

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Bond

604 Pa. 1 (Pa. 2009) (Pa. 2009) · No. 501 CAP · Decided December 28, 2009

SUMMARY

The Supreme Court of Pennsylvania affirmed Aquil Bond’s convictions and death sentence for first-degree murder and related offenses arising from a retaliatory gang shooting in Philadelphia. The court held that the evidence was sufficient to support the murder and conspiracy convictions, found the weight-of-the-evidence claim waived, upheld the denial of a voluntary manslaughter instruction, and addressed Bond’s Brady claim.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| COURT                 | Supreme Court of Pennsylvania                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| WRITING FOR THE COURT | Justice Todd; Chief Justice Castille; Justice Saylor; Justice Eakin; Justice Baer; Justice McCaffery; Justice Greenspan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| JURISDICTION          | Pennsylvania                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| DECIDED               | December 28, 2009                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| DOCKET                | 501 CAP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | Direct appeal from a judgment of sentence imposing death after a jury convicted Bond of first-degree murder, possession of an instrument of crime, reckless endangerment of another person, and criminal conspiracy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| STANDARD OF REVIEW    | For sufficiency, the court viewed the trial evidence and all reasonable inferences in the light most favorable to the Commonwealth as verdict winner and asked whether the evidence established every element beyond a reasonable doubt. Weight-of-the-evidence claims are addressed to the trial court's discretion and are waived unless raised in the manner required by Pennsylvania Rule of Criminal Procedure 607. A requested voluntary-manslaughter instruction is required only when the offense is at issue and the evidence reasonably supports it. Severance is reviewed for manifest abuse of discretion, with prejudice borne by the defendant. Admission of rebuttal evidence is reviewed for abuse of discretion. The court independently reviewed the death sentence under 42 Pa.C.S.A. § 9711(h)(3). |

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| <b>PRECEDENTIAL VALUE</b> | Published precedential opinion of the Supreme Court of Pennsylvania |
| <b>PARTIES</b>            | Aquil Bond v. Commonwealth of Pennsylvania                          |

## TOPICS

sentencing criminal procedure conspiracy mens rea appellate procedure

## PRACTICE AREAS

Criminal law Capital punishment Criminal procedure Appellate procedure Evidence

## QUESTIONS PRESENTED

1. Whether sufficient evidence supported Bond's convictions for first-degree murder and criminal conspiracy.
2. Whether Bond's challenge to the weight of the evidence was preserved.
3. Whether the trial court was required to instruct the jury on voluntary manslaughter.
4. Whether the prosecution's failure to disclose Hyneith Jacobs's statement violated Brady v. Maryland.
5. Whether Bond was entitled to a new penalty hearing because he was shackled during the penalty phase.
6. Whether the trial court erred by denying separate penalty-phase hearings for Bond and his codefendant.
7. Whether the trial court erred in reconvening the jury to complete the sentencing verdict form.
8. Whether the Commonwealth properly introduced Bond's statement as penalty-phase rebuttal evidence.
9. Whether the death sentence satisfied Pennsylvania's statutory review requirements.

## HOLDINGS

1. The evidence was sufficient to support Bond's convictions for first-degree murder and criminal conspiracy. The evidence showed more than mere presence: Bond participated in a retaliatory plan, helped obtain a firearm, went to the shooting location, and participated in the shooting. A conspiracy member may be convicted of first-degree murder regardless of which conspirator fired the fatal shot.
2. Bond waived his challenge that the verdict was against the weight of the evidence because he failed to raise it before the trial court in a motion permitted by Pennsylvania Rule of Criminal Procedure 607.
3. The trial court properly denied Bond's request for a voluntary-manslaughter instruction because the evidence did not reasonably support a finding that he acted under a sudden and intense passion resulting from serious provocation.
4. Bond was not entitled to relief under Brady because Jacobs's statement was not shown to be favorable exculpatory or impeachment evidence concerning Grant's murder.
5. Bond's shackling claim was waived because he failed to include it in his Pennsylvania Rule of Appellate Procedure 1925(b) statement.

