

SUPERIOR COURT OF PENNSYLVANIA

Commonwealth v. Anthony Luckey

2025 Pa. Super. 62 · No. 640 EDA 2024 · Decided March 14, 2025

SUMMARY

The Pennsylvania Superior Court reviewed the Commonwealth’s interlocutory appeal from an order requiring disclosure of a complainant’s new residential address to defense counsel and permitting an in-person interview at her home. The court held that the order was appealable under Pennsylvania Rule of Appellate Procedure 311(d) because it had the practical effect of terminating the prosecution. It vacated the discovery order and remanded, concluding that disclosure of the address was neither shown to be material to the defense nor reasonable under Pennsylvania Rule of Criminal Procedure 573, particularly where a neutral interview location was available.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Per Curiam; Panella, P.J.E.; Lane, J.; Stevens, P.J.E.
JURISDICTION	Pennsylvania Superior Court
DECIDED	March 14, 2025
DOCKET	640 EDA 2024
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Commonwealth took an interlocutory appeal as of right under Pennsylvania Rule of Appellate Procedure 311(d) from a pretrial discovery order requiring disclosure of a complainant's new residential address to defense counsel and permitting an in-person interview at her home.
STANDARD OF REVIEW	The court reviewed the interlocutory appealability of the discovery order under Pennsylvania Rule of Appellate Procedure 311(d) and reviewed the trial court's discretionary discovery ruling for abuse of discretion.
PRECEDENTIAL VALUE	Published Pennsylvania Superior Court opinion
PARTIES	Commonwealth of Pennsylvania v. Anthony Luckey

TOPICS

appellate procedure

criminal procedure

discovery criminal

appellate jurisdiction

PRACTICE AREAS

Criminal procedure

Appellate procedure

Evidence and discovery

QUESTIONS PRESENTED

1. Whether the Commonwealth's certification under Pennsylvania Rule of Appellate Procedure 311(d) made the pretrial discovery order appealable as of right.
2. Whether the trial court abused its discretion under Pennsylvania Rule of Criminal Procedure 573(B)(2)(a)(i) by ordering disclosure of the complainant's new residential address and requiring an interview at her home without a showing that the disclosure was material to the defense and reasonable.
3. Whether a secure, neutral-location interview offered by the Commonwealth provided an adequate and less intrusive means of facilitating defense discovery.

HOLDINGS

1. The interlocutory appeal was reviewable because the discovery order had the practical effect of excluding evidence necessary to the Commonwealth's prosecution and substantially impairing or terminating the prosecution.
2. The trial court abused its discretion by ordering disclosure of the complainant's new residential address and requiring a home interview because the defense and the trial court failed to show that disclosure was both material to preparation of the defense and reasonable under the circumstances.

KEY QUOTATIONS

"This category covers all types of orders resulting in the suppression or exclusion of Commonwealth evidence[,] and also includes orders that have 'the practical effect' of suppressing or excluding evidence." (at 9)

"Neither defense counsel nor the trial court has shown how the disclosure was both material to a proper defense and reasonable where circumstances warranted serious concerns of needlessly intimidating this sole witness whose availability for a neutral site interview was otherwise assured by the Commonwealth." (at 13)

"Under the circumstances, it was at the very least manifestly unreasonable, and entirely ridiculous, for the trial court to order the Commonwealth to divulge the Complainant's address to the defense." (at 13)

FACTUAL BACKGROUND

The complainant, Luckey's 61-year-old aunt and the Commonwealth's principal eyewitness, testified that Luckey fired a handgun near her head, punched her, and prevented her from leaving his home. Police responded to a 911 call reporting that a woman was being held at gunpoint, forced entry into the fortified residence, and found the complainant distressed; later searches recovered firearms, ammunition, and shell casings. After the preliminary hearing, the complainant reported harassing calls from people associated with Luckey, changed her phone

number, and expressed fear that disclosure of her new address would cause her to stop cooperating with the prosecution.

PROCEDURAL HISTORY

Luckey was charged in the Philadelphia County Court of Common Pleas with aggravated assault, unlawful restraint, firearms prohibited, and related offenses. After a preliminary hearing and bail proceedings, the trial court granted defense counsel's oral motion under Pennsylvania Rule of Criminal Procedure 573 for the complainant's current address and ordered that the interview occur at her residence, despite the Commonwealth's proposal to arrange a face-to-face interview at a secure neutral location. The Commonwealth's motion for reconsideration was denied, and it filed this interlocutory appeal.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The order was vacated and the case remanded for further proceedings consistent with the opinion. The Superior Court relinquished jurisdiction.

CASES CITED

- Commonwealth v. Wright, 99 A.3d 565, 568 n.1 (Pa. Super. 2014)
- Commonwealth v. Cosnek, 575 Pa. 411, 836 A.2d 871 (2003)
- Commonwealth v. Woodard, 136 A.3d 1003 (Pa. Super. 2016)
- Commonwealth v. Hamilton, 2021 WL 225635 (Pa. Super. filed Jan. 22, 2021) (unpublished memorandum)
- Commonwealth v. Moser, 999 A.2d 602, 605 n.2 (Pa. Super. 2010)
- Commonwealth v. Pownall, 278 A.3d 885, 889 (Pa. 2022)
- Commonwealth v. Matis, 551 Pa. 220, 710 A.2d 12, 18-19 (1998)
- Commonwealth v. McKnight, 305 A.3d 582, 586-87 (Pa. Super. 2023)
- Commonwealth v. Garcia, 72 A.3d 681, 684-85 (Pa. Super. 2013)