

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Wheeler, 518 Pa. 103

541 A.2d 730 (Pa. 1988) · Decided April 21, 1988

SUMMARY

The Supreme Court of Pennsylvania affirmed Ronald Wheeler's first-degree murder conviction but vacated his death sentence. The court held that a single prior violent-felony conviction did not constitute a significant history of felony convictions under 42 Pa.C.S. § 9711(d)(9), and remanded for imposition of a life sentence. The opinion also addressed eyewitness identification, jury impartiality, ineffective assistance of counsel, and the admissibility of prior-conduct evidence.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Nix, Chief Justice; Larsen, Justice; Flaherty, Justice; McDermott, Justice; Hutchinson, Justice; Papadakos, Justice
JURISDICTION	Pennsylvania
DECIDED	April 21, 1988
DISPOSITION	vacated
PROCEDURAL POSTURE	Direct appeal from a judgment of sentence of death imposed after Wheeler's first-degree-murder conviction and a jury finding of one statutory aggravating circumstance.
STANDARD OF REVIEW	For sufficiency of the evidence, the court accepted as true all Commonwealth evidence and reasonable inferences that, if believed, could support the verdict beyond a reasonable doubt. For the in-court-identification ruling, once the record supported an independent basis for identification, the court stated that its scope of review regarding admissibility ended. The court reviewed the denial of mistrial motions and ineffective-assistance claims for legal error under the applicable Pennsylvania standards.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Ronald Wheeler v. Commonwealth of Pennsylvania

TOPICS

- sentencing
- criminal procedure
- suppression of evidence
- jury selection
- ineffective assistance

PRACTICE AREAS

criminal law

capital sentencing

criminal procedure

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether an in-court identification remains admissible when a pretrial identification procedure was impermissibly suggestive but the Commonwealth established an independent basis for the witness's identification.
2. Whether the trial court erred in denying mistrial motions based on alleged discussions about the case among prospective jurors.
3. Whether trial counsel was ineffective for failing to re-examine jurors, failing to use preliminary-hearing testimony to impeach a witness, filing a suppression motion concerning incriminating letters, and failing to object to evidence of Wheeler's prior imprisonment and threats.
4. Whether a single prior violent-felony conviction establishes a significant history of felony convictions under 42 Pa.C.S. § 9711(d)(9).

HOLDINGS

1. An impermissibly suggestive pretrial identification procedure does not bar a later in-court identification when the Commonwealth establishes that the witness has an independent basis for the identification. The record supported such an independent basis for Miller's identification of Wheeler.
2. The trial court did not abuse its discretion or otherwise err in denying mistrial motions where the record did not show that the alleged jury-room discussion concerned Wheeler's case and the selected jurors were adequately questioned regarding impartiality.
3. The asserted instances of ineffective assistance did not warrant relief because counsel's challenged decisions had reasonable strategic or legal bases and Wheeler failed to establish prejudice.
4. A single prior felony conviction involving violence does not establish the significant history of felony convictions required by 42 Pa.C.S. § 9711(d)(9). Because the jury found no other aggravating circumstance, the death sentence could not stand.

KEY QUOTATIONS

"It is well settled that where circumstances demonstrate an independent basis for identification, even impermissibly suggestive pre-trial procedures will not bar subsequent in-court identification." (110)

"The constitutional mandate for a fair and impartial jury is satisfied if prospective jurors are capable of casting aside any impressions or opinions they may have and rendering a verdict based solely upon the evidence presented at trial." (112)

"In Commonwealth v. Goins, this Court held that a single felony conviction for a crime of violence did not suffice to establish a "significant history" under 42 Pa.C.S. § 9711(d)(9)." (115)

FACTUAL BACKGROUND

Danny Thomas was shot and killed outside the Kim Graves Bar in Bristol Township, Bucks County, on November 13, 1982. Witness Etta Miller, who was standing near Thomas, and two other witnesses identified Ronald Wheeler as the shooter. The Commonwealth also introduced eyeglasses linked to Wheeler, evidence that he attempted to fabricate an alibi and discourage testimony, threats against Thomas, threatening letters, and an alleged admission to Wheeler's uncle. The jury convicted Wheeler of first-degree murder and imposed death based on a single prior third-degree-murder conviction as the alleged significant history of violent felony convictions.

PROCEDURAL HISTORY

Wheeler was convicted of first-degree murder in the Court of Common Pleas of Bucks County. The jury imposed the death penalty after finding that he had a significant history of felony convictions involving violence under 42 Pa.C.S. § 9711(d)(9). After post-trial motions were denied, Wheeler appealed directly to the Supreme Court of Pennsylvania. The court affirmed the murder conviction but vacated the death sentence and remanded for imposition of life imprisonment.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Vacate the sentence of death and remand the record to the Court of Common Pleas of Bucks County for imposition of a sentence of life imprisonment. The first-degree-murder conviction was affirmed.

CASES CITED

- Commonwealth v. Nelson, 514 Pa. 262, 523 A.2d 728 (1987)
- Commonwealth v. Bradley, 481 Pa. 223, 392 A.2d 688 (1978), cert. denied, 440 U.S. 938 (1979)
- Commonwealth v. Malone, 444 Pa. 397, 281 A.2d 866 (1971)
- Commonwealth v. McGaghey, 510 Pa. 225, 507 A.2d 357 (1986)
- Commonwealth v. Glover, 488 Pa. 459, 412 A.2d 855 (1980)
- Commonwealth v. Ransome, 485 Pa. 490, 402 A.2d 1379 (1979)
- Commonwealth v. Brown, 462 Pa. 578, 342 A.2d 84 (1975)
- Manson v. Brathwaite, 432 U.S. 98 (1977)
- Commonwealth v. Brantner, 486 Pa. 518, 406 A.2d 1011 (1979)
- Commonwealth v. Hoss, 469 Pa. 195, 364 A.2d 1335 (1976)
- Commonwealth v. Saxton, 516 Pa. 196, 532 A.2d 352 (1987)
- Commonwealth v. Pierce, 515 Pa. 153, 527 A.2d 973 (1987)
- Commonwealth ex rel. Washington v. Maroney, 427 Pa. 599, 235 A.2d 349 (1967)
- Simmons v. United States, 390 U.S. 377 (1968)
- Commonwealth v. Claypool, 508 Pa. 198, 495 A.2d 176 (1985)

- Commonwealth v. Russell, 459 Pa. 1, 326 A.2d 303 (1974)
- Commonwealth v. Albrecht, 510 Pa. 603, 511 A.2d 764 (1986)
- Commonwealth v. McNeil, 506 Pa. 607, 487 A.2d 802 (1985)
- Commonwealth v. Anderson, 501 Pa. 275, 461 A.2d 208 (1983)
- Commonwealth v. Gray, 473 Pa. 424, 374 A.2d 1285 (1977)
- Commonwealth v. Goins, 508 Pa. 270, 495 A.2d 527 (1985)
- Commonwealth v. Frederick, 508 Pa. 527, 498 A.2d 1322 (1985)
- Commonwealth v. Caldwell, 516 Pa. 441, 532 A.2d 813 (1987)

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