

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Wright

599 Pa. 270 (2008) (Pa. 2008) · No. 403 CAP · Decided December 22, 2008

SUMMARY

The Supreme Court of Pennsylvania reviews William L. Wright III’s direct appeal from convictions including first-degree murder and a resulting death sentence. The court rejects challenges concerning the sufficiency of the evidence, due process, trial errors, counsel preparation, continuances, conflicts of interest, jury orientation, and related issues, and affirms the convictions and sentence.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| COURT                 | Supreme Court of Pennsylvania                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| WRITING FOR THE COURT | Justice Eakin; Chief Justice Cappy; Chief Justice Castille; Justice Nigro; Justice Newman; Justice Saylor; Justice Baer                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| JURISDICTION          | Pennsylvania                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| DECIDED               | December 22, 2008                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| DOCKET                | 403 CAP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | Direct automatic appeal from convictions for first-degree murder and related offenses and the resulting death sentence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| STANDARD OF REVIEW    | The court independently reviewed the sufficiency of the evidence in the capital case. Suppression rulings were reviewed for whether the record supported the trial court's factual findings and whether its legal conclusions were correct. Denial of a continuance, denial of a mistrial, sequestration decisions, and evidentiary rulings were reviewed for abuse of discretion. Jury instructions were reviewed as a whole for whether they fairly and accurately stated the law. Ineffective-assistance claims were reviewed under the Pennsylvania performance-and-prejudice test. |
| PRECEDENTIAL VALUE    | Published precedential opinion of the Supreme Court of Pennsylvania; majority opinion affirming convictions and death sentence.                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| PARTIES               | William L. Wright, III v. Commonwealth of Pennsylvania                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

TOPICS

sentencing

criminal procedure

suppression of evidence

fourth amendment

ineffective assistance

## PRACTICE AREAS

criminal law

capital punishment

criminal procedure

constitutional law

evidence

appellate procedure

## QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Wright's first-degree murder conviction and specific intent to kill.
2. Whether the denial of additional preparation time, continuances, or changes of appointed counsel violated due process or resulted in ineffective assistance.
3. Whether the warrantless seizure of blood from Wright's hands and his bloody clothing violated the Fourth Amendment or Article I, Section 8 of the Pennsylvania Constitution.
4. Whether alleged trial errors, including prosecutorial references to Wright's failure to testify, jury procedures, admission of photographs and recordings, jury sequestration, and jury instructions, required a new trial.
5. Whether the evidence supported the statutory aggravating circumstances for the death sentence, including the felony-murder aggravator and the grave-risk-of-death aggravator.
6. Whether the trial court was required to give a Simmons instruction concerning life imprisonment without parole.
7. Whether trial counsel were ineffective under the performance-and-prejudice standard.

## HOLDINGS

1. Evidence viewed in the light most favorable to the Commonwealth was sufficient to establish that Wright unlawfully killed James Mowery, was responsible for the killing, and acted with specific intent to kill.
2. Due process was not violated where qualified lead counsel was appointed more than a year before trial and additional counsel were appointed later to assist with the guilt and penalty phases.
3. The trial court did not abuse its discretion by denying the requested continuances.
4. The warrantless seizure of blood from Wright's hands and his bloody clothing was justified by exigent circumstances and, independently, the plain-view exception.
5. The prosecutor's closing remarks improperly referred to Wright's failure to testify, but the error was harmless and did not require a mistrial or reversal.
6. The evidence supported submitting the grave-risk-of-death aggravating circumstance to the jury.
7. A Simmons instruction was not required because the Commonwealth did not place Wright's future dangerousness at issue.
8. Wright failed to establish ineffective assistance because his claims lacked arguable merit, a showing that counsel lacked a reasonable basis, or proof of prejudice.

9. The death sentence was supported by the record and was not the product of passion, prejudice, or another arbitrary factor.

