

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Morris, 573 Pa. 157

822 A.2d 684 (Pa. 2003) · Decided May 1, 2003

SUMMARY

The Supreme Court of Pennsylvania held that stays of execution sought in connection with second or subsequent collateral proceedings must comply with the Post-Conviction Relief Act, including 42 Pa. C.S. § 9545(c). The court rejected an inherent-power and non-frivolous-claim standard for granting such stays in this context. It further concluded that claims of PCRA counsel ineffectiveness did not satisfy the statutory timeliness exception and declined to exercise jurisdiction over the untimely petition.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Chief Justice Cappy; Justice Zappala; Justice Castille; Justice Nigro; Justice Newman; Justice Saylor
JURISDICTION	Pennsylvania
DECIDED	May 1, 2003
DISPOSITION	other
PROCEDURAL POSTURE	Appeal concerning a stay of execution and the Supreme Court of Pennsylvania's review of Morris's second PCRA petition. The court had previously granted a stay pending consideration of the governing standard and the merits of the collateral petition.
STANDARD OF REVIEW	Jurisdictional review of the timeliness and statutory exceptions applicable to a second or subsequent PCRA petition; statutory interpretation of 42 Pa.C.S. § 9545(c); review of whether the statutory prerequisites for a stay of execution were satisfied.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Kelvin X. Morris v. Commonwealth of Pennsylvania

TOPICS

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PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether 42 Pa.C.S. § 9545(c) governs the Supreme Court of Pennsylvania's authority to issue a stay of execution while a second or subsequent PCRA petition is pending.
2. Whether the Supreme Court possesses inherent authority to issue a stay of execution outside the requirements of § 9545(c) to preserve the status quo or review nonfrivolous claims.
3. Whether Morris's untimely second PCRA petition satisfied an exception to the PCRA time bar based on alleged ineffective assistance of PCRA counsel, newly discovered evidence, or governmental interference.
4. Whether the court had jurisdiction to consider the substantive claims in Morris's second PCRA petition.

HOLDINGS

1. Section 9545(c) applies to all Pennsylvania courts, including the Supreme Court of Pennsylvania, and governs stays of execution in second or subsequent PCRA proceedings.
2. The court rejected Morris's request for a general inherent-power or nonfrivolous-claim standard for stays in successive PCRA proceedings and held that the heightened statutory standard controls in this case.
3. A claim that prior PCRA counsel was ineffective does not constitute a newly discovered fact and does not save an otherwise untimely PCRA petition.
4. The court lacked jurisdiction to review Morris's second PCRA petition because it was untimely and Morris failed to establish a valid statutory exception.

KEY QUOTATIONS

“After reflection on this matter, we hold that a stay of execution arising at the collateral review stage should be considered according to the dictates of the Post-Conviction Relief Act (PCRA), 42 Pa. C.S. § 9545(c), and therefore vacate our earlier order granting the stay of execution in this case.” (at 688)

“Accordingly, we will respect the parameters that the legislature has constructed when exercising our power to grant a stay of execution involving a second or subsequent collateral petition.” (at 692)

“As Fahy rejected a “miscarriage of justice” standard exception to the time requirements of the PCRA, we are rejecting a “non-frivolous” standard for the issuing of a stay of execution.” (at 694)

“For the reasons stated herein, we conclude that we are without jurisdiction to review the instant petition.” (at 699)

FACTUAL BACKGROUND

A jury convicted Kelvin X. Morris of first-degree murder and robbery on November 30, 1983, and sentenced him to death after a penalty hearing. His direct appeal and first PCRA petition were unsuccessful. Morris filed a

second PCRA petition in 1996, which the PCRA court found untimely, while successive death warrants and requests for stays produced repeated litigation over whether execution could be stayed during collateral review.

PROCEDURAL HISTORY

Morris was convicted of first-degree murder and robbery and sentenced to death in 1983. The Supreme Court of Pennsylvania affirmed on direct appeal and later affirmed the denial of his first PCRA petition. The PCRA court denied his second PCRA petition as untimely but granted a stay of execution; the Supreme Court vacated that stay in *Morris I*, later granted its own stay, and in this opinion held that the statutory PCRA stay requirements governed the Supreme Court as well. The court concluded that the second petition was untimely and that no exception established jurisdiction, vacated the stay, and affirmed denial of the second PCRA petition.

DISPOSITION

other

CASES CITED

- Commonwealth v. Morris, 522 Pa. 533, 564 A.2d 1226 (1989)
- Commonwealth v. Morris, 546 Pa. 296, 684 A.2d 1037 (1996)
- Commonwealth v. Morris, 565 Pa. 1, 771 A.2d 721 (2001)
- Commonwealth v. Brady, 510 Pa. 336, 508 A.2d 286 (1986)
- Commonwealth v. Peterkin, 554 Pa. 547, 722 A.2d 638 (1998)
- Tyler v. Cain, 533 U.S. 656, 121 S. Ct. 2478, 150 L. Ed. 2d 632 (2001)
- Commonwealth v. Fahy, 558 Pa. 313, 737 A.2d 214 (1999)
- Commonwealth v. Chester, 557 Pa. 358, 733 A.2d 1242 (1999)
- Commonwealth v. Abdul-Salaam, 571 Pa. 219, 812 A.2d 497 (2002)
- Commonwealth v. Albrecht, 554 Pa. 31, 720 A.2d 693 (1998)
- Commonwealth v. Gamboa-Taylor, 562 Pa. 70, 753 A.2d 780 (2000)
- Commonwealth v. Lark, 560 Pa. 487, 746 A.2d 585 (2000)
- Commonwealth v. Hall, 565 Pa. 92, 771 A.2d 1232 (2001)
- Commonwealth v. Murray, 562 Pa. 1, 753 A.2d 201 (2000)
- Commonwealth v. Saranchak, 570 Pa. 521, 810 A.2d 1197 (2002)
- Commonwealth v. Paddy, 569 Pa. 47, 800 A.2d 294 (2002)
- Commonwealth v. Rollins, 558 Pa. 532, 738 A.2d 435 (1999)
- Commonwealth v. Marshall, 570 Pa. 545, 810 A.2d 1211 (2002)
- Commonwealth v. Cross, 555 Pa. 603, 726 A.2d 333 (1999)
- Frey v. Fulcomer, 132 F.3d 916 (3d Cir. 1997)
- Commonwealth v. Wharton, 571 Pa. 85, 811 A.2d 978 (2002)
- Mills v. Maryland, 486 U.S. 367, 374-375, 108 S. Ct. 1860, 100 L. Ed. 2d 384 (1988)

- Commonwealth v. Morris, 565 Pa. 1, 771 A.2d 721 (2001)
- Sayres v. Commonwealth, 88 Pa. 291 (1879)
- Pennsylvania PUC v. Process Gas Consumers, 502 Pa. 545, 467 A.2d 805 (1983)
- Laudenberger v. Port Authority of Allegheny County, 496 Pa. 52, 436 A.2d 147 (1981)
- Allen v. Mellinger, 567 Pa. 1, 784 A.2d 762 (2001)
- Gmerek v. State Ethics Commission, 569 Pa. 579, 807 A.2d 812 (2002)
- Miller-El v. Cockrell, 537 U.S. 322, 123 S. Ct. 1029, 154 L. Ed. 2d 931 (2003)

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