

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Uderra

580 Pa. 492 (2004) (Pa. 2004) · Decided October 21, 2004

SUMMARY

The Supreme Court of Pennsylvania reviews Jose Uderra’s capital post-conviction appeal from convictions and a death sentence for first-degree murder. The opinion addresses claims involving jury qualification and rehabilitation, discriminatory peremptory challenges under Batson, counsel effectiveness, evidentiary issues, jury instructions, mitigation, and other alleged trial and sentencing errors. The court discusses the requirements for proving an unpreserved Batson claim in post-conviction proceedings.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Saylor; Chief Justice Cappy; Justice Castille; Justice Nigro; Justice Newman; Justice Eakin; Justice Baer
JURISDICTION	Pennsylvania
DECIDED	October 21, 2004
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial, without an evidentiary hearing, of a petition under Pennsylvania's Post Conviction Relief Act following convictions for first-degree murder and other offenses and a death sentence.
STANDARD OF REVIEW	The court reviewed the PCRA court's legal determinations de novo and examined whether the petition and evidentiary proffer raised any genuine issue of material fact requiring a hearing under Pa.R.Crim.P. 909(B)(2). Claims previously litigated or waived were reviewed only to the extent necessary to assess layered ineffective-assistance claims.
PRECEDENTIAL VALUE	Published Pennsylvania Supreme Court opinion; precedential
PARTIES	Jose Uderra v. Commonwealth of Pennsylvania

TOPICS

- state post-conviction relief
- post-conviction relief
- sentencing
- jury selection
- competency to be executed

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether trial counsel was ineffective for failing to life-qualify prospective jurors or rehabilitate a prospective juror opposed to the death penalty.
2. Whether Uderra established an unpreserved Batson violation or a viable layered ineffective-assistance claim based on the prosecutor's preemptory strikes of Latino venirepersons.
3. Whether the record required a competency hearing or supported a claim that Uderra was incompetent at trial.
4. Whether the admission of a redacted non-testifying co-defendant's confession violated the Confrontation Clause and warranted PCRA relief.
5. Whether evidence seized from Uderra or his vehicle was obtained in violation of the Fourth Amendment and whether counsel was ineffective for failing to litigate suppression.
6. Whether counsel was ineffective for failing to investigate or present voluntary manslaughter, voluntary intoxication, diminished-capacity, or mental-health defenses.
7. Whether the Commonwealth presented misleading evidence concerning a sweatshirt and an unavailable witness's statement.
8. Whether the reasonable-doubt instruction violated due process.
9. Whether counsel was ineffective for failing to investigate and present additional penalty-phase mitigation.
10. Whether the prosecutor's penalty-phase argument improperly diminished the jury's responsibility for imposing a death sentence.
11. Whether the penalty-phase instructions concerning aggravating and mitigating circumstances were unconstitutional.
12. Whether Pennsylvania's proportionality-review database was fundamentally flawed.
13. Whether references to a possible pardon and the absence of a life-means-life instruction denied a fair capital sentencing proceeding.
14. Whether discovery concerning the Philadelphia District Attorney's witness-security program or an evidentiary hearing was required.
15. Whether cumulative error or prior counsel's failure to litigate the asserted claims warranted relief.

HOLDINGS

1. Counsel is not constitutionally ineffective for failing to ask prospective jurors whether they could impose a life sentence, and Uderra did not show that counsel acted unreasonably by failing to rehabilitate a venireperson whose answers indicated that her views on the death penalty would substantially impair her ability to apply the law.

2. When a Batson objection was not raised during jury selection and the claim is presented collaterally through ineffective-assistance allegations, the petitioner must prove actual purposeful discrimination by a preponderance of the evidence, in addition to satisfying the requirements for overcoming waiver; a mere prima facie Batson showing is insufficient.
3. A competency hearing is required when there is reason to doubt a defendant's competence, but the evidence proffered here—temporary suicide-watch placement and an impulsive act after conviction—did not raise a sufficient question regarding Uderra's ability to understand the proceedings or assist in his defense.
4. Claims previously litigated on direct appeal, or waived for failure to raise them at trial or on direct appeal, cannot be relitigated in PCRA proceedings merely by recasting them as novel ineffective-assistance theories.
5. Although the court disapproved the prosecutor's statement that the jury did not give the defendant the death penalty, the argument did not warrant relief because, in context, the prosecutor accurately discussed the statutory sentencing scheme and the trial court repeatedly instructed the jury that it alone was responsible for deciding between death and life imprisonment.
6. Uderra's remaining claims concerning suppression, competency, defenses, mitigation, jury instructions, proportionality review, pardon references, witness security, cumulative error, and entitlement to a hearing did not establish a material factual dispute requiring relief.

KEY QUOTATIONS

“In such circumstances, in order to succeed on an unpreserved claim of racial discrimination in jury selection, we agree with those jurisdictions that have held that a post-conviction petitioner may not rely on a prima facie case under Batson, but must prove actual, purposeful discrimination by a preponderance of the evidence, accord McCrory, 82 F.3d at 1251, in addition to all other requirements essential to overcome the waiver of the underlying claim.” (862 A.2d at 87)

“At the outset, we disapprove the district attorney's admonition to the jurors that “you do not by your verdict give Jose Uderra the death penalty,” in light of the constitutionally-based requirement of maintaining the jurors' sense of responsibility.” (862 A.2d at 95)

FACTUAL BACKGROUND

In October 1991, Jose Uderra robbed, beat, shot, and killed Michael Sharpe on a Philadelphia street after a dispute concerning an illicit-drug sale. Uderra was tried jointly with Juan Perez in 1993 and convicted of first-degree murder and related offenses. At the penalty proceeding, the jury found the aggravating circumstance that the killing occurred during the perpetration of a felony and found no mitigating circumstances, resulting in a death sentence.

PROCEDURAL HISTORY

Uderra was jointly tried and convicted in 1993 of first-degree murder and sentenced to death after the jury found one aggravating circumstance and no mitigating circumstances. The Pennsylvania Supreme Court affirmed on

direct appeal, and the United States Supreme Court denied certiorari. Uderra then filed a PCRA petition, which the PCRA court denied without an evidentiary hearing; the Pennsylvania Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Uderra, 550 Pa. 389, 706 A.2d 334 (1998)
- Commonwealth v. McGill, 574 Pa. 574, 832 A.2d 1014 (2003)
- Batson v. Kentucky, 476 U.S. 79 (1986)
- Holloway v. Horn, 355 F.3d 707 (3d Cir. 2004)
- Commonwealth v. Spence, 534 Pa. 233, 627 A.2d 1176 (1993)
- Wainwright v. Witt, 469 U.S. 412 (1985)
- Bruton v. United States, 391 U.S. 123 (1968)
- Caldwell v. Mississippi, 472 U.S. 320 (1985)
- Commonwealth v. Morris, 573 Pa. 157, 822 A.2d 684 (2003)
- Commonwealth v. Johnson, 572 Pa. 283, 815 A.2d 563 (2002)
- Commonwealth v. Spotz, 563 Pa. 269, 759 A.2d 1280 (2000)
- Commonwealth v. Albrecht, 554 Pa. 31, 720 A.2d 693 (1998)