

SUPREME COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania v. Wayne A. Smith

Commonwealth v. Smith · No. 815 CAP · Decided February 26, 2026

SUMMARY

The Supreme Court of Pennsylvania reviews Wayne A. Smith’s appeal from the dismissal of his Post Conviction Relief Act petition. The Court holds that resentencing counsel was ineffective for failing to adequately object to evidence and argument portraying Smith as a prospective serial killer, including evidence concerning his reading habits and alleged serial-killer fantasies. The Court reverses the PCRA court’s order and remands for a new penalty-phase hearing.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice P. Kevin Brobson; Chief Justice Todd; Justice Donohue; Justice Dougherty; Justice Wecht; Justice Mundy; Justice Brobson; Justice McCaffery
JURISDICTION	Supreme Court of Pennsylvania, Eastern District
DECIDED	February 26, 2026
DOCKET	815 CAP
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Direct appeal from the dismissal of a capital defendant's first PCRA petition challenging the effectiveness of resentencing counsel.
STANDARD OF REVIEW	PCRA findings are reviewed for record support and legal conclusions are reviewed de novo. Credibility determinations supported by the record are binding. Ineffective-assistance claims require proof of arguable merit, lack of a reasonable basis, and prejudice. Evidentiary rulings are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Pennsylvania Supreme Court majority opinion; precedential.
PARTIES	Wayne A. Smith v. Commonwealth of Pennsylvania

TOPICS

- state post-conviction relief
- ineffective assistance
- sentencing
- evidence
- appellate procedure

PRACTICE AREAS

criminal law

capital sentencing

post-conviction relief

ineffective assistance of counsel

evidence

QUESTIONS PRESENTED

1. Whether resentencing counsel was ineffective for failing to adequately object to and challenge evidence and argument portraying Smith as a serial killer or serial-killer-in-training.
2. Whether the reading-material and serial-killer evidence was relevant and admissible in a capital resentencing proceeding.
3. Whether counsel's failure to object created a reasonable probability that at least one juror would have declined to find that the aggravating circumstance outweighed the mitigating circumstances.

HOLDINGS

1. Evidence that Smith read books about murder or the perfect crime and fantasized about becoming a serial killer was not relevant to whether he should receive death or life imprisonment. It could not be used to prove his already-established intent to kill Jones, and its minimal probative value concerning mitigation was substantially outweighed by the danger of unfair prejudice.
2. Resentencing counsel lacked a reasonable basis for failing to properly object to the reading-material and serial-killer evidence and to the prosecutor's repeated references to it.
3. Smith established prejudice because there was a reasonable probability that, absent the improperly admitted and emphasized evidence, at least one juror would have found that the aggravating circumstance did not outweigh the mitigating circumstances and would have imposed life imprisonment rather than death.

KEY QUOTATIONS

“That process does not apply to the prejudice prong of the ineffective-assistance-of-counsel standard.” (24)

“Under these conditions, painting Smith as a serial-killer-in-training undermines confidence in the jury’s sentence.” (25)

“We are compelled to conclude that, had counsel properly objected to the reading-material and serial-killer evidence, it is reasonably probable that at least one juror would have concluded that the aggravating circumstance did not outweigh the mitigating circumstances.” (27)

FACTUAL BACKGROUND

Smith was convicted of killing Eileen Jones by strangulation and received a death sentence. At his 2012 resentencing hearing, the Commonwealth presented evidence that Smith read books about murder and the perfect crime and had expressed a fantasy about becoming a serial killer, using that evidence in testimony and repeatedly in opening and closing arguments. Smith's resentencing counsel did not properly renew or preserve objections to the reading-material and serial-killer evidence. The jury found one aggravating circumstance and two mitigating circumstances, initially reported that it could not reach a unanimous verdict, and ultimately imposed death.

PROCEDURAL HISTORY

Smith was convicted of first-degree murder and sentenced to death in 1995. The Pennsylvania Supreme Court affirmed the conviction and sentence, later vacated the death sentence on PCRA review and remanded for a new penalty-phase hearing. After a 2012 resentencing hearing resulted in another death sentence, the court affirmed. Smith filed a timely PCRA petition in 2017, which was amended and litigated through evidentiary hearings. The Delaware County Court of Common Pleas dismissed the petition on February 28, 2024, and Smith timely appealed to the Pennsylvania Supreme Court.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The PCRA court must enter an order granting Smith a new penalty-phase hearing.

CASES CITED

- *Miranda v. Arizona*, 384 U.S. 436 (1966)
- *Commonwealth v. Smith*, 694 A.2d 1086, 1096 (Pa. 1997)
- *Commonwealth v. Smith*, 995 A.2d 1143, 1173 (Pa. 2010)
- *Commonwealth v. Smith*, 131 A.3d 467, 469-70, 473-74 (Pa. 2015)
- *Smith v. Pennsylvania*, 580 U.S. 830 (2016)
- *Commonwealth v. Montalvo*, 205 A.3d 274, 286 (Pa. 2019)
- *Commonwealth v. Cooper*, 941 A.2d 655, 664 (Pa. 2007)
- *Commonwealth v. Natividad*, 938 A.2d 310, 322 (Pa. 2007)
- *Commonwealth v. Wholaver*, 177 A.3d 136, 144 (Pa. 2018)
- *Commonwealth v. Hoover*, 107 A.3d 723, 729 (Pa. 2014)
- *Commonwealth v. Beasley*, 479 A.2d 460 (Pa. 1984)
- *Commonwealth v. Wright*, 961 A.2d 119, 153 (Pa. 2008)
- *Commonwealth v. Spatz*, 84 A.3d 294, 315 (Pa. 2014)
- *Wiggins v. Smith*, 539 U.S. 510, 537 (2003)
- *Borchardt v. State*, 786 A.2d 631, 660 (Md. 2001)