

SUPREME COURT OF PENNSYLVANIA, WESTERN DISTRICT

In re: Fortieth Statewide Investigating Grand Jury, Petition of: M.L.

No. 77 WM 2018 (Pa. July 6 2018) · No. No. 77 WM 2018 · Decided July 6, 2018

SUMMARY

The Supreme Court of Pennsylvania issued a per curiam order addressing M.L.’s petition challenging a supervising judge’s June 5, 2018 order concerning findings in the Fortieth Statewide Investigating Grand Jury report. The Court established an expedited briefing schedule, directed the filing and review of sealed and redacted briefs, denied oral argument, and ordered that the matter be submitted on the briefs.

CASE DETAILS

COURT	Supreme Court of Pennsylvania, Western District
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Pennsylvania
DECIDED	July 6, 2018
DOCKET	No. 77 WM 2018
DISPOSITION	other
PROCEDURAL POSTURE	Petition for review of a June 5, 2018 order by the supervising judge of the Fortieth Statewide Investigating Grand Jury, which was certified for appellate review under Pa.R.A.P. 3331(a)(5).
PRECEDENTIAL VALUE	Procedural order; merits issues unresolved
PARTIES	M.L. v. Office of Attorney General

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the grand-jury report's finding that M.L. witnessed child sexual abuse by a fellow priest and failed to report it to law enforcement was false and unsupported by a preponderance of the evidence.

2. Whether the supervising judge violated M.L.'s rights to reputation and due process under Article I, Sections 1, 9, and 11 of the Pennsylvania Constitution by denying him a pre-deprivation hearing.
3. What briefing and submission procedures should govern the expedited consideration of M.L.'s petition for review.

HOLDINGS

1. Because the Office of Attorney General indicated that it had not fully developed its counter-argument and requested an opportunity for additional briefing, the matter would be considered after full expedited briefing by the parties.
2. The Office of Attorney General's request for oral argument was denied, and the matter was ordered submitted on the briefs.
3. The parties were required to submit unredacted briefs under seal and contemporaneous redacted versions for public docketing, subject to review and objection concerning grand-jury secrecy.

FACTUAL BACKGROUND

The underlying dispute concerns a grand-jury report alleging that M.L. witnessed child sexual abuse by a fellow priest and failed to report it to law enforcement. M.L. contended that the finding was false and unsupported by a preponderance of the evidence and that he was denied a pre-deprivation hearing before publication or disclosure of the report. The Supreme Court did not decide the merits of those claims in this order.

PROCEDURAL HISTORY

M.L. challenged the supervising judge's June 5, 2018 order and identified claims concerning the sufficiency of a grand-jury report's findings and alleged violations of reputation and due-process rights. The Supreme Court ordered expedited full briefing, established deadlines and procedures for sealed and redacted briefs, denied the Office of Attorney General's requests for oral argument, and directed that the matter be submitted on the briefs.

DISPOSITION

other