

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Rice

568 Pa. 182 (2002) (Pa. 2002) · Decided February 20, 2002

SUMMARY

The Supreme Court of Pennsylvania reviewed Timothy Rice's direct appeal from death sentences imposed after his convictions for two counts of first-degree murder and related offenses. The court rejected challenges concerning sufficiency and weight of the evidence, guilt-phase counsel effectiveness, admissibility of penalty-phase evidence, prior violent-felony convictions, victim-impact evidence, and mitigating-factor jury instructions. The court affirmed the judgment of sentence.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Newman, Justice; Zappala, C.J.; Cappy, J.; Castille, J.; Nigro, J.; Newman, J.; Saylor, J.; Eakin, J.
JURISDICTION	Pennsylvania
DECIDED	February 20, 2002
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct capital appeal from a judgment of sentence imposing two death sentences after a bench trial resulted in convictions for two counts of first-degree murder and a jury penalty phase resulted in death verdicts.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed by determining whether, viewing the evidence and reasonable inferences in the light most favorable to the Commonwealth as verdict winner, the evidence established every element beyond a reasonable doubt. Weight-of-the-evidence claims are reviewed deferentially; reversal is warranted only when the verdict is so contrary to the evidence as to shock one's sense of justice. Evidentiary and jury-instruction rulings are reviewed for abuse of discretion, with jury instructions assessed as a whole for fairness and accuracy. Prosecutorial-misconduct claims are reviewed in context and require an unavoidable prejudicial effect. Ineffectiveness claims require proof of arguable merit, unreasonable performance or lack of a reasonable strategic basis, and prejudice.
PRECEDENTIAL VALUE	Published Supreme Court of Pennsylvania opinion; precedential disposition, with some reasoning expressed in a fragmented Opinion

Announcing the Judgment of the Court.

PARTIES

Timothy Rice v. Commonwealth of Pennsylvania

TOPICS

sentencing

criminal procedure

evidence

prosecutorial misconduct

appellate procedure

PRACTICE AREAS

criminal law

capital punishment

criminal procedure

evidence

appellate procedure

ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support two convictions for first-degree murder, including specific intent to kill and deliberation.
2. Whether the murder verdicts were against the weight of the evidence.
3. Whether guilt-phase counsel was ineffective for failing to argue alleged inconsistencies in the evidence.
4. Whether the trial court improperly excluded or limited Rice's guilt-phase testimony as penalty-phase mitigating or background evidence.
5. Whether prior robbery and conspiracy convictions were admissible as violent felony convictions in the penalty phase.
6. Whether Pennsylvania's victim-impact statute was constitutional and whether the jury instruction concerning victim-impact evidence required a new sentencing hearing.
7. Whether the trial court erred by refusing to instruct the jury on extreme mental or emotional disturbance as a mitigating circumstance.
8. Whether the trial court improperly limited mitigating evidence and permitted rebuttal evidence concerning Rice's character.
9. Whether the prosecutor committed misconduct during cross-examination and closing argument.
10. Whether penalty-phase counsel was ineffective for failing to object to prosecutorial conduct or request a life-without-parole instruction.
11. Whether the death sentences were supported by the evidence and were not the product of passion, prejudice, or other arbitrary factors.

HOLDINGS

1. Evidence that Rice fired a .357 revolver at people in a crowded bar, shot unarmed victims in the back, admitted firing until the gun was empty, and was linked ballistically to the shooting was sufficient to establish specific intent to kill and support both first-degree murder convictions.
2. The murder verdicts were not so contrary to the evidence as to shock one's sense of justice, and the appellate court could not substitute its credibility and evidentiary judgments for those of the fact-finder.

3. Guilt-phase counsel was not ineffective because counsel actually argued the alleged inconsistencies concerning events outside the bar, the shooter's appearance, and gunpowder residue.
4. The trial court acted within its discretion in excluding Rice's prior testimony as proof of drug or alcohol impairment because it was not relevantly established and the Commonwealth had not been afforded an opportunity to cross-examine him on impairment; the court also could limit background evidence to relevant and indisputable material.
5. Rice's prior convictions for robbery and conspiracy to commit an armed robbery were admissible as violent felony convictions; section 9711(d)(9) does not require prior felonies to be factually similar to the current murders.
6. The victim-impact provisions in 42 Pa.C.S. § 9711(a)(2) and (c)(2) were constitutionally valid, and Rice was not entitled to relief on his constitutional challenge.
7. The trial court's instruction was legally inaccurate because it limited consideration of victim-impact evidence to cases involving the catch-all mitigating circumstance and restricted its use to determining the weight of that circumstance. Nevertheless, the error was harmless beyond a reasonable doubt and did not require a new sentencing hearing.
8. The trial court properly refused to instruct on extreme mental or emotional disturbance because Rice presented no evidence that he was suffering from that condition at the time of the murders.
9. The trial court did not abuse its discretion by ruling that the Commonwealth could rebut evidence of Rice's good character with evidence of prison misconduct, and Rice was not entitled to relief after choosing not to present the character evidence.
10. The prosecutor did not commit reversible misconduct by cross-examining a defense witness about Rice's public assistance and support of his drug habit or by making the challenged closing remarks; the comment concerning remorse was stricken and could not have prejudiced Rice.
11. Penalty-phase counsel was not ineffective for failing to object to the prosecutor's cross-examination or request a life-without-parole instruction because the underlying claims lacked merit and the prosecution did not inject future dangerousness into the case.

