

SUPREME COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania v. Elton Eugene Hill

104 A.3d 1220 (Pa. 2014) · No. 99 MAP 2012 · Decided November 21, 2014

SUMMARY

This is a concurring opinion by Justice Saylor of the Supreme Court of Pennsylvania in Commonwealth v. Elton Eugene Hill. The opinion addresses the scope of a written waiver of the right to counsel during a polygraph examination and subsequent police interrogation, and agrees that the case should be remanded for further consideration of prejudice under the PCRA.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Saylor
JURISDICTION	Pennsylvania
DECIDED	November 21, 2014
DOCKET	99 MAP 2012
DISPOSITION	remanded
PROCEDURAL POSTURE	The Commonwealth appealed from the Superior Court's order reversing and remanding the Dauphin County Court of Common Pleas's order denying post-conviction relief.
STANDARD OF REVIEW	The concurrence applies the ineffective-assistance-of-counsel framework, including arguable merit, reasonable basis, and prejudice, and reviews the adequacy of the Superior Court's prejudice assessment.
PRECEDENTIAL VALUE	Published concurring opinion; the concurrence's reasoning is nonbinding, while the majority opinion controls the judgment.
PARTIES	Commonwealth of Pennsylvania v. Elton Eugene Hill

TOPICS

ineffective assistance right to counsel miranda rights suppression of evidence post-conviction relief

PRACTICE AREAS

criminal procedure post-conviction relief constitutional law appellate procedure

QUESTIONS PRESENTED

1. Whether Hill's written waiver of counsel for a polygraph examination extended to interrogation by a different police officer.
2. Whether a separate waiver was required before the different officer could interrogate Hill after the polygraph examination.
3. Whether trial counsel was ineffective for failing to seek suppression of Hill's statements to the investigating officer.
4. Whether the Superior Court's prejudice analysis was sufficiently developed to resolve the ineffective-assistance claim.

HOLDINGS

1. In Justice Saylor's view, Hill's express written waiver was limited to questioning by the identified certified polygraph examiner; a distinct waiver was therefore required to support subsequent interrogation by a different officer.
2. Justice Saylor concluded that the arguable-merit and reasonable-basis prongs were readily satisfied concerning counsel's failure to seek suppression of Hill's statements to the investigating officer.
3. Justice Saylor agreed that the Superior Court's prejudice assessment was highly superficial and supported remand for additional consideration of prejudice.

KEY QUOTATIONS

"Because Appellee's express written waiver, as approved by his counsel before the lawyer surrendered his client to police, was limited to examination by the polygraph examiner, I would hold that a distinct waiver was required to support subsequent interrogation by a different officer." (slip op. at 3)

"Wyrick reaffirmed Edwards' totality-of-the-circumstances standard for determining whether the questioning was within the scope of the waiver, and the Court did not indicate that such a waiver extends beyond its express terms or to questioning by a police officer other than the one who administered the polygraph test." (slip op. at 4)

"Here, I find the arguable merit and reasonable-basis prongs of the ineffectiveness inquiry to be readily satisfied relative to trial counsel's failure to seek suppression -- at least of Appellee's statements made to the investigating officer" (slip op. at 5)

FACTUAL BACKGROUND

Trial counsel recommended that seventeen-year-old Hill submit to a polygraph examination and then left him uncounseled while he provided a written statement to the examiner. Hill's written waiver referred specifically to speaking with the certified polygraph examiner without an attorney. A different detective subsequently conducted an extensive interrogation that elicited damaging admissions, which the Commonwealth used at trial. Counsel did not seek suppression, later claiming that the post-polygraph statements were helpful.

PROCEDURAL HISTORY

Hill was convicted following a trial and sentenced to fifteen to eighty-four years' imprisonment. The Dauphin County Court of Common Pleas denied his PCRA petition. The Superior Court reversed and remanded the PCRA order, prompting the Commonwealth's appeal to the Supreme Court of Pennsylvania. Justice Saylor's concurrence supports remand for further consideration of prejudice arising from trial counsel's failure to seek suppression of Hill's statements.

DISPOSITION

remanded

REMAND INSTRUCTIONS

Further consider the prejudice component of Hill's ineffective-assistance claim, particularly the effect of counsel's failure to seek suppression of statements elicited by the investigating officer.

CASES CITED

- United States v. Leon-Delfis, 203 F.3d 103 (1st Cir. 2000)
- Edwards v. Arizona, 451 U.S. 477 (1981)
- Commonwealth v. Keaton, 615 Pa. 675, 45 A.3d 1050 (2012)
- Wyrick v. Fields, 459 U.S. 42 (1982)
- Commonwealth v. Elliot, 80 A.3d 415 (Pa. 2013) (Saylor, J., concurring)
- Commonwealth v. Sepulveda, 618 Pa. 262, 55 A.3d 1108 (2012) (Saylor, J., concurring)