

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Hudson

No. No. 129 EM 2019, Supreme Court of Pennsylvania (November 21, 2019)

SUMMARY

The Pennsylvania Supreme Court granted an emergency unopposed application for bail pending appeal from a probation revocation based solely on a technical violation (failure to pay court costs). The Court ordered the petitioner released on unsecured bail under conditions similar to his prior probation, citing Pa.R.A.P. 1762 (appellate review of bail determinations) and Pa.R.A.P. 3315 (cautioning that extraordinary jurisdiction is warranted only for egregious error). This case addresses bail pending appeal for technical probation violations and the limited circumstances warranting Supreme Court review of intermediate court bail orders.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
JURISDICTION	Pennsylvania
DECIDED	November 21, 2019
DOCKET	No. 129 EM 2019
DISPOSITION	other
PROCEDURAL POSTURE	Emergency application for bail pending appeal from revocation of probation
STANDARD OF REVIEW	egregious error (Pa.R.A.P. 3315)
PRECEDENTIAL VALUE	published
PARTIES	Maurice Hudson v. Commonwealth of Pennsylvania

TOPICS

- bail
- criminal procedure
- appellate procedure

PRACTICE AREAS

- Criminal Law
- Appellate Practice

QUESTIONS PRESENTED

1. Whether to grant the emergency unopposed application for bail pending appeal from revocation of probation.

HOLDINGS

1. The emergency unopposed application for bail is granted.

KEY QUOTATIONS

“the Emergency Unopposed Application for Bail Pending Appeal from Revocation of Probation Upon Technical Violation of Probation (Failure to Pay Court Costs) is GRANTED.”

FACTUAL BACKGROUND

The petitioner was on probation and violated by failing to pay court costs. His probation was revoked, and he appealed to the Superior Court. He sought release on bail pending the appeal.

PROCEDURAL HISTORY

The petitioner's probation was revoked upon a technical violation (failure to pay court costs) and he is appealing that revocation to the Superior Court. He filed an emergency unopposed application for bail pending appeal.

DISPOSITION

other

CITED IN

- Commonwealth v. Hudson, Commonwealth v. Hudson, 265 Va. 505, 512-14

OPINION

PER CURIAM.

IN THE SUPREME COURT OF PENNSYLVANIA EASTERN DISTRICT COMMONWEALTH OF PENNSYLVANIA,: No. 129 EM 2019 Respondent: v.: MAURICE HUDSON,: Petitioner: ORDER PER CURIAM AND NOW, this 21st day of November, 2019, the Emergency Unopposed Application for Bail Pending Appeal from Revocation of Probation Upon Technical Violation of Probation (Failure to Pay Court Costs) is GRANTED.

See Pa.R.A.P. 1762 (providing for appellate review of a bail determination); see also Pa.R.A.P. 3315 (cautioning that “routine reapplications” per Chapter 17 are not invited in this Court; further explaining that this Court’s review of an intermediate court’s order is warranted only when there has been an “egregious error” indicating a need for an exercise of extraordinary jurisdiction).

Petitioner is to be released on unsecured bail, on conditions similar or identical to those governing his probation prior to February 12, 2019, pending a decision on his appeal to the Superior Court.