6. The trial court did not abuse its discretion by denying separate penalty-phase hearings for Bond and his codefendant.
7. The sentencing verdict form was valid as originally completed, and any supplementation after the jury was reconvened was legally irrelevant.
8. The trial court properly admitted Bond's statement to the victim's family as rebuttal evidence because it was relevant to rebut defense character evidence, including evidence of remorse and good character.
9. The death sentence was supported by the evidence and was not the product of passion, prejudice, or another arbitrary factor.

#### KEY QUOTATIONS

*“This evidence established more than Appellant's mere presence at the scene of the crime; it established that Appellant, over several days, engaged in a deliberate, pre-mediated plan to exact revenge on individuals believed responsible for the shootings of Finney and Steed.” (819)*

*“Accordingly, we find it unnecessary to reach, as the trial court did, the question of whether the omission prejudiced Appellant, as we conclude Appellant has failed to show that Jacobs' statement was favorable to Appellant either as impeachment or exculpatory evidence.” (823)*

*“Thus, despite Appellant's assertion that the verdict slip was improperly completed, and the trial court's understandable efforts to alleviate any concern, we hold that that the Sentencing Verdict and Findings form was proper and valid as originally completed by the jury.” (828)*

#### FACTUAL BACKGROUND

After two members of Bond's gang were killed in a rival-gang gunfight, Bond and other gang members discussed retaliation and planned to shoot members of the rival group. Bond and Christopher Smith later went to an area where they believed a rival gang member would be found, and witnesses saw Bond exit a vehicle with a gun and fire down the street. Rasheed Grant was killed and Antwain Weston was wounded; ballistic evidence linked spent cartridges at the scene to firearms obtained for Bond and Smith. The prosecution also presented testimony connecting Bond to the planning, acquisition, and use of the firearms.

#### PROCEDURAL HISTORY

Bond and a codefendant were jointly tried in the Philadelphia Court of Common Pleas. The jury convicted Bond of the listed offenses, acquitted him of attempted murder relating to the wounded victim, and recommended death after finding one aggravating circumstance and no mitigating circumstances. The trial court formally imposed the death sentence, and Bond appealed directly to the Supreme Court of Pennsylvania.

#### DISPOSITION

affirmed

#### CASES CITED

- Commonwealth v. DeJesus, 580 Pa. 303, 860 A.2d 102 (2004)
- Commonwealth v. Montalvo, 598 Pa. 263, 956 A.2d 926 (2008)
- Commonwealth v. Brown, 551 Pa. 465, 711 A.2d 444 (1998)
- Commonwealth v. Boxley, 575 Pa. 611, 838 A.2d 608 (2003)
- Commonwealth v. Diggs, 597 Pa. 28, 949 A.2d 873 (2008)
- Commonwealth v. Browdie, 543 Pa. 337, 671 A.2d 668 (1996)
- Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963)
- Commonwealth v. Lambert, 584 Pa. 461, 884 A.2d 848 (2005)
- Commonwealth v. Collins, 585 Pa. 45, 888 A.2d 564 (2005)
- Commonwealth v. Chambers, 570 Pa. 3, 807 A.2d 872 (2002)
- Commonwealth v. Castillo, 585 Pa. 395, 888 A.2d 775 (2005)
- Commonwealth v. Lopez, 559 Pa. 131, 739 A.2d 485 (1999)
- Commonwealth v. Arroyo, 555 Pa. 125, 723 A.2d 162 (1999)
- Commonwealth v. Romero, 595 Pa. 275, 938 A.2d 362 (2007)
- Commonwealth v. Weiss, 565 Pa. 504, 776 A.2d 958 (2001)
- Commonwealth v. Harris, 550 Pa. 92, 703 A.2d 441 (1997)