

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 179 WAL 2018
	:	
Respondent	:	
	:	
v.	:	Petition for Allowance of Appeal from
	:	the Order of the Superior Court
	:	
	:	
JAMES T. BYRD, A/K/A AL-TARIQ	:	
SHARIF ALI BYRD,	:	
	:	
Petitioner	:	

ORDER

PER CURIAM

AND NOW, this 19th day of September, 2018, the Petition for Allowance of Appeal is **GRANTED**. The issue, rephrased for clarity, is:

- i. Where an inmate defendant seeks to suppress recordings of his jail visit communications in a criminal proceeding, must the Commonwealth demonstrate that the inmate had actual knowledge that he was being recorded to satisfy the “prior consent” requirement of the two-party consent exception to the Wiretapping and Electronic Surveillance Control Act (“Wiretap Act”), 18 Pa.C.S. § 5704(4)?
- ii. If actual knowledge is required by the statute, did the Superior Court err in concluding that Byrd had actual knowledge that he was being recorded?