

[J-36A-2024, J-36B-2024 and J-36C-2024] [OAJC: Wecht, J.]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 98 MAP 2023
	:	
Appellee	:	Appeal from the Order of the
	:	Superior Court at No. 811 MDA
	:	2021 entered on April 28, 2023,
v.	:	Affirming the Judgment of Sentence
	:	of the Northumberland County Court
	:	of Common Pleas, Criminal Division,
JOHN EDWARD KURTZ,	:	at No. CP-49-CR-0000045-2018
	:	entered on March 2, 2021
Appellant	:	
	:	ARGUED: May 14, 2024
COMMONWEALTH OF PENNSYLVANIA,	:	No. 99 MAP 2023
	:	
Appellee	:	Appeal from the Order of the
	:	Superior Court at No. 421 MDA
	:	2023 entered on April 28, 2023,
v.	:	Affirming the Judgment of Sentence
	:	of the Northumberland County Court
	:	of Common Pleas, Criminal Division,
JOHN EDWARD KURTZ,	:	at No. CP-49-CR-0001236-2018
	:	entered on March 2, 2021
Appellant	:	
	:	ARGUED: May 14, 2024
COMMONWEALTH OF PENNSYLVANIA,	:	No. 100 MAP 2023
	:	
Appellee	:	Appeal from the Order of the
	:	Superior Court at No. 429 MDA
	:	2023 entered on April 28, 2023,
v.	:	Affirming the Judgment of Sentence
	:	of the Northumberland County Court
	:	of Common Pleas, Criminal Division,
JOHN EDWARD KURTZ,	:	at No. CP-49-CR-0001479-2018
	:	entered on March 2, 2021
Appellant	:	
	:	ARGUED: May 14, 2024

CONCURRING OPINION

JUSTICE MUNDY

DECIDED: December 16, 2025

I join Chief Justice Todd’s concurring opinion, as I too find “that there was sufficient evidence of probable cause to support the issuance of the warrant in this matter.” Concurring Opinion, at 2. That being the case, I do not believe reaching the constitutional issue was necessary to the resolution of this appeal. See *Pennsylvania Interscholastic Athletic Ass’n, Inc. v. Campbell*, 310 A.3d 271, 278 (Pa. 2024) (“Where a dispute raises constitutional and non-constitutional questions, this Court will resolve it on non-constitutional grounds and avoid the constitutional issue if possible.”).

I write separately to express that if this Court were required to resolve the constitutional query posed, I would agree with that “the average search engine user” does not have “an expectation of privacy in the records generated by” unprotected internet searches. Opinion Announcing the Judgment of the Court (“OAJC”), at 3. However, as this determination was, in my view, not needed to dispose of this matter, I am compelled to concur only in the result of the OAJC.