	
Reargument Disposition Date:	
Cross Court Action Type:	