

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Eller

569 Pa. 622 (2002) (Pa. 2002) · Decided September 25, 2002

SUMMARY

The Supreme Court of Pennsylvania held that the Post Conviction Relief Act (PCRA) is the exclusive remedy for claims seeking restoration of direct-appeal rights based on counsel's failure to perfect an appeal. The court concluded that Commonwealth v. Lantzy interpreted the existing PCRA and therefore applied to the appellant's pre-Lantzy request for nunc pro tunc relief. The court affirmed the denial of relief because the appellant's collateral claim was untimely and no equitable exception was available.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Castille; Chief Justice Zappala; Justice Cappy; Justice Nigro; Justice Newman; Justice Saylor
JURISDICTION	Pennsylvania
DECIDED	September 25, 2002
DISPOSITION	affirmed
PROCEDURAL POSTURE	Eller sought reinstatement of his direct appellate rights nunc pro tunc outside the Post Conviction Relief Act after the PCRA filing deadline had expired. The Superior Court affirmed the denial of relief, and the Supreme Court of Pennsylvania granted review to determine whether Commonwealth v. Lantzy could be applied to his pre-Lantzy request.
STANDARD OF REVIEW	Plenary review of the legal question presented.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Pennsylvania
PARTIES	Brian Charles Eller v. Commonwealth of Pennsylvania

TOPICS

- state post-conviction relief
- appellate procedure
- statutory interpretation
- remedies

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- appellate procedure
- statutory interpretation
- remedies

QUESTIONS PRESENTED

1. Whether *Commonwealth v. Lantzy*, holding that the PCRA is the exclusive remedy for claims seeking restoration of appellate rights based on counsel's failure to perfect a direct appeal, applied to Eller's pre-Lantzy request for nunc pro tunc relief.
2. Whether the court could create an equitable, extra-PCRA remedy for a claim that was otherwise time-barred under the PCRA.

HOLDINGS

1. A claim seeking reinstatement of direct appellate rights because of counsel's alleged failure to file a requested appeal is cognizable under the PCRA and must be pursued exclusively under that statute; a court may not provide an extra-PCRA nunc pro tunc remedy.
2. Applying Lantzy to a petitioner who sought nunc pro tunc relief before Lantzy was decided is not an unlawful retroactive application because Lantzy clarified the meaning of existing statutory law rather than announcing a new procedural rule.
3. The court could not create an equitable exception to the PCRA's time bar or provide an extra-PCRA remedy based on alleged reliance on pre-Lantzy Superior Court decisions.

KEY QUOTATIONS

“The action established in this subchapter shall be the sole means of obtaining collateral relief and encompasses all other common law and statutory remedies for the same purpose that exist when this subchapter takes effect, including habeas corpus and coram nobis.” (842)

“Thus, when the Court in Lantzy held that claims seeking restoration of appellate rights due to counsel's alleged failure to perfect a requested direct appeal are cognizable under the PCRA, and therefore are subject to the PCRA's exclusivity provision, it was not creating a new judicial rule of procedure, but instead was interpreting and applying the plain language of the statute.” (843)

“Our first pronouncement on the substance of a statutory provision is purely a clarification of existing law.” (844)

“This perceived injustice cannot warrant the judicial creation of an extra-PCRA remedy for claims exclusively reserved by the statute.” (845)

FACTUAL BACKGROUND

Eller entered the home of a physically disabled woman while servicing medical equipment and raped her. He later pleaded nolo contendere to rape in exchange for dismissal of the additional charges and received a six-to-twelve-year prison term followed by eight years of probation. Although he was advised of his post-sentencing and appellate rights, he did not file a direct appeal, and he did not seek collateral relief until more than one year after his judgment became final.

PROCEDURAL HISTORY

Eller pleaded nolo contendere to rape and was sentenced on June 11, 1997. He did not file post-sentence motions or a direct appeal, and the judgment became final on July 11, 1997. After the one-year PCRA period had expired, he filed motions seeking an appeal nunc pro tunc, which the trial court denied. The Superior Court affirmed, and the Supreme Court of Pennsylvania affirmed the Superior Court.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Lantzy, 558 Pa. 214, 736 A.2d 564 (1999)
- Commonwealth v. Hall, 565 Pa. 92, 771 A.2d 1232 (2001)
- Commonwealth v. Yarris, 557 Pa. 12, 731 A.2d 581 (1999)
- Commonwealth v. Chester, 557 Pa. 358, 733 A.2d 1242 (1999)
- Commonwealth v. Ahlborn, 548 Pa. 544, 699 A.2d 718 (1997)
- Commonwealth v. Hitchcock, 749 A.2d 935 (Pa. Super. Ct. 2000) (en banc)
- Commonwealth v. Garcia, 749 A.2d 928 (Pa. Super. Ct. 2000) (en banc)
- Fiore v. White, 562 Pa. 634, 757 A.2d 842 (2000)
- McCloskey v. WCAB, 501 Pa. 93, 460 A.2d 237 (1983)
- Rivers v. Roadway Express, Inc., 511 U.S. 298, 312-13 (1994)
- Buradus v. General Cement Prods. Co., 356 Pa. 349, 52 A.2d 205 (1947)
- Commonwealth v. Lark, 560 Pa. 487, 746 A.2d 585 (2000)
- Commonwealth v. Fahy, 558 Pa. 313, 737 A.2d 214 (1999)
- Commonwealth v. Weimer, 756 A.2d 684 (Pa. Super. Ct. 2000)
- Commonwealth v. Ardestani, 558 Pa. 191, 736 A.2d 552 (1999)
- Commonwealth v. Brion, 539 Pa. 256, 652 A.2d 287 (1994)
- Commonwealth v. Cabeza, 503 Pa. 228, 469 A.2d 146 (1983)
- Commonwealth v. Scott, 496 Pa. 188, 436 A.2d 607 (1981)
- Commonwealth v. Stock, 545 Pa. 13, 679 A.2d 760 (1996)
- Commonwealth v. Hall, 713 A.2d 650 (Pa. Super. Ct. 1998), rev'd, 565 Pa. 92, 771 A.2d 1232 (2001)
- Commonwealth v. Lantzy, 712 A.2d 288 (Pa. Super. Ct. 1998), rev'd, 558 Pa. 214, 736 A.2d 564 (1999)
- Commonwealth v. Petroski, 695 A.2d 844 (Pa. Super. Ct. 1997)
- Anders v. California, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967)

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