

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Tedford

No. 773 CAP (Pa. Apr. 22, 2020) · No. No. 773 CAP · Decided April 22, 2020

SUMMARY

The Supreme Court of Pennsylvania affirmed the dismissal of Donald Mitchell Tedford’s second petition under the Post Conviction Relief Act. The court addressed Tedford’s broad discovery requests and his claim that an FBI disclosure concerning microscopic hair-comparison analysis constituted a newly discovered fact warranting relief. The court concluded that the PCRA court had jurisdiction to consider the hair-analysis claim but that Tedford failed to establish a meritorious basis for post-conviction relief.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Donohue; Chief Justice Saylor; Justice Baer; Justice Todd; Justice Dougherty; Justice Wecht; Justice Mundy
JURISDICTION	Pennsylvania
DECIDED	April 22, 2020
DOCKET	No. 773 CAP
DISPOSITION	affirmed
PROCEDURAL POSTURE	Tedford appealed from the Butler County Court of Common Pleas order dismissing his second PCRA petition and denying his supplemental PCRA petition seeking discovery, an evidentiary hearing, and a new trial based on newly discovered information concerning microscopic hair analysis.
STANDARD OF REVIEW	The appellate court reviews PCRA factual findings for record support and legal conclusions for legal error, viewing the record in the light most favorable to the prevailing party below. The court also treats PCRA time restrictions as jurisdictional.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Pennsylvania; binding Pennsylvania precedent.
PARTIES	Donald Mitchell Tedford v. Commonwealth of Pennsylvania

TOPICS

state post-conviction relief

successive petitions

post-conviction relief

discovery criminal

evidence

PRACTICE AREAS

Pennsylvania post-conviction relief

capital criminal procedure

criminal discovery

after-discovered evidence

forensic evidence

QUESTIONS PRESENTED

1. Whether the PCRA court had jurisdiction to consider Tedford's untimely second PCRA petition based on the newly discovered facts exception, alleged prior-counsel ineffectiveness, constitutional claims, or a request to reconsider the denial of discovery in his first PCRA proceeding.
2. Whether Tedford was entitled to wholesale discovery of the Commonwealth's investigative files based on Brady, Pennsylvania Rule of Criminal Procedure 573, or PCRA discovery procedures.
3. Whether the FBI's 2015 disclosure concerning erroneous microscopic hair-comparison testimony entitled Tedford to discovery, an evidentiary hearing, or a new trial.

HOLDINGS

1. The PCRA court correctly dismissed Tedford's discovery-related claims as untimely because the PCRA's time limitations are jurisdictional and Tedford did not timely plead and prove an exception. Alleged ineffectiveness of prior PCRA counsel did not create an equitable extension or satisfy the narrow per se ineffectiveness circumstances recognized in Peterson.
2. A PCRA petitioner is not entitled to wholesale inspection of the Commonwealth's investigative file merely because the petitioner asserts a Brady claim. PCRA discovery is governed by Pennsylvania Rule of Criminal Procedure 902(E)(2), and a request must provide a specific factual basis identifying requested materials and explaining why they were unavailable previously.
3. Although the FBI's 2015 press release qualified as a newly discovered fact permitting jurisdiction under Section 9545(b)(1)(ii), Tedford was not entitled to PCRA relief, discovery, or an evidentiary hearing because he failed to show that the challenged microscopic hair testimony would likely have produced a different verdict.

KEY QUOTATIONS

"The PCRA squarely places upon the petitioner the burden of proving an untimely petition fits within one of the three exceptions." (at 19-20)

"A general claim of necessity is insufficient. Instead, discovery requests in the PCRA setting must be accompanied by an explanation why the exculpatory information was unavailable to prior counsel and must identify specific documents or items that were not disclosed pre-trial or during the trial proceedings." (at 27-29)

"Because both Tedford and the Commonwealth agreed that Tedford and Revak had sexual relations on the day of the murder, the presence of his pubic hair on her clothing is unremarkable." (at 34-35)

FACTUAL BACKGROUND

Revak met Tedford while he was working at an interior-design store during a prison work-release furlough. On January 10, 1986, Revak was seen at the store with Tedford; her body was found the next day, and Tedford failed to return to prison and was arrested. At trial, the Commonwealth presented circumstantial evidence, jailhouse-informant testimony, biological evidence, and expert testimony that a pubic hair found on Revak's clothing was consistent with Tedford's hair and that fibers from Revak's clothing shared characteristics with fibers associated with Tedford and the store. Tedford admitted having consensual sex with Revak but denied raping or killing her.

