

SUPREME COURT OF PENNSYLVANIA, WESTERN DISTRICT

Commonwealth v. Brown

Brown · No. No. 3 WAP 2025 · Decided January 28, 2026

SUMMARY

The Supreme Court of Pennsylvania held that a petitioner invoking the PCRA’s newly discovered facts exception must support the exception with evidence that would be admissible at a PCRA hearing. The Court further held that a third-party confession to another person may be admissible and may constitute a newly discovered fact under the PCRA. It reversed the Superior Court’s contrary order and remanded for an evidentiary hearing concerning the exception.

CASE DETAILS

COURT	Supreme Court of Pennsylvania, Western District
WRITING FOR THE COURT	Justice David N. Wecht; Chief Justice Todd; Justice Donohue; Justice Dougherty; Justice Wecht; Justice Mundy; Justice Brobson; Justice McCaffery
JURISDICTION	Supreme Court of Pennsylvania, Western District
DECIDED	January 28, 2026
DOCKET	No. 3 WAP 2025
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Brown appealed from the Superior Court's order affirming in part and vacating in part the Beaver County Court of Common Pleas order dismissing his fourth PCRA petition. The Supreme Court of Pennsylvania granted allowance of appeal to decide whether a third-party confession to another person can serve as a newly discovered fact under the PCRA.
STANDARD OF REVIEW	Questions concerning the scope of the PCRA's statutory timeliness exceptions are reviewed de novo under a plenary scope of review.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Jamie M. Brown v. Commonwealth of Pennsylvania

TOPICS

- state post-conviction relief
- post-conviction relief
- successive petitions
- evidence
- appellate procedure

PRACTICE AREAS

criminal post-conviction practice

Pennsylvania PCRA procedure

criminal evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether a third-party confession to another person may constitute a newly discovered fact under the PCRA's timeliness exception in 42 Pa.C.S. § 9545(b)(1)(ii).
2. Whether a PCRA petitioner alleging a newly discovered fact is entitled to an evidentiary hearing to prove the predicate fact with admissible evidence when the petition alleges genuine issues of material fact.
3. Whether a separate confession made by the same third party to a different person at a different time is a new fact rather than merely a new source for a previously known fact.

HOLDINGS

1. A third-party confession to another person may serve as the predicate fact for the newly discovered facts exception to the PCRA's one-year time bar.
2. A confession made by the same third party to a different person at a different time is a distinct fact for purposes of Section 9545(b)(1)(ii), not merely a newly discovered source for a previously known fact.
3. Brown was entitled to an evidentiary hearing because his petition alleged genuine issues of material fact concerning whether Tusweet Smith confessed to Dorsett and supported those allegations with witness certifications and other documentary evidence.

KEY QUOTATIONS

“We now hold that a PCRA petitioner is required to establish the newly discovered facts exception with evidence that would be admissible at a PCRA hearing.” (at 2)

“We further hold that a third-party confession to another person may be admissible and may serve as a newly discovered fact under the PCRA.” (at 2)

“At such a hearing, a third-party confession may serve as the predicate fact upon which a claim is based for purposes of the newly discovered facts exception.” (at 33-34)

FACTUAL BACKGROUND

Jamie Brown was convicted of killing Aliquippa Police Officer James Naim after a 2002 jury trial. Years later, Brown learned that inmate Anthony Dorsett had told authorities that another inmate, Anthony Tusweet Smith, confessed to killing Naim, and Brown alleged that the Commonwealth had failed to disclose that information during prior PCRA proceedings. Brown supported his petition with witness certifications and other information indicating that he intended to present testimony from Dorsett, Tusweet Smith, and others concerning the confession and its corroboration.

PROCEDURAL HISTORY

Brown was convicted of third-degree murder in 2002 and received a sentence of twenty to forty years. After direct review and several PCRA petitions, he filed a fourth PCRA petition in 2021 alleging, among other things, that the Commonwealth had suppressed a statement reporting that Anthony Tusweet Smith confessed to killing the victim. The PCRA court dismissed the petition without an evidentiary hearing, and the Superior Court affirmed the dismissal as to the statement on the ground that inadmissible hearsay could not establish the newly discovered facts exception. The Supreme Court reversed and remanded for an evidentiary hearing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for an evidentiary hearing at which Brown may attempt to prove, with admissible evidence, the allegations supporting the newly discovered facts exception concerning the Dorsett/Tusweet Smith statement. The lower court must then address the timeliness exception and, if jurisdiction is established, the merits of the underlying claim.

CASES CITED

- Commonwealth v. Yarris, 731 A.2d 581, 591-92 (Pa. 1999)
- Commonwealth v. Bennett, 930 A.2d 1264, 1271-72 (Pa. 2007)
- Commonwealth v. Natividad, 200 A.3d 11, 29 (Pa. 2019)
- Commonwealth v. Rivera, 324 A.3d 452, 468 (Pa. 2024)
- Commonwealth v. Lopez, 249 A.3d 993, 999-1000 (Pa. 2021)
- Commonwealth v. Small, 238 A.3d 1267, 1286-87 (Pa. 2020)
- Commonwealth v. Abu-Jamal, 941 A.2d 1263, 1268-70 (Pa. 2008)
- Commonwealth v. Towles, 300 A.3d 400, 415-16 (Pa. 2023)
- Commonwealth v. Fahy, 959 A.2d 312, 316 (Pa. 2008)
- Commonwealth v. Colavita, 993 A.2d 874, 886 (Pa. 2010)
- Brady v. Maryland, 373 U.S. 83, 87 (1963)
- Commonwealth v. Spatz, 47 A.3d 63, 84 (Pa. 2012)
- Commonwealth v. Johnson, 174 A.3d 1050, 1056 (Pa. 2017)
- Commonwealth v. Williams, 732 A.2d 1167, 1175-76 (Pa. 1999)
- Commonwealth v. Lark, 746 A.2d 585, 588 (Pa. 2000)
- Commonwealth v. Starr, 664 A.2d 1326, 1331 (Pa. 1995)
- Commonwealth v. Castro, 93 A.3d 818, 825-28 (Pa. 2014)
- Bruton v. United States, 391 U.S. 123, 135-36 (1968)
- Richardson v. Marsh, 481 U.S. 200, 208 (1987)

