

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Ali

608 Pa. 71 (2010) (Pa. 2010) · Decided December 29, 2010

SUMMARY

The Supreme Court of Pennsylvania affirmed the denial of Imanuel Bassil Ali's petition for relief under the Post Conviction Relief Act in a capital case. The court rejected claims alleging ineffective assistance of counsel, including claims involving prosecutorial misconduct, expert testimony, and the competency examination of a child witness. The opinion applies the Strickland/Pierce ineffectiveness framework and discusses waiver, layered claims, and Pennsylvania's rule requiring child-witness competency hearings outside the jury's presence.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Chief Justice Castille; Justice Saylor; Justice Eakin; Justice Baer; Justice Todd; Justice McCaffery; Justice Orié Melvin
JURISDICTION	Pennsylvania
DECIDED	December 29, 2010
DISPOSITION	affirmed
PROCEDURAL POSTURE	Capital appeal from an order of the Philadelphia County Court of Common Pleas denying relief under the Pennsylvania Post Conviction Relief Act.
STANDARD OF REVIEW	Review of a PCRA court's decision is limited to determining whether its factual findings are supported by the record and whether its legal conclusions are free of error.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Pennsylvania
PARTIES	Imanuel Bassil Ali, a/k/a Emanuel Lester v. Commonwealth of Pennsylvania

TOPICS

- state post-conviction relief
- ineffective assistance
- hearsay
- evidence
- sentencing

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether direct-appeal counsel was ineffective for presenting or failing to present various underlying claims of prosecutorial misconduct and trial error.
2. Whether counsel was ineffective for failing to challenge expert testimony concerning blood evidence and the medical examiner's testimony concerning cause of death.
3. Whether counsel was ineffective for failing to challenge the in-court competency examination of a child witness or request related jury instructions.
4. Whether counsel was ineffective for failing to request a Kloiber identification instruction.
5. Whether counsel was ineffective for failing to challenge the verdict slip and a court crier's explanation of the verdict options.
6. Whether counsel was ineffective for failing to investigate and present an alibi based on an unavailable witness's statement.
7. Whether counsel was ineffective for failing to raise or adequately federalize Fourth Amendment, Brady, and Batson claims.
8. Whether newly asserted Brady and Batson claims were reviewable after the limited remand for a Grazier hearing.

HOLDINGS

1. A PCRA ineffectiveness claim fails when the petitioner does not establish arguable merit, lack of a reasonable basis, and resulting prejudice; failure to prove any one prong is fatal.
2. Where a defendant's trial-counsel ineffectiveness claims are raised through a claim that direct-appeal counsel was ineffective, the petitioner must plead and prove ineffectiveness at each relevant layer.
3. A claim based on a prosecutor's trial comment is waived when no contemporaneous objection was made; the available collateral claim is instead one alleging counsel's ineffectiveness for failing to object.
4. Although counsel had a reasonable basis to request that a child-witness competency examination occur outside the jury's presence, Ali failed to prove Strickland prejudice from the examination and competency ruling occurring before the jury.
5. A Kloiber cautionary instruction is not required when the eyewitness had a sufficient opportunity to view the defendant, did not equivocate in identifying the defendant, and had no prior identification problem.
6. A qualified medical expert who was sufficiently informed about an autopsy may testify to cause of death even if the expert did not personally perform the autopsy, where the expert personally observed relevant facts and formed an independent opinion subject to cross-examination.

7. A verdict slip need not contain a redundant global not-guilty option when the court's instructions and the slip make a not-guilty verdict available for each charge; however, the trial court should explain verdict-slip mechanics on the record rather than delegate that task to a court officer.
8. An unavailable witness's out-of-court statement is hearsay when offered to prove that the defendant was elsewhere at the time of the crime, absent an applicable exception; the statement also did not establish an alibi because it did not make it impossible for Ali to have committed the crime.
9. A limited remand for a Grazier hearing does not authorize the PCRA court to consider new collateral claims, and claims first presented after the appeal is pending are unreviewable in that proceeding.

KEY QUOTATIONS

“Our general review of a PCRA court's decision is limited to examining whether the court's findings of fact are supported by the record and whether its legal conclusions are free of error.” (291)

“Under Kloiber, “a charge that a witness'[s] identification should be viewed with caution is required where the eyewitness: (1) did not have an opportunity to clearly view the defendant; (2) equivocated on the identification of the defendant; or (3) had a problem making an identification in the past.” (303)

“Generally, an alibi is a defense that places the defendant at the relevant time in a different place than the scene involved and so removed therefrom as to render it impossible for him to be the guilty party.” (316)

FACTUAL BACKGROUND

Ali was convicted in 1991 of murdering Sheila Manigault, whose beaten and scalded body was found submerged in a bathtub in the Philadelphia apartment she shared with her children. The jury found two aggravating circumstances and no mitigating circumstances and imposed a death sentence. The PCRA claims concerned alleged ineffective assistance of trial and direct-appeal counsel, evidentiary issues, jury instructions, prosecutorial conduct, alibi evidence, Brady material, and Batson-related claims.

PROCEDURAL HISTORY

A jury convicted Ali of first-degree murder, aggravated assault, and possessing an instrument of crime and imposed a death sentence. The Supreme Court of Pennsylvania affirmed the convictions and sentence on direct appeal. After extensive pro se and counseled PCRA proceedings, including an evidentiary hearing and a limited remand for a Grazier hearing concerning waiver of counsel, the PCRA court denied relief. The Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Lester, 554 Pa. 644, 722 A.2d 997 (1998)
- Strickland v. Washington, 466 U.S. 668 (1984)

- Commonwealth v. Pierce, 567 Pa. 186, 786 A.2d 203 (2001)
- Commonwealth v. Spotz, 582 Pa. 207, 870 A.2d 822 (2005)
- Commonwealth v. Washington, 554 Pa. 559, 722 A.2d 643 (1998)
- Commonwealth v. Kloiber, 378 Pa. 412, 106 A.2d 820 (1954)
- Commonwealth v. Dennis, 552 Pa. 331, 715 A.2d 404 (1998)
- Commonwealth v. Smith, 480 Pa. 524, 391 A.2d 1009 (1978)
- Commonwealth v. Mitchell, 391 Pa. Super. 100, 570 A.2d 532 (1990)
- Commonwealth v. McCloud, 457 Pa. 310, 322 A.2d 653 (1974)
- Commonwealth v. Edwards, 394 Pa. 335, 147 A.2d 313 (1959)
- Parker v. Gladden, 385 U.S. 363 (1966)
- Commonwealth v. Johnson, 600 Pa. 329, 966 A.2d 523 (2009)
- Commonwealth v. Lark, 560 Pa. 487, 746 A.2d 585 (2000)
- Commonwealth v. Grazier, 552 Pa. 9, 713 A.2d 81 (1998)
- Miller v. Pate, 386 U.S. 1 (1967)
- Commonwealth v. Cooper, 596 Pa. 119, 941 A.2d 655 (2007)
- Batson v. Kentucky, 476 U.S. 79 (1986)
- Brady v. Maryland, 373 U.S. 83 (1963)