

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. James Smith and Commonwealth v. Patrick Smith

53 EAP 2024 and 54 EAP 2024 · No. 53 EAP 2024 and 54 EAP 2024 · Decided June 17, 2025

SUMMARY

Justice Donohue, joined by Chief Justice Todd, issued an Opinion in Support of Reversal concerning consolidated appeals involving James Smith and Patrick Smith. The opinion disputes the lower courts' dismissal of charges at preliminary hearings, emphasizing that credibility determinations and inferences favorable to defendants are impermissible and that the victims' testimony was sufficient to sustain the Commonwealth's burden.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Donohue
JURISDICTION	Supreme Court of Pennsylvania
DECIDED	June 17, 2025
DOCKET	53 EAP 2024 and 54 EAP 2024
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Commonwealth appealed two Superior Court orders affirming Philadelphia County Court of Common Pleas orders dismissing charges against James Smith and Patrick Smith following a joint preliminary hearing.
STANDARD OF REVIEW	At a preliminary hearing, the Commonwealth must establish a prima facie case, and the hearing court may not resolve credibility or draw inferences in favor of the defendant.
PRECEDENTIAL VALUE	Published opinion in support of reversal; the Supreme Court's equally divided affirmance did not decide the merits.
PARTIES	Commonwealth of Pennsylvania v. James Smith, Patrick Smith

TOPICS

- preliminary hearing
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the lower courts improperly dismissed the charges at the preliminary-hearing stage by making credibility determinations and drawing inferences in favor of the defendants.
2. Whether the victim's testimony was sufficient, without additional evidence, to establish the Commonwealth's burden at the joint preliminary hearing.

HOLDINGS

1. A preliminary-hearing court may not resolve credibility disputes or draw inferences in favor of the defendant when determining whether the Commonwealth has established a prima facie case.
2. The victim's testimony alone was sufficient to sustain the Commonwealth's burden at the joint preliminary hearing, requiring reversal of the suppression court's dismissal and remand for trial.

KEY QUOTATIONS

“This Court’s affirmance per curiam by an equally divided court is not a blessing of the Superior Court’s decisions or rationale because there has been no ruling on the merits.” (at 2)

“Because the victim’s testimony was alone sufficient to sustain the Commonwealth’s burden at the joint preliminary hearing, the suppression court’s decision should have been reversed and the case remanded for a trial.” (at 2)

FACTUAL BACKGROUND

The case involved charges against two off-duty police officers arising from testimony by a victim. The lower courts dismissed the charges at the preliminary-hearing stage after making credibility determinations and drawing inferences in favor of the defendants. Justice Donohue stated that the victim's testimony alone was sufficient to sustain the Commonwealth's preliminary-hearing burden.

PROCEDURAL HISTORY

The Philadelphia County Court of Common Pleas dismissed the charges on July 26, 2022. The Superior Court affirmed on October 11, 2023. The Commonwealth appealed to the Supreme Court of Pennsylvania. The Supreme Court affirmed per curiam by an equally divided court, and Justice Donohue issued this opinion in support of reversal.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

Justice Donohue stated that the lower decision should have been reversed and the case remanded for trial; however, the Supreme Court's actual disposition was an affirmance per curiam by an equally divided court.

CASES CITED

- Commonwealth v. Perez, 249 A.3d 1092, 1102-03 (Pa. 2021)
- Commonwealth v. James, 427 A.2d 148, 150 (Pa. 1981)

OPINION

PER CURIAM.

[J-12A-2025 and J-12B-2025] IN THE SUPREME COURT OF PENNSYLVANIA EASTERN DISTRICT COMMONWEALTH OF PENNSYLVANIA,; No. 53 EAP 2024 Appellant: Appeal from the Order of the: Superior Court at No. 1910 EDA: 2022 entered on October 11, 2023, v.: affirming the Order of the: Philadelphia County Court of: Common Pleas at No. MC-51-CR JAMES SMITH,; 0006183-2021 entered on July 26,; 2022 Appellee:: ARGUED: March 5, 2025 COMMONWEALTH OF PENNSYLVANIA,; No. 54 EAP 2024 Appellant: Appeal from the Order of the: Superior Court at No. 1911 EDA: 2022 entered on October 11, 2023, v.: affirming the Order of the: Philadelphia County Court of: Common Pleas at No. MC-51-CR- PATRICK SMITH,; 0006184-2021 entered on July 26,; 2022 Appellee:: ARGUED: March 5, 2025 OPINION IN SUPPORT OF REVERSAL JUSTICE DONOHUE DECIDED: June 17, 2025 I join Justice Wecht's Opinion in Support of Reversal.

As ably demonstrated by Justice Wecht, the lower court decisions in this case cannot be squared with this Court's unequivocal jurisprudence establishing the standards that govern the conduct of preliminary hearings.

In dismissing the charges against the off-duty police officers, the lower courts made credibility determinations and drew inferences in favor of the defendants. These practices are expressly prohibited by Commonwealth v. Perez, 249 A.3d 1092, 1102-03 (Pa. 2021). This Court's affirmance per curiam by an equally divided court is not a blessing of the Superior Court's decisions or rationale because there has been no ruling on the merits.

Commonwealth v. James, 427 A.2d 148, 150 (Pa. 1981). Justice Wecht, however, is correct that the impact of this precedential opinion of the intermediate appellate court could be consequential. The Superior Court's analytical framework dramatically changes the Commonwealth's burden at a preliminary hearing, making it far more difficult to sustain charges for trial than has ever been required under this Court's jurisprudence.

Because the victim's testimony was alone sufficient to sustain the Commonwealth's burden at the joint preliminary hearing, the suppression court's decision should have been reversed and the case remanded for a trial. That not being the case, in my view, the Superior Court opinion, which is a

perversion of our established standards for the conduct of a preliminary hearing, should be viewed by the lower courts as an unfortunate anomaly.

Chief Justice Todd joins this opinion in support of reversal. [J-12A-2025 and J-12B-2025] - 2

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