

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

COMMONWEALTH OF PENNSYLVANIA	:	No. 341 MDA 2018
	:	
	:	
v.	:	
	:	
	:	
TERRY BOWENS	:	
	:	
Appellant	:	

ORDER

Upon consideration of the application for reargument, IT IS HEREBY ORDERED:

THAT *en banc* reargument is GRANTED;

THAT the decisions of this Court filed January 17, 2020, are WITHDRAWN;

THAT the case be listed before the next available *en banc* panel; and

THAT Appellant, Terry Bowens, shall file an original and nineteen (19) copies of either the brief previously filed, the brief previously filed together with a supplemental brief, or a substituted Brief for Appellant by April 18, 2020, along with an original and ten (10) copies of the reproduced record. Appellee, Commonwealth of Pennsylvania, shall thereafter have twenty-one (21) days after service to file an original and nineteen (19) copies of the brief previously filed, the brief previously filed together with a supplemental brief, or a substituted Brief for Appellee. Appellant shall thereafter have fourteen (14) days after service to file an original and nineteen (19) copies of a reply brief in accordance with Pa.R.A.P. 2113(a) if desired. No other briefs may be filed by the parties without leave of this Court;

THAT the parties are DIRECTED to ensure argument is included, in any original, substituted or supplemental brief, on the following issues:

- (1) Whether the trial court erred in denying suppression of data that was copied and reviewed from a seized cell phone more than two days after expiration of the relevant warrant? and
- (2) If the data should be suppressed, whether the proper remedy is acquittal of the offenses due to insufficiency of evidence, or remand for a new trial?

and

THAT any substituted or supplemental brief shall clearly indicate on the cover page that it is a substituted or supplemental brief.

PER CURIAM