

3. Appellants seek leave to file the Reply, attached as Appendix “A” hereto, to refute certain statements in Appellees’ opposition filing and to provide the Court with clarification on the filing of *amici curiae* briefs.

WHEREFORE, Appellants respectfully request that this Honorable Court permit them to file their reply.

Respectfully submitted,

Date: February 23, 2021

By: /s/ Scot R. Withers

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APPENDIX “A”

**IN THE
SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

LEAGUE OF WOMEN VOTERS OF	:	No. 4 MAP 2021
PENNSYLVANIA and LORRAINE	:	
HAW	:	
	:	
	:	
v.	:	
	:	
VERONICA DEGRAFFENREID,	:	
ACTING SECRETARY OF THE	:	
COMMONWEALTH	:	
	:	
	:	
APPEAL OF: SHAMEEKAH	:	
MOORE, MARTIN VICKLESS,	:	
KRISTIN JUNE IRWIN AND	:	
KELLY WILLIAMS	:	

**APPELLANTS’ REPLY IN SUPPORT OF THEIR
APPLICATION FOR AN EXPEDITED BRIEFING
SCHEDULE AND LISTING FOR ORAL ARGUMENT**

Appellants, through their undersigned counsel, hereby respectfully submit this reply in support of their application for an expedited briefing schedule and listing for oral argument for the following reasons:

1. The Commonwealth Court did not hold as stated in paragraph 1 of Appellees’ Opposition. On the contrary, in their 3-to-2 *en banc* decision, Judge McCullough provided the decisive and concurring vote only on one narrow ground and she rejected much of Judge Ceisler’s opinion. See McCullough Concurring Opinion at 2 (“I disagree, however, with significant portions of Judge Ceisler’s

analysis of the applicable constitutional standard.”) and 6 (finding only a conflict between the Proposed Amendment and the existing constitutional right of a criminal defendant to obtain potentially favorable witnesses, testimony and materials).

2. Contrary to paragraph 3 of Appellees’ Opposition, this Court has never determined that the Proposed Amendment is unconstitutional. This Court’s November 4, 2019 *per curiam* Order only affirmed the preliminary injunction delaying the tabulation and certification of the electorate’s upcoming vote on the Proposed Amendment on November 5, 2019, stating: “Neither this Order, nor the Order of the Commonwealth Court, deprives any voter of the right to cast a ballot on the proposed ‘Victim’s Rights’ amendment at issue in this litigation at the upcoming November 5, 2019 General Election.” And even this limited holding resulted in a Dissenting Statement filed by Chief Justice Saylor in which Justices Dougherty and Mundy joined. See Nos. 83 MAP 2019 and 84 MAP 2019.

3. It has now been **15 months** since the enshrinement of the victims’ rights in the Proposed Amendment has been delayed. We respectfully submit that the voters who overwhelmingly approved the Proposed Amendment as well as the victims in criminal proceedings deserve an expedited hearing on the constitutionality *vel non* of the Proposed Amendment.

4. There will be no delay because of *amici* filings. Appellants believe that any parties filing amici briefs in support of their position will be filing them on

March 2, 2021 at the same time as appellants file their opening brief and, in any event, this Court can direct such *amici* to do so in compliance with its order.

WHEREFORE, Appellants respectfully request that this Court grant its Application.

Respectfully submitted,

Date: February 23, 2021

By: /s/ Scot R. Withers

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PUBLIC ACCESS POLICY CERTIFICATE OF COMPLIANCE

It is hereby certified by the undersigned that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Respectfully submitted,

Date: February 23, 2021

By: /s/ Scot R. Withers

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