

SUPERIOR COURT OF PENNSYLVANIA

Commonwealth v. Baker

2026 Pa. Super. 26 · No. 474 MDA 2025 · Decided February 10, 2026

SUMMARY

The Pennsylvania Superior Court affirmed the denial of Phillip B. Baker’s petition for a writ of habeas corpus. Baker challenged the constitutionality of Pennsylvania statutes governing involuntary deviate sexual intercourse with a child and the tolling of limitations periods for sexual offenses against minors. The court held that although the petition sought habeas corpus relief rather than PCRA relief, Baker failed to exhaust available judicial remedies because he did not raise the constitutional claims before or during trial, in post-sentence proceedings, or on direct appeal.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Murray, J.; Stabile, J.; Ford Elliott, P.J.E.
JURISDICTION	Pennsylvania Superior Court
DECIDED	February 10, 2026
DOCKET	474 MDA 2025
DISPOSITION	affirmed
PROCEDURAL POSTURE	Phillip B. Baker appealed from the order of the Lebanon County Court of Common Pleas denying his pro se petition for a writ of habeas corpus.
STANDARD OF REVIEW	De novo review with a plenary scope of review.
PRECEDENTIAL VALUE	Published and precedential Superior Court of Pennsylvania opinion.
PARTIES	Phillip B. Baker v. Commonwealth of Pennsylvania

TOPICS

- habeas corpus
- post-conviction relief
- appellate procedure
- ex post facto
- due process

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- constitutional law
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether Baker's petition challenging criminal statutes as unconstitutionally vague and as violating ex post facto prohibitions sought habeas corpus relief rather than relief under the Post Conviction Relief Act.
2. Whether Baker's constitutional claims were cognizable in habeas corpus despite his failure to raise them during trial, in post-sentence proceedings, or on direct appeal.
3. Whether the trial court's order denying post-conviction relief should be affirmed.

HOLDINGS

1. A post-conviction petition challenging the validity of criminal statutes as unconstitutionally vague or as violating ex post facto prohibitions seeks habeas corpus relief, rather than relief under the PCRA, when it does not challenge the trial court's authority to impose the conviction or sentence.
2. Baker's constitutional claims were not cognizable under habeas corpus because he failed to exhaust available judicial remedies before filing his habeas petition.

KEY QUOTATIONS

“Habeas corpus is an extraordinary remedy and is available after all other remedies have been exhausted or ineffectual or nonexistent.” (at 8)

“Issues are not cognizable under the statutory remedy of habeas corpus if they could have been considered and corrected in the regular course of appellate review or by post-conviction proceedings authorized by law.” (at 8)

FACTUAL BACKGROUND

Baker was convicted of sexually abusing his grandson between January 2009 and May 2016. The victim was born in April 2006, and Baker was charged in 2017. Baker later challenged the statutory definition of involuntary deviate sexual intercourse with a child as vague and challenged the child-sex-offense statute-of-limitations provision as violating the federal and Pennsylvania Ex Post Facto Clauses.

PROCEDURAL HISTORY

Baker was convicted by a jury in 2018 of involuntary deviate sexual intercourse with a child, indecent assault, corruption of minors, and endangering the welfare of children, and received an aggregate sentence of fifteen to thirty years. His judgment of sentence was affirmed on direct appeal, and the Pennsylvania Supreme Court denied allowance of appeal. After the PCRA court denied his PCRA petition and the Superior Court affirmed, Baker filed a habeas corpus petition challenging the vagueness of the IDSI statute and the ex post facto validity of the statute-of-limitations provision. The trial court treated the petition as a PCRA petition and denied relief; the Superior Court agreed that the petition sought habeas relief but affirmed because Baker had failed to exhaust available judicial remedies.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Baker, 237 A.3d 1057 (Pa. Super. 2020) (unpublished memorandum), appeal denied, 662 Pa. 476, 240 A.3d 104 (Pa. 2020)
- Commonwealth v. Baker, 311 A.3d 581, 295 MDA 2023 (Pa. Super. filed Dec. 13, 2023) (unpublished memorandum)
- Commonwealth v. Grazier, 713 A.2d 81 (Pa. 1998)
- Commonwealth v. Taylor, Commonwealth v. Taylor, 283 A.3d 178, 188-89 (Pa. 2022)
- Commonwealth v. Smith, 194 A.3d 126, 135, 137-38 (Pa. Super. 2018)
- Commonwealth v. Corliss, 19 EDA 2024 (Pa. Super. filed Nov. 1, 2024) (unpublished memorandum)
- Commonwealth v. McNeil, 665 A.2d 1247, 1250 (Pa. Super. 1995)
- Rivera v. Pennsylvania Department of Corrections, 837 A.2d 525, 528 (Pa. Super. 2003)
- Borough of Green Tree v. Board of Property Assessments of Allegheny County, 328 A.2d 819, 824-25 (Pa. 1974)
- Parsowith v. Department of Revenue, 723 A.2d 659, 662-63 (Pa. 1999)
- In re F.C. III, 2 A.3d 1201, 1212 (Pa. 2010)
- Commonwealth v. Diodoro, 970 A.2d 1100, 1104 n.5 (Pa. 2009)
- Commonwealth v. Lawrence, 99 A.3d 116, 124 (Pa. Super. 2014)
- Commonwealth v. Smith, 194 A.3d 126, 138 (Pa. Super. 2018)