

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Dennis

597 Pa. 159 (Pa. 2008) (Pa. 2008) · Decided June 20, 2008

SUMMARY

The Supreme Court of Pennsylvania reviews James Dennis's appeal from the dismissal of his petition under the Post Conviction Relief Act following his death sentence for first-degree murder. The court addresses claims involving ineffective assistance of counsel, Brady violations, jury selection, and the adequacy of the PCRA court's opinion. It affirms in part, vacates in part, and remands for further proceedings, including possible repleading of layered ineffectiveness claims.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Todd; Chief Justice Castille; Justice Saylor; Justice Eakin; Justice Baer; Justice McCaffery
JURISDICTION	Pennsylvania
DECIDED	June 20, 2008
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from the dismissal of a petition for post-conviction collateral relief in a capital case.
STANDARD OF REVIEW	The court determines whether the PCRA court's determinations are supported by the evidence of record and free from legal error. PCRA factual findings require adequate findings of fact and conclusions of law sufficient to permit meaningful appellate review.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Pennsylvania.
PARTIES	James Dennis v. Commonwealth of Pennsylvania

TOPICS

- state post-conviction relief
- post-conviction relief
- ineffective assistance
- prosecutorial misconduct
- appellate procedure

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- capital sentencing
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the PCRA court adequately addressed Dennis's layered ineffective-assistance claims concerning trial counsel's investigation of potential eyewitnesses and alibi witness Anissa Bane.
2. Whether the PCRA court adequately addressed Dennis's Brady claim concerning a police activity sheet containing information allegedly impeaching eyewitness Zahra Howard.
3. Whether Dennis was entitled to relief on additional ineffective-assistance, Brady, jury-selection, jury-instruction, Simmons, and cumulative-error claims.
4. Whether pre-McGill PCRA pleadings required a remand to permit amendment or repleading of layered ineffective-assistance claims.

HOLDINGS

1. The PCRA court's conclusory rejection of Dennis's claim that trial counsel failed to investigate Anissa Bane, and that appellate counsel was ineffective for failing to raise that claim, was inadequate to permit meaningful appellate review. The matter had to be remanded for specific factual findings and legal conclusions.
2. The claim that the Commonwealth suppressed a police activity sheet containing information potentially impeaching eyewitness Zahra Howard could not be rejected on the existing record without explanation. The claim had to be remanded for the PCRA court's initial determination, including consideration of waiver, admissibility, materiality, and prejudice.
3. Because Dennis's PCRA pleadings were filed before *Commonwealth v. McGill* clarified the requirements for layering ineffective-assistance claims, he was entitled to the McGill remand procedure allowing amendment or repleading where necessary, subject to the requirement that the underlying trial-counsel claim satisfy the applicable merits requirements.
4. The court affirmed the denial of relief on the remaining claims, including claims concerning several other potential witnesses, Charles Thompson, the Frazier statement, the altered SEPTA report, missing clothing evidence, flight and jury-qualification instructions, the lack of a Simmons instruction, and cumulative ineffectiveness.

KEY QUOTATIONS

"They do not stand, however, for the proposition that such an omission is per se prejudicial." (950 A.2d at 960)

"For the foregoing reasons, and as outlined above, the PCRA court's order denying all of Appellant's claims under the PCRA is vacated in the outlined regards, affirmed in all other regards, and the case is remanded for further proceedings consistent with this Opinion." (950 A.2d at 979)

FACTUAL BACKGROUND

In 1991, James Dennis allegedly robbed 17-year-old Chedell Williams of her earrings near a Philadelphia SEPTA station and shot her in the neck with a .32-caliber handgun. Three eyewitnesses identified Dennis from a photo array, lineup, and at trial; the Commonwealth also presented evidence concerning a gun Dennis allegedly

displayed after the murder and clothing seized from his father's home. Dennis maintained a mistaken-identity and alibi defense. The jury convicted him of first-degree murder and related offenses and imposed the death penalty after finding one aggravating and one mitigating circumstance.

PROCEDURAL HISTORY

Dennis was convicted of first-degree murder and related offenses and sentenced to death. The Supreme Court of Pennsylvania affirmed his convictions and sentence on direct appeal in *Commonwealth v. Dennis*, 552 Pa. 331, 715 A.2d 404 (1998). During subsequent PCRA proceedings, the PCRA court granted discovery concerning the Commonwealth's voir dire notes; the Supreme Court later reversed that discovery order in *Commonwealth v. Dennis*, 580 Pa. 95, 859 A.2d 1270 (2004), and remanded for completion of review. After evidentiary hearings, the PCRA court denied relief, and Dennis appealed.

DISPOSITION

other

REMAND INSTRUCTIONS

The PCRA court must specifically consider Dennis's claim that trial counsel was ineffective for failing to investigate Anissa Bane and that appellate counsel was ineffective for failing to raise that claim. It must also reconsider the Brady claim concerning the police activity sheet allegedly containing information from Mannasett and Diane Pugh that could impeach Zahra Howard. The PCRA court may consider waiver, the adequacy of the record and pleadings, amendment under Pa. R. Crim. P. 905 and McGill, and the need for additional evidentiary hearings, but must provide findings of fact and conclusions of law sufficient for meaningful appellate review.

CASES CITED

- *Commonwealth v. Dennis*, 552 Pa. 331, 715 A.2d 404 (1998)
- *Commonwealth v. Dennis*, 580 Pa. 95, 859 A.2d 1270 (2004)
- *Commonwealth v. McGill*, 574 Pa. 574, 832 A.2d 1014 (2003)
- *Commonwealth v. Pierce*, 515 Pa. 153, 527 A.2d 973 (1987)
- *Strickland v. Washington*, 466 U.S. 668 (1984)
- *Brady v. Maryland*, 373 U.S. 83 (1963)
- *Kyles v. Whitley*, 514 U.S. 419 (1995)
- *Commonwealth v. Lambert*, 584 Pa. 461, 884 A.2d 848 (2005)
- *Commonwealth v. Paddy*, 569 Pa. 47, 800 A.2d 294 (2002)
- *Commonwealth v. Rios*, 591 Pa. 583, 920 A.2d 790 (2007)
- *Simmons v. South Carolina*, 512 U.S. 154 (1994)
- *Commonwealth v. Bracey*, 568 Pa. 264, 795 A.2d 935 (2001)
- *Commonwealth v. Grant*, 572 Pa. 48, 813 A.2d 726 (2002)
- *Wainwright v. Witt*, 469 U.S. 412 (1985)

- *Uttecht v. Brown*, 551 U.S. 1, 127 S. Ct. 2218 (2007)
- *Commonwealth v. Speight*, 578 Pa. 520, 854 A.2d 450 (2004)
- *Commonwealth v. Jones*, 496 Pa. 448, 437 A.2d 958 (1981)
- *Commonwealth v. Curry Perry*, 537 Pa. 385, 644 A.2d 705 (1994)
- *Commonwealth v. Spotz*, 587 Pa. 1, 896 A.2d 1191 (2006)

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