

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Tedford

566 Pa. 457 (2001) (Pa. 2001) · Decided October 18, 2001

SUMMARY

The Supreme Court of Pennsylvania held that the PCRA court improperly treated Donald Tedford’s counseled petition as an untimely second petition. Because Tedford’s initial pro se petition should have been amended with the assistance of counsel, the later counseled filing was treated as an amended first petition and was timely under the applicable transition provisions. The court reversed and remanded for consideration of the petition’s merits.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Nigro, J.; Flaherty, C.J.; Zappala, J.; Cappy, J.; Castille, J.; Newman, J.; Saylor, J.
JURISDICTION	Pennsylvania
DECIDED	October 18, 2001
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an order of the Court of Common Pleas of Butler County denying Tedford's petition for post-conviction relief as untimely.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Donald Tedford v. Commonwealth of Pennsylvania

TOPICS

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

PRACTICE AREAS

- Pennsylvania post-conviction relief
- criminal procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether the PCRA court erred by dismissing Tedford's pro se first PCRA petition without prejudice and treating his subsequently filed counseled petition as a new and untimely second petition.

2. Whether a counseled amended PCRA petition filed after an uncounseled first petition should be treated as an amendment or extension of the existing petition rather than as a new petition.

HOLDINGS

1. The PCRA court erred in dismissing Tedford's pro se first PCRA petition and treating the later counseled filing as a new second petition. The counseled filing was an amended first PCRA petition and was timely under the applicable transition provision.

KEY QUOTATIONS

*“When a petition for post-conviction collateral relief is defective as originally filed, the judge shall order amendment of the petition, indicate the nature of the defects, and specify the time within which an amended petition shall be filed.” (*1170)*

*“We therefore reverse the PCRA court's order denying Appellant's PCRA Petition as untimely and remand this case to the PCRA court to consider the merits of the claims raised by Appellant in his PCRA Petition.” (*1171)*

FACTUAL BACKGROUND

A jury convicted Donald Tedford of the first-degree murder and rape of Jeanine Revak on February 6, 1987, and imposed a death sentence after finding two aggravating circumstances and no mitigating circumstances. The trial court sentenced him on March 20, 1987, and the Supreme Court of Pennsylvania affirmed the judgment of sentence on December 13, 1989. Tedford filed a pro se PCRA petition on July 12, 1995, followed by a counseled petition filed within the period provided by the PCRA court's extensions.

PROCEDURAL HISTORY

Tedford was convicted of first-degree murder and rape and sentenced to death for murder. The Supreme Court of Pennsylvania affirmed his judgment of sentence in 1989. After Tedford filed a pro se PCRA petition in 1995, the PCRA court dismissed it without prejudice and directed him to file a new counseled petition; the court later treated the counseled petition as a second, untimely petition and denied relief. The Supreme Court of Pennsylvania reversed and remanded for consideration of the merits.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the PCRA court's order denying the PCRA petition as untimely and remand for the PCRA court to consider the merits of the claims raised in the petition. Jurisdiction was relinquished.

CASES CITED

- Commonwealth v. Tedford, 523 Pa. 305, 567 A.2d 610 (1989)

- Commonwealth v. Priovolos, 552 Pa. 364, 715 A.2d 420 (1998)
- Commonwealth v. Duffey, 551 Pa. 675, 713 A.2d 63 (1998)
- Terminato v. Pennsylvania National Insurance Co., 538 Pa. 60, 645 A.2d 1287, 1291 (1994)

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