

SUPREME COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania v. Shawn Lamar Burton

Commonwealth v. Burton, 158 A.3d 618 (Pa. 2017) · No. No. 9 WAP 2016 · Decided March 28, 2017

SUMMARY

This is a dissenting opinion by Justice Baer of the Supreme Court of Pennsylvania in Commonwealth v. Burton. The dissent argues that the PCRA's public-record presumption should apply to incarcerated pro se petitioners and that Burton's untimely PCRA petition was properly dismissed without an evidentiary hearing.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Baer
JURISDICTION	Pennsylvania
DECIDED	March 28, 2017
DOCKET	No. 9 WAP 2016
DISPOSITION	other
PROCEDURAL POSTURE	The Commonwealth appealed from the Superior Court's order vacating the Court of Common Pleas of Allegheny County's dismissal of Burton's PCRA petition as untimely and remanding for further proceedings. This entry is Justice Baer's dissent from the Pennsylvania Supreme Court's disposition.
PRECEDENTIAL VALUE	dissenting opinion; nonprecedential as a statement of law
PARTIES	Commonwealth of Pennsylvania v. Shawn Lamar Burton

TOPICS

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PRACTICE AREAS

[Pennsylvania post-conviction relief](#)[criminal procedure](#)[appellate procedure](#)[statutory interpretation](#)

QUESTIONS PRESENTED

1. Whether the public-record presumption applicable to the PCRA's newly-discovered-facts exception should be applied to incarcerated pro se PCRA petitioners.
2. Whether Burton established an exception to the PCRA's one-year jurisdictional time bar based on newly discovered facts.
3. Whether the PCRA court properly dismissed Burton's petition as untimely without holding an evidentiary hearing.

HOLDINGS

1. The dissent would apply the existing public-record presumption to incarcerated pro se PCRA petitioners and would not create a status-based exception for them.
2. The dissent would hold that Burton failed to establish an exception to the PCRA's one-year time bar because he did not prove that the relevant facts were unknown and could not have been ascertained through due diligence.
3. The dissent would hold that the PCRA court properly dismissed the untimely petition without an evidentiary hearing.

KEY QUOTATIONS

"I respectfully dissent as I find it inappropriate and, indeed, dangerous to adopt a per se rule which exempts incarcerated pro se petitioners from precedent establishing that if a particular fact is contained in a public record, then that fact should not be deemed "unknown" for purposes of the newly-discovered-facts exception to the timeliness requirements of the Post Conviction Relief Act ("PCRA"), 42 Pa.C.S. §§ 9541-9546." (at 618)

"Given our case law, the public record presumption is currently the law of the Commonwealth and applies to all PCRA petitioners, without exception." (at 619)

"In my view, the PCRA court's order properly dismissed Appellee's PCRA petition as untimely filed, without holding an evidentiary hearing, because Appellee filed his petition well beyond one year from the date his judgment became final and because he failed to establish an exception to the PCRA's one-year time-bar." (at 622)

FACTUAL BACKGROUND

Burton and Melvin Goodwine were convicted of conspiracy in connection with the killing of a victim. Burton later asserted in a PCRA proceeding that facts concerning Goodwine's claim that the killing was in self-defense were newly discovered. Justice Baer emphasized that Burton's PCRA petition did not specifically allege that he lacked access to the relevant public records and reasoned that, as Goodwine's co-conspirator, Burton should have known the scope of their agreement and whether the killing was part of it.

PROCEDURAL HISTORY

Burton was convicted in the Allegheny County Court of Common Pleas and filed a petition under the Post Conviction Relief Act. The Court of Common Pleas dismissed the petition as untimely without an evidentiary

hearing. The Superior Court vacated that order and remanded, and the Commonwealth appealed to the Supreme Court of Pennsylvania. Justice Baer's dissent would have vacated the Superior Court's judgment and reinstated the PCRA court's order.

DISPOSITION

other

REMAND INSTRUCTIONS

The dissent would vacate the Superior Court's judgment and reinstate the PCRA court's order dismissing Burton's petition as untimely.

CASES CITED

- Commonwealth v. Chester, 895 A.2d 520, 523 (Pa. 2006)
- Commonwealth v. Lark, 746 A.2d 585, 588 n.4 (Pa. 2000)
- Commonwealth v. Bennett, 930 A.2d 1264 (Pa. 2007)
- Commonwealth v. Taylor, 67 A.3d 1245, 1248-49 (Pa. 2013)
- Commonwealth v. Lopez, 51 A.3d 195, 196 (Pa. 2012)
- Commonwealth v. Tilghman, 673 A.2d 898, 903 n.9 (Pa. 1996)
- Commonwealth v. Burton, 121 A.3d 1063, 1084 n.9 (Pa. Super. 2015)