

SUPERIOR COURT OF PENNSYLVANIA

Commonwealth v. Erie, 361 Pa. Superior Ct. 44

521 A.2d 464 (Pa. Super. Ct. 1987) · Decided February 17, 1987

SUMMARY

The Pennsylvania Superior Court held that the defendant was denied effective assistance of counsel when trial counsel failed to preserve an issue concerning the exclusion of the complainant's juvenile court records and court orders. The court concluded that the evidence was relevant to potential bias or motive to fabricate and that its exclusion violated the defendant's confrontation rights. The judgment of sentence was vacated and the case was remanded for a new trial.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Popovich, J.; Cirillo, President Judge; Rowley, J.
JURISDICTION	Pennsylvania
DECIDED	February 17, 1987
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the denial of a new-trial motion following an evidentiary hearing on claims that trial counsel was ineffective.
STANDARD OF REVIEW	Counsel is presumed effective; the defendant bears the burden of proving ineffectiveness. The court first determines whether the underlying issue has arguable merit, then whether counsel's chosen course had a reasonable basis designed to effectuate the client's interests, and whether the alleged deficiency prejudiced the defendant, subject to the court's conclusion that denial of effective cross-examination may constitute constitutional error not cured by a showing of lack of prejudice.
PRECEDENTIAL VALUE	Published precedential opinion of the Superior Court of Pennsylvania.
PARTIES	Anthony L. Erie v. Commonwealth of Pennsylvania

TOPICS

- ineffective assistance
- sixth amendment
- criminal procedure
- evidence
- post-conviction relief

PRACTICE AREAS

criminal procedure

constitutional criminal procedure

evidence

ineffective assistance of counsel

appellate procedure

QUESTIONS PRESENTED

1. Whether trial counsel was ineffective for failing to preserve an objection to the exclusion of the complainant's Juvenile Court record and court orders relevant to a possible motive to fabricate.
2. Whether exclusion of the complainant's juvenile records and court orders violated Erie's Sixth Amendment right of confrontation and Article I, Section 9 of the Pennsylvania Constitution.
3. Whether the judgment of sentence should be vacated and the case remanded for a new trial.

HOLDINGS

1. Evidence of a witness's possible motive to fabricate or bias is admissible notwithstanding an interest in protecting the witness's juvenile privacy when exclusion would deny the accused effective cross-examination.
2. Trial counsel was ineffective for failing to preserve in post-trial motions the meritorious claim that exclusion of the complainant's Juvenile Court records and orders denied Erie effective cross-examination.

KEY QUOTATIONS

"The test is not whether other alternatives were more reasonable, employing a hindsight evaluation of the record." (at 46-47)

"This court cannot speculate as to whether the jury, as sole judge of the credibility of a witness in this case, would have accepted defense counsel's theory of the existence of a possible ulterior motive on the part of the complainant, which could have caused her to fabricate the alleged rape, had defense counsel been permitted to present it fully." (at 53)

"Moreover, since appellant was denied the right of effective cross-examination, the result is a constitutional error of 'the first magnitude and no amount of showing of want of prejudice could cure it.'" (at 54)

FACTUAL BACKGROUND

Erie was convicted after a jury trial based largely on conflicting testimony from Erie and the complainant, Paula Ramey, concerning whether their sexual intercourse was consensual. Before trial, the court granted the Commonwealth's motion in limine and excluded Ramey's Juvenile Court record and related court orders, which showed restrictions involving her boyfriend and a curfew. Those materials could have supported the defense theory that Ramey had a motive to fabricate the rape allegation because she violated her curfew and restrictions. Trial counsel did not renew or preserve the issue in post-trial motions, and counsel later characterized the omission as an oversight.

PROCEDURAL HISTORY

A jury convicted Erie of rape and terroristic threats, and the Court of Common Pleas imposed concurrent prison sentences. After post-trial motions were denied, Erie appealed and new counsel moved to remand for an evidentiary hearing and supplemental post-trial motions concerning ineffective assistance. The Superior Court granted the remand, the lower court denied a new trial after the hearing, and Erie appealed. The Superior Court reversed, vacated the judgment of sentence, and remanded for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment of sentence is vacated and the case is remanded to the Court of Common Pleas for a new trial. Jurisdiction is relinquished.

CASES CITED

- Commonwealth ex rel. Washington v. Maroney, 427 Pa. 599, 604, 235 A.2d 349, 352-53 (1967)
- Commonwealth v. Hubbard, 472 Pa. 259, 276-79, 372 A.2d 687, 695-96 (1977)
- Commonwealth v. Murray, 338 Pa. Super. 580, 582, 488 A.2d 45, 46 (1985)
- Commonwealth v. Litzenberger, 333 Pa. Super. 471, 482, 482 A.2d 968, 974 (1984)
- Davis v. Alaska, 415 U.S. 308, 315-20, 94 S. Ct. 1105, 39 L. Ed. 2d 347 (1974)
- Pointer v. Texas, 380 U.S. 400, 85 S. Ct. 1065, 13 L. Ed. 2d 923 (1965)
- Douglas v. Alabama, 380 U.S. 415, 418, 85 S. Ct. 1074, 13 L. Ed. 2d 934 (1965)
- Commonwealth v. Black, 337 Pa. Super. 548, 487 A.2d 396 (1985)
- Brookhart v. Janis, 384 U.S. 1, 3, 86 S. Ct. 1245, 16 L. Ed. 314 (1966)
- Smith v. Illinois, 390 U.S. 129, 131, 88 S. Ct. 748, 19 L. Ed. 2d 956 (1968)