

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Breakiron

566 Pa. 323 (Pa. 2001) · Decided September 26, 2001

SUMMARY

The Supreme Court of Pennsylvania affirmed the dismissal of Mark Breakiron's second petition for post-conviction relief as untimely under the Pennsylvania Post Conviction Relief Act. The court held that the petition did not satisfy any statutory exception to the one-year filing limit, including exceptions based on alleged Brady violations, newly discovered evidence concerning jury deliberations, or ineffective assistance of counsel.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Zappala, Justice; Flaherty, C.J.; Zappala, J.; Cappy, J.; Castille, J.; Nigro, J.; Newman, J.; Saylor, J.
JURISDICTION	Pennsylvania
DECIDED	September 26, 2001
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from the dismissal of Appellant's second petition for relief under the Pennsylvania Post Conviction Relief Act as untimely and beyond the common pleas court's jurisdiction.
STANDARD OF REVIEW	Whether the findings of the common pleas court are supported by the record and free of legal error.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Pennsylvania.
PARTIES	Mark Breakiron v. Commonwealth of Pennsylvania

TOPICS

- state post-conviction relief
- successive petitions
- post-conviction relief
- appellate jurisdiction
- criminal procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Breakiron's second PCRA petition was timely under the PCRA's one-year filing limitation.
2. Whether the alleged suppression of Brady material satisfied the governmental-interference exception to the PCRA time bar.
3. Whether juror affidavits concerning jury deliberations and the meaning of a life sentence constituted newly discovered facts satisfying the after-discovered-evidence exception.
4. Whether ineffective-assistance claims or the alleged magnitude of the constitutional violations could excuse an otherwise untimely PCRA petition.
5. Whether the common pleas court properly dismissed the petition for lack of jurisdiction.

HOLDINGS

1. The PCRA's time restrictions are jurisdictional and require any PCRA petition, including a second or subsequent petition, to be filed within one year after the judgment becomes final unless a statutory exception is proven.
2. A properly pleaded Brady claim may fall within the governmental-interference exception, but the petitioner must also satisfy the requirement that the petition be filed within sixty days of the date the claim could have been presented.
3. A later recognition by current counsel of a possible claim based on jury influences occurring years earlier is not a newly discovered fact under the PCRA's after-discovered-evidence exception.
4. Ineffective-assistance claims and the alleged importance or constitutional magnitude of the underlying violations do not exempt a PCRA petition from the PCRA's jurisdictional time requirements.

KEY QUOTATIONS

“The PCRA time restrictions are jurisdictional in nature.” (at 97)

“Accordingly, having disposed of the arguments offered by Appellant, we hold that Appellant's petition was properly dismissed as untimely and that this Court has no jurisdiction to review the merits of his petition.” (at 101)

FACTUAL BACKGROUND

Breakiron was convicted of first-degree murder and robbery and sentenced to death. After his direct appeal and first PCRA proceedings were completed, he filed a second PCRA petition nearly ten years after his judgment became final. The petition raised Brady, newly discovered evidence, jury-influence, sentencing, instructional, and ineffective-assistance claims, but Breakiron did not establish when the allegedly withheld or newly discovered information became available or why it could not have been obtained earlier.

PROCEDURAL HISTORY

Breakiron was convicted of first-degree murder and robbery and sentenced to death in 1988. The Pennsylvania Supreme Court affirmed the conviction and sentence in 1990. His first PCRA petition was denied by the trial court and that denial was affirmed in 1999, after which the United States Supreme Court denied certiorari. Breakiron filed the present second PCRA petition in March 2000; the common pleas court dismissed it as untimely, and the Pennsylvania Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Breakiron, 571 A.2d 1035 (Pa. 1990)
- Breakiron v. Pennsylvania, 498 U.S. 881 (1990)
- Commonwealth v. Breakiron, 729 A.2d 1088 (Pa. 1999)
- Breakiron v. Pennsylvania, 528 U.S. 1169 (2000)
- Commonwealth v. Peterkin, 722 A.2d 638, 640-641 (Pa. 1998)
- Commonwealth v. Banks, 726 A.2d 374, 376 (Pa. 1999)
- Brady v. Maryland, 373 U.S. 83 (1963)
- Commonwealth v. Beasley, 741 A.2d 1258, 1261-1262 (Pa. 1999)
- Commonwealth v. Yarris, 731 A.2d 581, 590 (Pa. 1999)
- Commonwealth v. Vega, 754 A.2d 714, 718 (Pa. Super. Ct. 2000)
- Commonwealth v. Lark, 746 A.2d 585, 588 (Pa. 2000)
- Commonwealth v. Gamboa-Taylor, 753 A.2d 780, 785 (Pa. 2000)
- Commonwealth v. Bronshtein, 752 A.2d 868, 871 (Pa. 2000)
- Commonwealth v. Pursell, 749 A.2d 911, 915-917 (Pa. 2000)
- Commonwealth v. Fahy, 737 A.2d 214, 223 (Pa. 1999)
- Commonwealth v. Murray, 753 A.2d 201, 202 (Pa. 2000)
- Commonwealth v. Morales, 701 A.2d 516, 519 (Pa. 1997)
- Williams v. Taylor, 529 U.S. 420 (2000)
- Commonwealth v. Strong, 761 A.2d 1167, 1170 n.3 (Pa. 2000)

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