

SUPREME COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania v. Leeton Jahwanza Thomas

Commonwealth v. Thomas · No. No. 760 CAP · Decided August 20, 2019

SUMMARY

Justice Wecht concurred in the affirmance of Leeton Jahwanza Thomas’s judgment of sentence for two counts of first-degree murder and one count of attempted murder. The opinion addresses the competency of an intellectually disabled witness, the scope of the trial court’s competency inquiry, the admissibility of expert eyewitness-identification testimony, and evidence concerning Thomas’s immigration status and potential deportation. Justice Wecht concluded that any errors regarding witness competency and immigration-status evidence were harmless in light of the overwhelming evidence of guilt.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Wecht
JURISDICTION	Pennsylvania
DECIDED	August 20, 2019
DOCKET	No. 760 CAP
DISPOSITION	affirmed
PROCEDURAL POSTURE	Thomas appealed from a judgment of sentence for two counts of first-degree murder and one count of attempted murder. The Supreme Court of Pennsylvania affirmed the judgment of sentence; Justice Wecht concurred, while differing from the Majority's reasoning on witness competency, eyewitness identification, and immigration-status evidence.
STANDARD OF REVIEW	Witness competency determinations are reviewed for abuse of discretion. Evidentiary rulings, including the admission of motive evidence, are also reviewed for abuse of discretion. Trial error is harmless when the reviewing court is convinced beyond a reasonable doubt that the error could not have contributed to the verdict; the Commonwealth bears the burden of proving harmlessness beyond a reasonable doubt.

PRECEDENTIAL VALUE	Published concurring opinion accompanying an affirmance by the Supreme Court of Pennsylvania; the concurrence's reasoning is not the Court's controlling majority holding.
PARTIES	Leeton Jahwanza Thomas v. Commonwealth of Pennsylvania

TOPICS

evidence criminal procedure harmless error appellate procedure immigration

PRACTICE AREAS

criminal law criminal procedure evidence appellate law immigration

QUESTIONS PRESENTED

1. Whether the trial court had discretion to assess the competency of a witness through a competency colloquy rather than a competency hearing or investigation.
2. Whether the trial court's competency colloquy and competency determination were adequate under Pennsylvania law.
3. Whether any error in finding the witness competent was harmless beyond a reasonable doubt.
4. Whether admitting evidence and argument concerning Thomas's immigration status and possible deportation constituted an abuse of discretion under Pennsylvania Rule of Evidence 403.
5. Whether any error in admitting the immigration-status evidence was harmless beyond a reasonable doubt.
6. Whether Thomas's out-of-court identification should be considered in the sufficiency analysis.

HOLDINGS

1. Under existing Pennsylvania law, the trial court had discretionary authority to assess the witness's competency through a competency colloquy rather than automatically conducting a competency hearing or competency investigation.
2. The trial court abused its discretion by failing to conduct a sufficiently searching competency inquiry and by restricting defense counsel's ability to meaningfully examine the witness's communication, perception, memory, and understanding of the duty to tell the truth.
3. Any error in finding P.S. competent was harmless beyond a reasonable doubt because the properly admitted evidence of Thomas's guilt was overwhelming even without relying on P.S.'s out-of-court identification.
4. The trial court abused its discretion by admitting evidence and argument that Thomas's immigration status and possible deportation supplied a motive, because the Commonwealth offered only a speculative connection between deportation and the murders and the danger of unfair prejudice outweighed the evidence's marginal probative value.

5. The error in admitting the immigration-status and possible-deportation evidence was harmless beyond a reasonable doubt because the evidence of Thomas's guilt was overwhelming.

KEY QUOTATIONS

“Nonetheless, it is well-settled that a trial error is harmless when the appellate court is convinced beyond a reasonable doubt that the error could not have contributed to the verdict.” (at 10)

“Evidence of motive must entail sufficient basis to believe that the crime actually grew out of or was in some way caused by the prior set of facts and circumstances.” (at 13)

“But we are a court, not a street corner. We deal in evidence, not speculation.” (at 14)

FACTUAL BACKGROUND

Thomas was convicted of two first-degree murders and one attempted murder arising from an attack in which victim P.S. was injured and later identified Thomas. P.S. had developmental limitations, physical and mental handicaps, a learning disability, and an IQ of 46, and the trial court assessed her competency through a colloquy rather than a hearing or expert evaluation. The Commonwealth also introduced evidence and argument that Thomas, a Jamaican national and green-card holder, might have faced deportation if convicted of unrelated sexual-assault charges for which he was awaiting arraignment. Other evidence included DNA from a victim on Thomas's shoe, clothing and rope found in bleach water at his residence, gloves and camouflage material clogging his toilet, and bloodhound tracking from the crime scene to his residence.

PROCEDURAL HISTORY

The Court of Common Pleas of Lancaster County entered judgment of sentence on June 16, 2017, and denied post-sentence motions on June 28, 2017. Thomas appealed to the Supreme Court of Pennsylvania, which affirmed. This opinion is Justice Wecht's concurrence in that affirmance.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Dowling, 883 A.2d 570, 576-77 (Pa. 2005)
- Commonwealth v. Delbridge, 855 A.2d 27, 40 (Pa. 2003)
- Commonwealth v. Ware, 329 A.2d 258, 267-69 (Pa. 1974)
- Commonwealth v. Anderson, 552 A.2d 1064, 1067-68 (Pa. Super. 1988)
- Rosche v. McCoy, 156 A.2d 307, 310-11 (Pa. 1959)
- Commonwealth v. Penn, 439 A.2d 1, 1158 (Pa. 1982)
- Commonwealth v. Fultz, 462 A.2d 1340, 1343 (Pa. 1983)
- Commonwealth v. Walter, 93 A.3d 442, 451 (Pa. 2014)
- Commonwealth v. Smith, 167 A.3d 782, 789 (Pa. Super. 2017)

- Commonwealth v. Koehler, 737 A.2d 225, 239 (Pa. 1999)
- Commonwealth v. Kosh, 157 A. 479, 482 (Pa. 1931)
- Commonwealth v. Alston, 864 A.2d 539, 549-50 (Pa. Super. 2004)
- Commonwealth v. Counterman, 719 A.2d 284, 295 (Pa. 1998)
- Commonwealth v. Mitchell, 902 A.2d 430, 457 (Pa. 2006)
- Commonwealth v. Robinson, 721 A.2d 344, 350 (Pa. 1998)
- Commonwealth v. Philistin, 53 A.3d 1, 16-17 (Pa. 2012)
- Commonwealth v. Schwartz, 285 A.2d 154, 158 (Pa. 1971)
- Commonwealth v. Mason, 130 A.3d 601, 653 n.61 (Pa. 2015)
- Commonwealth v. Hackett, 99 A.3d 11, 27 (Pa. 2014)
- Commonwealth v. Gibson, 925 A.2d 167, 169 (Pa. 2007)
- Commonwealth v. Keaton, 45 A.3d 1050, 1080 (Pa. 2012)
- Commonwealth v. Williams, 61 A.3d 979, 992 (Pa. 2013)

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