

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Bullock

590 Pa. 480 (2006) (Pa. 2006) · Decided December 27, 2006

SUMMARY

The Supreme Court of Pennsylvania upheld the constitutionality of Pennsylvania's Crimes Against the Unborn Child Act against vagueness, substantive due process, and equal protection challenges. The court held that the trial court erred by failing to define criminal negligence for the jury, but concluded the error was harmless because the verdict necessarily established the requisite culpability. The court also determined that “accidentally” was a term of common usage that did not require a specialized jury instruction.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Saylor; Chief Justice Cappy; Justice Castille; Justice Newman; Justice Eakin; Justice Baer; Justice Baldwin
JURISDICTION	Pennsylvania
DECIDED	December 27, 2006
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal by discretionary review from a published Superior Court decision affirming Bullock's judgment of sentence for voluntary manslaughter of an unborn child.
STANDARD OF REVIEW	Constitutional issues are reviewed de novo under a plenary scope of review. A statute is presumed constitutional and will be invalidated only upon a clear, palpable, and plain constitutional violation. Jury-instruction error is harmless only if the reviewing court concludes beyond a reasonable doubt that the error did not contribute to the verdict.
PRECEDENTIAL VALUE	Published Pennsylvania Supreme Court opinion; precedential.
PARTIES	Matthew Bullock v. Commonwealth of Pennsylvania

TOPICS

- constitutional law
- void for vagueness
- substantive due process
- equal protection
- jury instructions

PRACTICE AREAS

criminal law

constitutional law

criminal procedure

statutory interpretation

QUESTIONS PRESENTED

1. Whether Pennsylvania's Crimes Against the Unborn Child Act is unconstitutionally vague because it does not require the fetus to be viable outside the womb.
2. Whether the Act violates substantive due process by imposing criminal liability for causing the death of a nonviable fetus.
3. Whether the Act violates equal protection by exempting a pregnant woman from criminal liability for crimes against her own unborn child while imposing liability on other persons.
4. Whether the trial court erred by refusing to define criminal negligence in instructing the jury on voluntary manslaughter of an unborn child.
5. Whether the trial court erred by failing to define "accidentally" in the jury instruction.

HOLDINGS

1. The Act is not unconstitutionally vague. Because the statute defines an unborn child to include all stages of gestation, viability outside the womb is immaterial; ordinary persons can understand that death occurs when a biologically living embryo or fetus permanently ceases to have vital functions.
2. The Act does not violate substantive due process because Bullock identified no fundamental right to unilaterally kill an unborn child carried by another person, and the State has an important and legitimate interest in protecting fetal life at all stages of pregnancy.
3. The exemption for a pregnant woman who commits a crime against her own unborn child satisfies equal protection because the mother is not similarly situated to other persons, the classification is neither suspect nor quasi-suspect, and it bears a rational relationship to legitimate legislative purposes.
4. The trial court erred by refusing to define criminal negligence, rather than ordinary tort negligence, for the jury because criminal negligence is an element of the offense.
5. The instructional error was harmless beyond a reasonable doubt and did not require a new trial.
6. The trial court was not required to provide a special definition of "accidentally." In this context, the term has its common meaning and signifies the absence of purpose or intent to kill the unborn child.

KEY QUOTATIONS

"Accordingly, viability outside of the womb is immaterial to the question of whether the defendant's actions have caused a cessation of the biological life of the fetus, and hence, to the question of whether the statute is vague in proscribing the killing of an unborn child." (213)

"Simply put, the mother is not similarly situated to everyone else, as she alone is carrying the unborn child." (216)

"We find that the trial court erred in refusing Appellant's request that it define criminal negligence for purposes of the offense of voluntary manslaughter of an unborn child." (217)

“Upon review under this standard, we conclude that the trial court's error in failing to define "negligently" was harmless.” (218)

FACTUAL BACKGROUND

Bullock strangled his pregnant girlfriend, Lisa Hargrave, after an argument involving her cocaine use, bound her hands, feet, and mouth, and left her body in a closet. Hargrave was approximately 22 to 23 weeks pregnant, and the coroner determined that the fetus died from asphyxia resulting from Hargrave's homicide. Bullock knew Hargrave was pregnant and was convicted of third-degree murder for her death and voluntary manslaughter of the unborn child.

PROCEDURAL HISTORY

Bullock was charged with murdering Lisa Hargrave and with criminal homicide of her unborn child under Pennsylvania's Crimes Against the Unborn Child Act. The trial court denied his constitutional challenge to the Act, refused to define the terms "negligently" and "accidentally" in the jury instructions, and the jury convicted him of third-degree murder of Hargrave and voluntary manslaughter of the unborn child. The Superior Court affirmed, and the Supreme Court of Pennsylvania granted discretionary review limited to the judgment of sentence for voluntary manslaughter of an unborn child.

DISPOSITION

affirmed

CASES CITED

- City of Philadelphia v. Commonwealth, 575 Pa. 542, 838 A.2d 566 (2003)
- Commonwealth, Department of Transportation v. McCafferty, 563 Pa. 146, 758 A.2d 1155 (2000)
- Payne v. Commonwealth, Department of Corrections, 582 Pa. 375, 871 A.2d 795 (2005)
- Commonwealth v. Cousin, 585 Pa. 287, 888 A.2d 710 (2005)
- Kolender v. Lawson, 461 U.S. 352 (1983)
- Commonwealth v. Mayfield, 574 Pa. 460, 832 A.2d 418 (2003)
- Commonwealth v. Booth, 564 Pa. 228, 766 A.2d 843 (2001)
- People v. Ford, 221 Ill. App. 3d 354, 581 N.E.2d 1189 (1991)
- State v. Merrill, 450 N.W.2d 318 (Minn. 1990)
- Commonwealth v. Heinbaugh, 467 Pa. 1, 354 A.2d 244 (1976)
- United States v. Mazurie, 419 U.S. 544 (1975)
- Roe v. Wade, 410 U.S. 113 (1973)
- City of Chicago v. Morales, 527 U.S. 41 (1999)
- United States v. Salerno, 481 U.S. 739 (1987)
- Washington v. Glucksberg, 521 U.S. 702 (1997)
- Planned Parenthood v. Casey, 505 U.S. 833 (1992)

- People v. Davis, 7 Cal. 4th 797, 872 P.2d 591 (1994)
- State v. Alfieri, 132 Ohio App. 3d 69, 724 N.E.2d 477 (1998)
- Small v. Horn, 554 Pa. 600, 722 A.2d 664 (1998)
- Harrisburg School District v. Zogby, 574 Pa. 121, 828 A.2d 1079 (2003)
- Commonwealth v. Safrit, 517 Pa. 484, 538 A.2d 1335 (1988) (per curiam)
- Commonwealth v. Mason, 474 Pa. 308, 378 A.2d 807 (1977)
- Commonwealth v. Samuels, 566 Pa. 109, 778 A.2d 638 (2001)
- Commonwealth v. Williams, 581 Pa. 57, 863 A.2d 505 (2004)
- Commonwealth v. Lambert, 529 Pa. 320, 603 A.2d 568 (1992)
- Commonwealth v. Magliocco, 584 Pa. 244, 883 A.2d 479 (2005)