

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Robins

571 Pa. 248 (2002) (Pa. 2002) · Decided December 18, 2002

SUMMARY

The Supreme Court of Pennsylvania held that the trial court violated the defendant's Sixth Amendment confrontation rights by admitting a non-testifying accomplice's hearsay statements under the declarations-against-penal-interest exception. The court concluded that the exception was not firmly rooted under Pennsylvania law because admissibility required corroboration, and that the statements lacked sufficient particularized guarantees of trustworthiness. The court rejected reliance on Bruton redaction because the accomplice was not being tried jointly with the defendant.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Cappy; Chief Justice Zappala; Justice Castille; Justice Nigro; Justice Newman; Justice Saylor; Justice Eakin
JURISDICTION	Pennsylvania
DECIDED	December 18, 2002
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a judgment of sentence for conspiracy to commit burglary after the trial court admitted a non-testifying accomplice's out-of-court statements against Robins under the declaration-against-penal-interest exception to hearsay.
STANDARD OF REVIEW	The admissibility of hearsay and compliance with the Confrontation Clause were reviewed under the applicable evidentiary and constitutional standards; the opinion treated the firm-rooting issue as a question of federal law and the declaration-against-penal-interest exception as a question of Pennsylvania law.
PRECEDENTIAL VALUE	published precedential opinion of the Supreme Court of Pennsylvania; lead opinion announcing the judgment with a concurrence and dissents
PARTIES	John Wayne Robins v. Commonwealth of Pennsylvania

TOPICS

- hearsay
- sixth amendment
- evidence
- criminal procedure
- appellate procedure

PRACTICE AREAS

criminal procedure

constitutional law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether Pennsylvania's declaration-against-penal-interest hearsay exception was a firmly rooted exception for purposes of the Sixth Amendment Confrontation Clause.
2. Whether Auman's non-testifying accomplice statements possessed particularized guarantees of trustworthiness sufficient to satisfy the Confrontation Clause.
3. Whether redaction of references implicating Robins cured the Confrontation Clause problem when the statements were admitted as substantive evidence against Robins in a separate trial.

HOLDINGS

1. Redaction did not cure the Confrontation Clause problem because Auman's statements were admitted as substantive evidence against Robins in a separate trial, not merely against a codefendant in a joint trial subject to a limiting instruction.
2. The Pennsylvania hearsay exception for declarations against penal interest was not a firmly rooted hearsay exception for Sixth Amendment purposes because Pennsylvania law required independent corroboration of statements admitted under the exception.
3. Auman's statements lacked sufficient particularized guarantees of trustworthiness to overcome the presumption of unreliability applicable to hearsay statements outside a firmly rooted exception.

KEY QUOTATIONS

"the hearsay exception for declarations against penal interest is not firmly rooted under Pennsylvania law." (524)

"Considering the totality of the circumstances, weighed against the Confrontation Clause concerns discussed above, we find the statements of Auman lack sufficient indicia of reliability." (527)

"This situation is not one where the spillover prejudice from a non-testifying codefendant's confession can be cured by a Bruton redaction." (521)

FACTUAL BACKGROUND

A coin and collectibles store was burglarized and nearly \$500,000 in property was stolen. Robins had rented white vans shortly before and after the burglary, and police found locksmithing materials and a scanner in his home. Robins's alleged accomplice, Barry Auman, later made statements to a jailhouse informant and during a police-arranged hotel meeting about his participation in the burglary and the stolen stamps, although he did not expressly name Robins. The Commonwealth used redacted versions of those statements to connect Robins to Auman and the conspiracy.

PROCEDURAL HISTORY

Robins was tried separately after accomplice Barry Auman pleaded guilty. The trial court admitted redacted versions of Auman's jailhouse statements and a recorded hotel conversation, and Robins was convicted and sentenced. The Superior Court affirmed; the Supreme Court granted allocatur, remanded for reconsideration in light of *Lilly v. Virginia*, and, after the Superior Court again affirmed, reversed and remanded for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment of sentence was reversed and the matter was remanded for a new trial. Jurisdiction was relinquished.

CASES CITED

- *Lilly v. Virginia*, 527 U.S. 116 (1999)
- *Ohio v. Roberts*, 448 U.S. 56 (1980)
- *Bruton v. United States*, 391 U.S. 123 (1968)
- *Gray v. Maryland*, 523 U.S. 185 (1998)
- *Richardson v. Marsh*, 481 U.S. 200 (1987)
- *Lee v. Illinois*, 476 U.S. 530 (1986)
- *Idaho v. Wright*, 497 U.S. 805 (1990)
- *Commonwealth v. Young*, 561 Pa. 34, 748 A.2d 166 (2000)
- *Commonwealth v. Yarris*, 557 Pa. 12, 731 A.2d 581 (1999)
- *Commonwealth v. Robins*, 558 Pa. 104, 735 A.2d 702 (1999)
- *Commonwealth v. Ludwig*, 527 Pa. 472, 594 A.2d 281 (1991)
- *Dutton v. Evans*, 400 U.S. 74 (1970)
- *United States v. Moskowitz*, 215 F.3d 265 (2d Cir. 2000)