PROCEDURAL HISTORY

Tedford was convicted of first-degree murder and rape in 1987 and sentenced to death. The Pennsylvania Supreme Court affirmed on direct appeal and later affirmed the denial of his first PCRA petition. After federal habeas proceedings and multiple unsuccessful discovery requests, Tedford filed a second PCRA petition in 2014, an amended counseled petition in 2015, and a supplemental petition based on the FBI's 2015 microscopic-hair-analysis disclosure. The PCRA court held that the discovery-related claims were untimely and that the hair-analysis claim, although within the newly discovered facts exception, lacked merit. The Supreme Court of Pennsylvania affirmed.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Chmiel, 173 A.3d 617 (Pa. 2017)
- Commonwealth v. Tedford, 567 A.2d 610, 611-12 (Pa. 1989)
- Commonwealth v. Tedford, 781 A.2d 1167 (Pa. 2001)
- Commonwealth v. Tedford, 960 A.2d 1 (Pa. 2008)
- Tedford v. Beard, 2010 WL 3885207 (W.D. Pa. Sept. 28, 2010)
- Tedford v. Beard, 2014 WL 4828873 (W.D. Pa. Sept. 28, 2014)
- Commonwealth v. Spatz, 84 A.3d 294, 311 (Pa. 2014)
- Commonwealth v. Cox, 146 A.3d 221, 227 (Pa. 2016)
- Commonwealth v. Robinson, 139 A.3d 178, 185-86 (Pa. 2016)
- Commonwealth v. Taylor, 67 A.3d 1245, 1248-49 (Pa. 2013)
- Commonwealth v. Jones, 54 A.3d 14, 16-18 (Pa. 2012)
- Commonwealth v. Gamboa-Taylor, 753 A.2d 780, 786 (Pa. 2000)
- Commonwealth v. Cruz, 852 A.2d 287, 292 (Pa. 2004)
- Commonwealth v. Robinson, 837 A.2d 1157, 1161 (Pa. 2003)
- Commonwealth v. Fahy, 737 A.2d 214, 222 (Pa. 1999)
- Commonwealth v. Descardes, 136 A.3d 493, 501-03 (Pa. 2016)
- Commonwealth v. Peterson, 192 A.3d 1123, 1125, 1130-32 (Pa. 2018)

- Moore v. Moore, 634 A.2d 163, 166 (Pa. 1991)
- Nixon v. Nixon, 198 A. 154, 158-59 (Pa. 1938)
- Commonwealth v. Wholaver, 177 A.3d 136, 181 (Pa. 2018)
- Commonwealth v. Williams, 86 A.3d 771, 787-89 (Pa. 2014)
- District Attorney's Office for Third Judicial District v. Osborne, 557 U.S. 52, 68-69 (2009)
- Commonwealth v. Copenhefer, 719 A.2d 242, 259 (Pa. 1998)
- Commonwealth v. Edmiston, 851 A.2d 883, 887 n.3 (Pa. 2004)
- Commonwealth v. Carson, 913 A.2d 220, 261 (Pa. 2006)
- Pennsylvania v. Ritchie, 480 U.S. 39, 59-60 (1987)
- Weatherford v. Bursey, 429 U.S. 545, 559 (1977)
- Commonwealth v. Small, 189 A.3d 961, 969 (Pa. 2018)
- Commonwealth v. Pagan, 950 A.2d 270, 292 (Pa. 2008)
- Commonwealth v. Turner, 80 A.3d 754, 767 (Pa. 2013)
- Commonwealth v. Peterkin, 722 A.2d 638 (Pa. 1998)