



CAPTION

Commonwealth of Pennsylvania, Appellee

v.

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 Email:

Representing: Lee, Derek, Appellant

Pro Se: No

IFP Status:

Attorney: Cozzens, Quinn Alexander

Address: Abolitionist Law Center
PO Box 8654
Pittsburgh, PA 15221

Phone No: (717) 419-6583

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Lee, Derek, Appellant

Pro Se: No

IFP Status:



COUNSEL INFORMATION

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 Email:
 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 Email:
 Representing: Lee, Derek, Appellant
 Pro Se: No
 IFP Status:

Attorney: Walczak, Witold J.
 American Civil Liberties Union of Pennsylvania
 Address: P.o. Box 23058
 Pittsburgh, PA 15222
 Phone No: (412) 681-7864
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: ACLU of Pennsylvania, Pittsburgh, Appellant Amicus Curiae
 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:



COUNSEL INFORMATION

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
 IFP Status:

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: Little, George, Amicus Curiae
 Pro Se: No
 IFP Status:
 Representing: Wetzels, John, Amicus Curiae
 Pro Se: No
 IFP Status:

Attorney: Lin, Susan Mon-Yi
 Kairys, Rudovsky, Messing, Feinberg & Lin, LLP
 Address: 718 Arch St
 Ste 501 South
 Philadelphia, PA 19106
 Phone No: (215) 925-4400
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Eighth Amendment Scholars, Amicus Curiae
 Pro Se: No
 IFP Status:



COUNSEL INFORMATION

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: Fair and Just Prosecution, a Project of the Tides Center, Amicus Curiae
 Pro Se: No
 IFP Status:
 Representing: FAMM, Amicus Curiae
 Pro Se: No
 IFP Status:
 Representing: The Boston University Center for Antiracist Research, Amicus Curiae
 Pro Se: No
 IFP Status:
 Representing: The Sentencing Project, 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: Fair and Just Prosecution, a Project of the Tides Center, Amicus Curiae
 Pro Se: No
 IFP Status:
 Representing: FAMM, Amicus Curiae
 Pro Se: No
 IFP Status:
 Representing: The Boston University Center for Antiracist Research, Amicus Curiae
 Pro Se: No
 IFP Status:
 Representing: The Sentencing Project, Amicus Curiae
 Pro Se: No
 IFP Status:



SUPREME COURT INFORMATION

Appeal From: the Order of the Superior Court entered June 13, 2023 at No. 1008 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 Docket Number: 1008 WDA 2021

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

Judge(s): Olson, Judith F.
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

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

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

Order Type: Judgment of Sentence

ORIGINAL RECORD CONTENT



ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Original Record	February 16, 2024	**Original Record Electronically Filed**

Record Remittal:

BRIEFING SCHEDULE

Appellant	Appellee
Lee, Derek	Commonwealth of Pennsylvania
Brief	Brief
Due: March 27, 2024	Filed:
Reply Brief	
Reproduced Record	
Due: March 27, 2024	Filed:

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
-------------------	--------------------------------	----------------------------

CROSS COURT ACTIONS

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