

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Fiebiger

570 Pa. 583 (Pa. 2002) (Pa. 2002) · No. Nos. 300 CAP and 281 CAP · Decided November 22, 2002

SUMMARY

The Supreme Court of Pennsylvania affirmed two convictions and death sentences involving Anthony James Fiebiger. The court independently reviewed the sufficiency of the evidence and aggravating circumstances despite Fiebiger's waiver of appellate rights in one case and guilty plea in the other. The court concluded that the convictions and sentences were not the product of passion, prejudice, or another arbitrary factor.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Chief Justice Zappala; Chief Justice Flaherty; Justice Zappala; Justice Cappy; Justice Castille; Justice Saylor
JURISDICTION	Pennsylvania
DECIDED	November 22, 2002
DOCKET	Nos. 300 CAP and 281 CAP
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeals from two separate convictions and death sentences imposed by the Allegheny County Court of Common Pleas. During the appeals, Fiebiger waived his appellate rights and the assistance of appellate counsel. The Supreme Court remanded for a waiver colloquy and then conducted the independent review required in death-penalty cases.
STANDARD OF REVIEW	The Court viewed the evidence and reasonable inferences in the light most favorable to the Commonwealth as verdict winner and asked whether the evidence was sufficient for the fact finder to find every element beyond a reasonable doubt. In death-penalty cases, the Court also independently reviewed whether the sentence was the product of passion, prejudice, or another arbitrary factor and whether the evidence supported at least one statutory aggravating circumstance.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Anthony James Fiebiger v. Commonwealth of Pennsylvania

TOPICS

sentencing criminal procedure appellate procedure standard of review mens rea

PRACTICE AREAS

criminal law criminal procedure capital punishment appellate procedure

QUESTIONS PRESENTED

1. Whether Fiebiger's waiver of his appellate rights and his right to appellate counsel was knowing, voluntary, and intelligent.
2. Whether the evidence was sufficient to sustain Fiebiger's first-degree murder conviction for the killing of Marcia Jones.
3. Whether the evidence supported the statutory aggravating circumstances and otherwise showed that the Jones death sentence was not the product of passion, prejudice, or another arbitrary factor.
4. Whether Fiebiger's guilty plea to the first-degree murder of Norma Parker was knowing, intelligent, and voluntary.
5. Whether the evidence supported the aggravating circumstances found by the trial court in the Parker case and otherwise showed that the Parker death sentence was not the product of passion, prejudice, or another arbitrary factor.

HOLDINGS

1. Even after a defendant knowingly, voluntarily, and intelligently waives appellate rights and the assistance of appellate counsel, the Pennsylvania Supreme Court must conduct the statutory review required in every case in which a death sentence has been imposed.
2. The evidence was sufficient for the jury to find Fiebiger guilty beyond a reasonable doubt of the first-degree murder of Marcia Jones.
3. The evidence supported at least one statutory aggravating circumstance, and the Jones death sentence was not the product of passion, prejudice, or another arbitrary factor.
4. Fiebiger's guilty plea to the first-degree murder of Norma Parker was knowing, intelligent, and voluntary.
5. The evidence supported the three aggravating circumstances found by the trial court in the Parker case, and the Parker death sentence was not the product of passion, prejudice, or another arbitrary factor.

KEY QUOTATIONS

"Despite Appellant's waiver of his right to appeal and his right to appellate counsel, this Court is obligated to determine whether the sentence of death was the product of passion, prejudice, or any other arbitrary factor."
(1235)

"After our independent review of the evidence presented at trial, including the above, when viewed in the light most favorable to the Commonwealth, we find that there was sufficient evidence for the jury to find Appellant

guilty of the first-degree murder of Marcia Jones.” (1236)

“Therefore we affirm the sentence of death.” (1239)

FACTUAL BACKGROUND

In the Jones case, Fiebiger confessed that he and Joe Morton abducted the victim in Pittsburgh's Grandview Park, assaulted and sexually abused her, strangled her with a belt, stabbed her, and concealed her body. The evidence supported findings that the killing occurred during the perpetration of a felony and was intended to prevent the victim from identifying Fiebiger. In the Parker case, Fiebiger confessed that he strangled the victim, placed her body in a plastic barrel, buried it, and poured battery acid over the grave; physical evidence and witness testimony were consistent with the confession.

PROCEDURAL HISTORY

Fiebiger was convicted and sentenced to death for the first-degree murder of Marcia Jones in case No. 300 CAP. In case No. 281 CAP, he pleaded guilty to the first-degree murder of Norma Parker and received a death sentence after waiving a sentencing jury. After Fiebiger directed his appellate counsel to cease work and waived his appellate rights, the Supreme Court remanded for a determination that the waiver was knowing, voluntary, and intelligent. The common pleas court found a valid waiver, after which the Supreme Court independently reviewed the convictions and sentences and affirmed both.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Zettlemoyer, 500 Pa. 16, 454 A.2d 937, 942 n. 3 (1982)
- Commonwealth v. Michael, 544 Pa. 105, 674 A.2d 1044 (1996)
- Commonwealth v. Heidnik, 526 Pa. 458, 587 A.2d 687 (1991)
- Commonwealth v. Appel, 517 Pa. 529, 539 A.2d 780 (1988)
- Commonwealth v. Kemp, 562 Pa. 154, 753 A.2d 1278, 1280 (2000)
- Commonwealth v. Lee, 541 Pa. 260, 662 A.2d 645, 656 (1995)
- Commonwealth v. Lassiter, 554 Pa. 586, 722 A.2d 657, 661-62 (1998)
- In re A.D., 771 A.2d 45 (Pa. Super. 2001)
- Commonwealth v. Trimble, 419 Pa. Super. 108, 615 A.2d 48 (1992)