

SUPERIOR COURT OF PENNSYLVANIA

Commonwealth v. Gilbert

2022 PA Super 12 · No. 37 WDA 2021 · Decided January 25, 2022

SUMMARY

The Pennsylvania Superior Court affirmed James Manasseh Gilbert’s judgment of sentence for first-degree murder and related offenses. The court rejected challenges to the exclusion of psychiatric testimony, admission of rebuttal testimony concerning marijuana use, and admission of evidence regarding domestic violence and a prior harassment conviction.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Colins, J.; Olson, J.; Nichols, J.
JURISDICTION	Pennsylvania
DECIDED	January 25, 2022
DOCKET	37 WDA 2021
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment of sentence entered after a jury convicted Gilbert of first-degree murder and related offenses.
STANDARD OF REVIEW	Evidentiary rulings are reviewed for an abuse of discretion. An abuse of discretion exists when the judgment is manifestly unreasonable, the law is not applied, or the record shows partiality, prejudice, bias, or ill will. Waiver issues are reviewed under applicable appellate-preservation principles.
PRECEDENTIAL VALUE	precedential
PARTIES	James Manasseh Gilbert v. Commonwealth of Pennsylvania

TOPICS

evidence criminal procedure appellate procedure character evidence standard of review

PRACTICE AREAS

criminal law criminal procedure evidence appellate practice

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by excluding testimony from a prison psychiatrist concerning Gilbert's post-arrest diagnoses and reported mental-health symptoms.
2. Whether the trial court abused its discretion by allowing a lay witness to testify in rebuttal about the effects of smoking a partially smoked marijuana blunt recovered from Gilbert's apartment.
3. Whether the trial court abused its discretion by allowing testimony concerning domestic violence after defense counsel opened the door during cross-examination.
4. Whether the trial court erred by permitting evidence of Gilbert's September 11, 2018 summary harassment conviction.

HOLDINGS

1. The trial court properly excluded the prison psychiatrist's testimony because Gilbert offered it to challenge whether he had the capacity to deliberate and premeditate, but did not establish that the testimony satisfied Pennsylvania's requirements for a diminished-capacity defense or addressed his mental state at the time of the killing.
2. The trial court properly permitted a regular marijuana user to provide lay opinion testimony comparing her reaction to the recovered blunt with her usual marijuana experience and to describe her boyfriend's lack of unusual behavior after smoking it.
3. The trial court properly permitted testimony that the victim had reported being hit and beaten because defense counsel opened the door by characterizing the couple's disputes as normal, minor, or meaningless arguments.
4. Gilbert was not entitled to relief concerning the alleged admission of his summary harassment conviction because the trial court had excluded the conviction, Gilbert failed to object to the brief testimony about the underlying June 2018 incident, and the record showed that Gilbert—not the Commonwealth—introduced the conviction evidence during his own case.

KEY QUOTATIONS

"A defense of diminished capacity is "an extremely limited defense" where a defendant admits criminal liability generally but seeks to mitigate a first-degree murder charge to third-degree murder." (at 8)

"One who induces a trial court to let down the bars to a field of inquiry that is not competent or relevant to the issues cannot complain if his adversary is also allowed to avail himself of that opening." (at 20)

FACTUAL BACKGROUND

Gilbert and the victim, Marinda Matasowski, were the parents of a one-year-old child. On August 2, 2018, Gilbert went with the victim to her mother's home, asked to speak with the victim privately, and then stabbed the victim and himself with a kitchen knife. Gilbert later told a responding officer, "I think I killed her, she's in there, she's the devil." At trial, Gilbert claimed that marijuana he smoked before the stabbing produced unusual mental effects, and the defense sought to introduce post-arrest psychiatric evidence and contest evidence concerning domestic violence and a prior summary harassment conviction.

PROCEDURAL HISTORY

Gilbert was tried before a jury in the Court of Common Pleas of Erie County in November 2019. The jury convicted him of first-degree murder, aggravated assault, reckless endangerment, and possessing an instrument of crime, and the trial court imposed a sentence of life imprisonment without parole on December 20, 2019. Gilbert filed a timely appeal, and the Superior Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Clemons, 200 A.3d 441, 474 (Pa. 2019)
- Commonwealth v. Lekka, 210 A.3d 343, 354 (Pa. Super. 2019)
- Commonwealth v. Hutchinson, 25 A.3d 277, 312 (Pa. 2011)
- Commonwealth v. Vandivner, 962 A.2d 1170, 1183 (Pa. 2009)
- Commonwealth v. Ventura, 975 A.2d 1128, 1140-41 (Pa. Super. 2009)
- Commonwealth v. Yocolano, 169 A.3d 47, 56 (Pa. Super. 2017)
- Commonwealth v. Ballard, 80 A.3d 380, 401 (Pa. 2013)
- Commonwealth v. Gause, 164 A.3d 532, 538 (Pa. Super. 2017) (en banc)
- Commonwealth v. Brown, 200 A.3d 986, 991 (Pa. Super. 2018)
- Commonwealth v. Mulholland, 702 A.2d 1027, 1034 n.5 (Pa. 1997)
- Commonwealth v. Lewis, 885 A.2d 51, 54-55 (Pa. Super. 2005)
- Commonwealth v. Stakley, 365 A.2d 1298, 1299-1300 (Pa. Super. 1976)
- Commonwealth v. Williams, 141 A.3d 440, 471 (Pa. 2016)