#### KEY QUOTATIONS

*“A warrantless search or seizure is per se unreasonable unless it falls within a specifically enumerated exception.” (137)*

*“There is a fine line between vigorously arguing the evidence and drawing attention to appellant's decision not to testify.” (143)*

*“This instruction was firm, direct, specific, comprehensive, plain, and most revealingly, acknowledged by the jury.” (145)*

*“Having rejected all of appellant's claims for relief, we are required to affirm the sentence of death unless we determine: (i) the sentence of death was the product of passion, prejudice or any other arbitrary factor; or (ii) the evidence fails to support the finding of at least one aggravating circumstance specified.” (158)*

#### FACTUAL BACKGROUND

After a prior romantic relationship with Tammy Mowery and the reconciliation of Tammy and her husband, James, William Wright lived next door to the Mowerys. On Thanksgiving morning in 1998, after a dispute with the couple, Wright shot his way into their home, entered the bedroom where the Mowerys and their six-year-old child were located, and shot James Mowery repeatedly, including after reloading his weapon. Wright fled with the weapon, was pursued by police, made statements that he had "toasted a guy," and was arrested with the murder weapon, ammunition, and other weapons; blood evidence linked him to the crime scene and weapon.

#### PROCEDURAL HISTORY

Wright was convicted in Blair County of first-degree murder, simple assault, aggravated assault, two counts of recklessly endangering another person, burglary, and criminal trespass. The jury found two aggravating circumstances and one mitigating circumstance and imposed a death sentence; the trial court also imposed a consecutive aggregate sentence of fourteen to twenty-eight years for the other convictions. After post-sentence motions were denied, Wright took a direct appeal to the Supreme Court of Pennsylvania, which rejected his due-process, trial-error, sentencing, and ineffective-assistance claims and affirmed.

#### DISPOSITION

affirmed

#### CASES CITED

- Commonwealth v. Zettlemoyer, 500 Pa. 16, 454 A.2d 937 (1982)
- Commonwealth v. Bridges, 563 Pa. 1, 757 A.2d 859 (2000)
- Commonwealth v. Spotz, 563 Pa. 269, 759 A.2d 1280 (2000)
- Commonwealth v. Fletcher, 561 Pa. 266, 750 A.2d 261 (2000)

- Commonwealth v. Champney, 574 Pa. 435, 832 A.2d 403 (2003)
- Commonwealth v. Ford, 491 Pa. 586, 421 A.2d 1040 (1980)
- Commonwealth v. Busanet, 572 Pa. 535, 817 A.2d 1060 (2002)
- Commonwealth v. Bomar, 573 Pa. 426, 826 A.2d 831 (2003)
- Commonwealth v. Wright, 560 Pa. 34, 742 A.2d 661 (1999)
- Commonwealth v. Linde, 448 Pa. 230, 293 A.2d 62 (1972)
- Horton v. California, 496 U.S. 128 (1990)
- Commonwealth v. Auker, 545 Pa. 521, 681 A.2d 1305 (1996)
- Commonwealth v. Rush, 646 A.2d 557 (Pa. Super. Ct. 1994)
- Commonwealth v. Gorby, 527 Pa. 98, 588 A.2d 902 (1991)
- Commonwealth v. Trivigno, 561 Pa. 232, 750 A.2d 243 (2000)
- Commonwealth v. Turner, 499 Pa. 579, 454 A.2d 537 (1982)
- Commonwealth v. Mitchell, 576 Pa. 258, 839 A.2d 202 (2003)
- Commonwealth v. Young, 561 Pa. 34, 748 A.2d 166 (2000)
- Commonwealth v. Rios, 546 Pa. 271, 684 A.2d 1025 (1996)
- Commonwealth v. Boxley, 596 Pa. 620, 948 A.2d 742 (2008)
- Simmons v. South Carolina, 512 U.S. 154 (1994)
- Commonwealth v. Moore, 594 Pa. 619, 937 A.2d 1062 (2007)
- Commonwealth v. Grant, 572 Pa. 48, 813 A.2d 726 (2002)
- Commonwealth v. Pierce, 515 Pa. 153, 527 A.2d 973 (1987)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Commonwealth v. Bolden, 562 Pa. 94, 753 A.2d 793 (2000)
- Commonwealth v. Robinson, 583 Pa. 358, 877 A.2d 433 (2005)
- Commonwealth v. Stevens, 559 Pa. 171, 739 A.2d 507 (1999)