

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Reed, 605 Pa. 431

990 A.2d 1158 (Pa. 2010) · No. No. 581 CAP · Decided March 25, 2010

SUMMARY

The Supreme Court of Pennsylvania reviewed Dennis C. Reed’s capital direct appeal from convictions and a death sentence arising from the killing of Wendy Miller. The court addressed the sufficiency of the evidence, suppression, compulsory joinder under 18 Pa.C.S. § 110, juror voir dire, and several evidentiary claims. The court rejected the claims discussed in the provided text and affirmed the relevant trial-court rulings.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Saylor; Chief Justice Castille; Justice Eakin; Justice Baer; Justice Todd; Justice McCaffery; Justice Orie Melvin
JURISDICTION	Pennsylvania
DECIDED	March 25, 2010
DOCKET	No. 581 CAP
DISPOSITION	affirmed
PROCEDURAL POSTURE	Capital direct appeal from convictions for first-degree murder, kidnapping, interference with custody of children, and related offenses, and from the resulting death sentence.
STANDARD OF REVIEW	The court reviewed the sufficiency of the evidence de novo, viewing the evidence in the light most favorable to the Commonwealth as verdict winner. Suppression and evidentiary rulings were reviewed under the applicable abuse-of-discretion standard, and unpreserved or undeveloped claims were treated as waived or unreviewable. Capital sentencing was reviewed under 42 Pa.C.S. § 9711(h)(3).
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Pennsylvania
PARTIES	Dennis C. Reed v. Commonwealth of Pennsylvania

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Reed's first-degree murder conviction.
2. Whether Reed was entitled to relief on his challenge to the pretrial suppression ruling despite failing to develop an argument on appeal.
3. Whether Pennsylvania's compulsory-joinder statute barred the Lawrence County prosecution because of Reed's prior Butler County convictions.
4. Whether the trial court violated Pennsylvania Rule of Criminal Procedure 631 by permitting post-acceptance removal of prospective jurors and whether Reed was entitled to additional peremptory challenges or a mistrial.
5. Whether the trial court abused its discretion in admitting evidence of prior abuse and protection-from-abuse orders, testimony concerning the victim's background, evidence regarding the absence of fingerprint evidence, testimony about Reed's false name, and testimony concerning the nonverbatim nature of a police report.
6. Whether the evidence was sufficient to support the interference-with-custody convictions.
7. Whether the trial court abused its discretion by allowing the shotgun into the jury room during deliberations.
8. Whether the death sentence was arbitrary or unsupported by at least one aggravating circumstance.

HOLDINGS

1. The evidence was sufficient to support Reed's first-degree murder conviction.
2. Reed was not entitled to relief on his suppression claim because he presented no developed argument challenging the suppression court's ruling.
3. The Butler County and Lawrence County offenses did not arise from a single criminal episode sufficient to trigger compulsory joinder.
4. The trial court did not violate Rule 631 by permitting the Commonwealth to exercise a peremptory challenge after a prospective juror had initially been accepted by both parties.
5. The trial court was not required to award additional peremptory challenges, retain the juror temporarily, or grant a mistrial after excusing a juror for cause.
6. The trial court did not abuse its discretion by admitting evidence of Miller's October and December 2001 protection-from-abuse orders and testimony concerning Reed's physical abuse of Miller.
7. Reed was not entitled to relief on his challenge to the interference-with-custody convictions.
8. The trial court did not abuse its discretion by allowing the shotgun to be taken into the jury room during deliberations.

9. The death sentence was not the product of passion, prejudice, or another arbitrary factor, and the evidence supported the two aggravating circumstances found by the jury.

KEY QUOTATIONS

“This, we hold, is not a sufficient logical connection to support casting the Butler and Lawrence offenses as arising out of a single criminal episode or, correspondingly, to implicate the requirement of compulsory joinder.” (1165)

“The judgment of sentence is affirmed, and the Prothonotary is directed to transmit the complete record of this case to the Governor in accordance with Section 9711(i) of the Judicial Code, 42 Pa.C.S. § 9711(i).” (1172)

FACTUAL BACKGROUND

Wendy Miller, the mother of Reed's child, was killed by a close-range shotgun blast on December 16, 2001. Evidence showed that Reed had threatened and physically abused Miller, violated temporary protection-from-abuse orders, removed Miller and three of her children from her apartment, and later returned alone after taking the children to Butler County. Police found Reed with the children, Miller's vehicle, a shotgun containing a spent casing, ammunition, and clothing bearing a DNA marker consistent with Miller's blood; Miller's body was later found in a wooded area.

PROCEDURAL HISTORY

Reed was first tried and convicted in Butler County on drug and firearms charges. He was later tried in Lawrence County and convicted of first-degree murder and related offenses after the trial court denied his motion to quash under Pennsylvania's compulsory-joinder statute and denied his motion to suppress. The jury imposed a death sentence after finding two aggravating circumstances and no mitigating circumstances. The trial court denied post-sentence motions, and Reed took a direct appeal to the Supreme Court of Pennsylvania.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Sanchez, 589 Pa. 43, 907 A.2d 477 (2006)
- Commonwealth v. Collins, 550 Pa. 46, 703 A.2d 418 (1997)
- Commonwealth v. Cousar, 593 Pa. 204, 928 A.2d 1025 (2007)
- Commonwealth v. Crews, 436 Pa. 346, 260 A.2d 771 (1970)
- Commonwealth v. Chmiel, 585 Pa. 547, 889 A.2d 501 (2005)
- Commonwealth v. Appel, 517 Pa. 529, 539 A.2d 780 (1988)
- Commonwealth v. Freeman, 573 Pa. 532, 827 A.2d 385 (2003)
- Commonwealth v. McPhail, 547 Pa. 519, 692 A.2d 139 (1997)
- Commonwealth v. Fithian, 599 Pa. 180, 961 A.2d 66 (2008)

- Commonwealth v. Hockenbury, 549 Pa. 527, 701 A.2d 1334 (1997)
- Commonwealth v. Nolan, 579 Pa. 300, 855 A.2d 834 (2004)
- Commonwealth v. Proctor, 526 Pa. 246, 585 A.2d 454 (1991)
- Commonwealth v. Edwards, 493 Pa. 281, 426 A.2d 550 (1981)
- Commonwealth v. Johnson, 299 Pa. Super. 172, 445 A.2d 509 (1982)
- Commonwealth v. Kennedy, 598 Pa. 621, 959 A.2d 916 (2008)
- Commonwealth v. Sherwood, 982 A.2d 483 (Pa. 2009)
- Commonwealth v. Ulatoski, 472 Pa. 53, 371 A.2d 186 (1977)
- Commonwealth v. Petrakovich, 459 Pa. 511, 329 A.2d 844 (1974)
- Commonwealth v. Drumheller, 570 Pa. 117, 808 A.2d 893 (2002)
- Commonwealth v. Beasley, 504 Pa. 485, 475 A.2d 730 (1984)
- Commonwealth v. Dreibelbis, 493 Pa. 466, 426 A.2d 1111 (1981)
- Commonwealth v. Hobson, 484 Pa. 250, 398 A.2d 1364 (1979)
- United States v. Pruitt, 300 Fed. Appx. 853 (11th Cir. 2008)
- United States v. Mascak, 2008 WL 3285843 (D. Or. Aug. 8, 2008)