

IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
	:	
	:	
<i>Appellee,</i>	:	
	:	No. 3 WAP 2024
v.	:	
	:	
DEREK LEE,	:	
	:	
<i>Appellant.</i>	:	
	:	

APPELLANT’S ANSWER IN OPPOSITION TO
COMMONWEALTH’S PETITION FOR EXTENSION OF STAY

AND NOW COMES Appellant, Derek Lee, by and through undersigned counsel, respectfully submits this answer in opposition to the Commonwealth’s Petition for Extension of Stay as follows:

1. On March 26, 2026, this Court issued an opinion and order vacating Mr. Lee’s judgment of sentence and remanding the matter to the trial court.
2. This Court also stayed its mandate for 120 days until July 24, 2026 in order to allow a reasonable amount of time for the General Assembly to remedy the unconstitutional mandatory sentencing scheme. The order did not state that this Court retained jurisdiction.

3. The Commonwealth filed a petition seeking an additional 120-day stay on July 23, 2026 in order to permit the legislature additional time to consider remedial measures.
4. At the time of this filing, the General Assembly has not enacted any legislation addressing the sentencing of those convicted of second-degree murder since this Court's March 26, 2026 order.
5. This Court remitted the record in this matter to the Allegheny County Court of Common Pleas on April 14, 2026.
6. The Court of Common Pleas is the appropriate forum for matters related to Mr. Lee's resentencing and implementation of this Court's March 26th order, including whether to stay the proceedings. The Court of Common Pleas will have to rule on any pre-sentence motions, allow necessary time for preparation of mitigation evidence that is now relevant in light of this Court's ruling, and set a schedule for proceeding. That court will be best positioned to determine if any further stay in Mr. Lee's resentencing is appropriate or not.
7. The General Assembly may pass legislation during the pendency of Mr. Lee's resentencing. The legislative impasse, however, may remain in place indefinitely, in which case this Court has provided sufficient instruction in its majority opinion as to how the matter shall proceed.

8. The Court of Common Pleas has all necessary guidance to proceed and may take these circumstances and others raised by the parties into consideration when establishing a schedule for further proceedings consistent with this Court's majority opinion.
9. Thus, this Court should not grant the Commonwealth's petition for an extension of the stay on this matter.

WHEREFORE, for all the foregoing reasons, Appellant respectfully requests that this Court deny Appellee's Petition for Extension of Stay.

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Certificate of Compliance – Public Access Policy

I certify that this Answer in Opposition to Commonwealth’s Petition for Extension of Stay complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

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Certificate of Service

I hereby certify that on this 24th day of July, 2026, I caused the foregoing Answer in Opposition to Commonwealth's Petition for Extension of Stay to be served on the District Attorney of Allegheny County by electronic filing at the following:

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