

SUPREME COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania v. Rasheed Muhammad

Commonwealth v. Muhammad · No. 109 MAP 2023 · Decided May 30, 2025

SUMMARY

This is a concurring and dissenting opinion by Justice Brobson of the Supreme Court of Pennsylvania in Commonwealth v. Muhammad. Justice Brobson agreed with Justice Wecht’s opinion except that he would not address or overrule Commonwealth v. Magliocco and would not characterize the trial court’s agreed-upon procedure as undermining Muhammad’s right to a jury trial. The case concerns jury instructions and an interrogatory relating to firearms charges.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Brobson
JURISDICTION	Supreme Court of Pennsylvania
DECIDED	May 30, 2025
DOCKET	109 MAP 2023
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from the Superior Court's order affirming the judgment of sentence entered by the Delaware County Court of Common Pleas.
PRECEDENTIAL VALUE	Published concurring and dissenting opinion; the views stated are not the majority holding.
PARTIES	Rasheed Muhammad v. Commonwealth of Pennsylvania

TOPICS

- criminal procedure
- jury instructions
- statutory interpretation

PRACTICE AREAS

- criminal law
- criminal procedure
- constitutional law

QUESTIONS PRESENTED

- Whether Commonwealth v. Magliocco applies to the firearms charges at issue.

2. Whether the agreed-upon procedure of describing the charge as 'possessing a firearm' and submitting a factual question to the jury undermined Muhammad's right to a jury trial.

HOLDINGS

1. Commonwealth v. Magliocco is inapplicable to the firearms charges because the Pennsylvania Supreme Court has limited Magliocco to the statutory elements of ethnic intimidation and stated that it is not generally applicable to other offenses.
2. The trial court's implementation of the agreed-upon procedure should not be characterized as undermining Muhammad's right to a jury trial.

KEY QUOTATIONS

“Magliocco, therefore, is inapplicable to the firearms charges at issue in this case.” (at 2)

“Under these circumstances, I would not characterize the trial court’s implementation of this agreed upon procedure as undermining Muhammad’s right to a jury trial.” (at 2)

FACTUAL BACKGROUND

At Muhammad's jury trial, the trial court and parties agreed not to identify the charged offense as persons not to possess firearms because doing so would disclose Muhammad's prior conviction and potentially prejudice the jury. Instead, the court instructed the jury that Muhammad was charged with 'possessing a firearm,' which is not a crime under Pennsylvania law, and submitted a problematic factual interrogatory to the jury. Justice Brobson concluded that Muhammad agreed to this procedure and that it should not be characterized as undermining his right to a jury trial.

PROCEDURAL HISTORY

The Delaware County Court of Common Pleas entered a judgment of sentence on November 30, 2021. The Superior Court affirmed that judgment on January 9, 2023, and denied reargument on March 17, 2023. Muhammad appealed to the Supreme Court of Pennsylvania, where Justice Brobson issued a concurring and dissenting opinion.

DISPOSITION

other

CASES CITED

- Commonwealth v. Magliocco, 883 A.2d 479 (Pa. 2005)
- Commonwealth v. Miller, 35 A.3d 1206, 1213 (Pa. 2012)

OPINION

PER CURIAM.

[J-39-2024] [OAJC: Dougherty, J.] IN THE SUPREME COURT OF PENNSYLVANIA MIDDLE DISTRICT COMMONWEALTH OF PENNSYLVANIA,: No. 109 MAP 2023 Appellee: Appeal from the Order of the: Superior Court at No. 84 EDA 2022: dated January 9, 2023, Reargument v.: denied March 17, 2023, Affirming: the Judgment of Sentence of the: Delaware County Court of Common RASHEED MUHAMMAD,: Pleas, Criminal Division, at No. CP-: 23-CR-0001435-2019 entered Appellant: November 30, 2021.: ARGUED: May 14, 2024 CONCURRING AND DISSENTING OPINION JUSTICE BROBSON DECIDED: May 30, 2025 I join Justice Wecht's concurring and dissenting opinion, save for two exceptions.

First, this Court has cabined *Commonwealth v. Magliocco*, 883 A.2d 479 (Pa. 2005), by stating that the decision “was grounded in the delineation of the elements of ethnic intimidation set forth in the text of that statute” and that *Magliocco* is “not generally applicable to other offenses.” *Commonwealth v. Miller*, 35 A.3d 1206, 1213 (Pa. 2012). *Magliocco*, therefore, is inapplicable to the firearms charges at issue in this case.

Because that determination is sufficient for purposes of disposing of this appeal, I would not address the propriety of *Magliocco* or overrule it. Second, I understand that Appellant Rasheed Muhammad (Muhammad) did not explicitly waive his right to a jury trial. It is undisputed, however, that Muhammad agreed to the procedure that led to the trial court instructing the jury on the non-existent crime of “possessing a firearm” and submitting the problematic interrogatory to the jury.

See Opinion Announcing the Judgment of the Court at 3 (“At Muhammad’s jury trial, to prevent the jury from learning of Muhammad’s prior conviction and preclude the attendant prejudice to him which might arise from this disclosure, the trial court, with the agreement of the parties, did not instruct the jury that he had been charged with persons not to possess firearms.

Instead, the court instructed the jurors Muhammad was charged with ‘[p]ossessing a [f]irearm,’ which is not a crime under Pennsylvania law.”); Justice Wecht’s Concurring and Dissenting Opinion at 2 (stating that, “in an apparent effort to avoid the prejudice that might result if the jury heard evidence of Muhammad’s prior conviction, the parties and trial court agreed to the” procedure at issue).

Under these circumstances, I would not characterize the trial court’s implementation of this agreed upon procedure as undermining Muhammad’s right to a jury trial. See *id.* at 7 (explaining that criminal defendants have right to jury trials, “in which the jury actually determines the outcome, not merely the factual predicate[,]” and reasoning that trial court’s decision to submit fact question to jury by way of interrogatory “undermined that right”).

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