KEY QUOTATIONS

"We hold that the evidence sufficiently supports both of Appellant's convictions for first-degree murder."
(346)

"Although the jury instruction in this case was inaccurate, it was not prejudicial." (353-354)

"We affirm the verdict and sentences of death imposed upon Appellant, Timothy Rice." (359)

FACTUAL BACKGROUND

At a Philadelphia bar, Rice became involved in a verbal confrontation and, while backing through a door, fired a .357 revolver into the crowded establishment. Bernard Jackson was shot in the back and killed, Randall Rogers was shot twice but survived, Williams was grazed, and James Jefferson was shot in the back outside the bar and

killed. Rice fled to his sister's apartment, where police arrested him several hours later and recovered spent .357 shells and a loaded .357 revolver.

PROCEDURAL HISTORY

Rice was tried nonjury and convicted of two counts of first-degree murder and related offenses. A jury later conducted the penalty phase and returned death sentences on both murder convictions; the trial court imposed those sentences and consecutive imprisonment on the remaining convictions. Rice appealed directly to the Supreme Court of Pennsylvania, which reviewed the guilt- and penalty-phase claims and affirmed.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Bridges, 563 Pa. 1, 757 A.2d 859 (2000)
- Commonwealth v. Spatz, 552 Pa. 499, 716 A.2d 580 (1998)
- Commonwealth v. Hall, 549 Pa. 269, 701 A.2d 190 (1997)
- Commonwealth v. Walker, 540 Pa. 80, 656 A.2d 90 (1995)
- Commonwealth v. Small, 559 Pa. 423, 741 A.2d 666 (1999)
- Commonwealth v. Johnson, 542 Pa. 384, 668 A.2d 97 (1995)
- Commonwealth v. Keaton, 556 Pa. 442, 729 A.2d 529 (1999)
- Commonwealth v. Whitney, 550 Pa. 618, 708 A.2d 471 (1998)
- Commonwealth v. Pierce, 537 Pa. 514, 645 A.2d 189 (1994)
- Commonwealth v. Young, 536 Pa. 57, 637 A.2d 1313 (1993)
- Commonwealth v. Abu-Jamal, 521 Pa. 188, 555 A.2d 846 (1989)
- Commonwealth v. Saranchak, 544 Pa. 158, 675 A.2d 268 (1996)
- Commonwealth v. Reid, 533 Pa. 508, 626 A.2d 118 (1993)
- Commonwealth v. Holcomb, 508 Pa. 425, 498 A.2d 833 (1985)
- CRY, Inc. v. Mill Service, Inc., 536 Pa. 462, 640 A.2d 372 (1994)
- Commonwealth v. Means, 565 Pa. 309, 773 A.2d 143 (2001)
- Commonwealth v. Natividad, 565 Pa. 348, 773 A.2d 167 (2001)
- Marks v. United States, 430 U.S. 188 (1977)
- McDermott v. Biddle, 436 Pa. Super. 94, 647 A.2d 514 (1994)
- Glendale School District v. Feigh, 99 Pa. Commw. 470, 513 A.2d 1093 (1986)
- Commonwealth v. Ohle, 503 Pa. 566, 470 A.2d 61 (1983)
- State v. Muhammad, 145 N.J. 23, 678 A.2d 164 (1996)
- Commonwealth v. Thomas, 552 Pa. 621, 717 A.2d 468 (1998)
- Commonwealth v. Harris, 550 Pa. 92, 703 A.2d 441 (1997)

- Commonwealth v. Koehler, 558 Pa. 334, 737 A.2d 225 (1999)
- Commonwealth v. Dennis, 552 Pa. 331, 715 A.2d 404 (1998)
- Commonwealth v. Hackett, 558 Pa. 78, 735 A.2d 688 (1999)
- Commonwealth v. Washington, 549 Pa. 12, 700 A.2d 400 (1997)
- Commonwealth v. Travaglia, 541 Pa. 108, 661 A.2d 352 (1995)
- Commonwealth v. Lester, 554 Pa. 644, 722 A.2d 997 (1998)
- Commonwealth v. Holland, 518 Pa. 405, 543 A.2d 1068 (1988)
- Commonwealth v. Balodis, 560 Pa. 567, 747 A.2d 341 (2000)
- Commonwealth v. Scott, 561 Pa. 617, 752 A.2d 871 (2000)
- Simmons v. South Carolina, 512 U.S. 154 (1994)
- Commonwealth v. Williams, 557 Pa. 207, 732 A.2d 1167 (1999)
- Commonwealth v. Zettlemoyer, 500 Pa. 16, 454 A.2d 937 (1982)
- Commonwealth v. Gibson, 547 Pa. 71, 688 A.2d 1152 (1997)
- Commonwealth v. LaCava, 542 Pa. 160, 666 A.2d 221 (1995)
- Commonwealth v. Fletcher, 561 Pa. 266, 750 A.2d 261 (2000)
- Commonwealth v. Clark, 551 Pa. 258, 710 A.2d 31 (1998)

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