

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Paddy

569 Pa. 47 (Pa. 2002) (Pa. 2002) · Decided July 8, 2002

SUMMARY

The Supreme Court of Pennsylvania reviewed Donyell Paddy’s direct appeal from his convictions and death sentence for the first-degree murder of a prosecution witness, along with related offenses. The court addressed sufficiency of the evidence, an alleged Brady violation concerning another similar homicide, and claims that trial counsel was ineffective regarding other-crimes and hearsay evidence. The opinion concludes that the evidence identifying Paddy and establishing his motive was sufficient and analyzes, among other issues, why the asserted Brady claim lacked merit.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Saylor, Justice; Flaherty, C.J.; Zappala, J.; Cappy, J.; Castille, J.; Nigro, J.; Newman, J.; Saylor, J.
JURISDICTION	Pennsylvania
DECIDED	July 8, 2002
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a judgment of sentence imposing death after convictions for first-degree murder, criminal conspiracy, retaliation against a victim or witness, and possessing an instrument of crime.
STANDARD OF REVIEW	The court reviewed the sufficiency of the evidence de novo in the light most favorable to the Commonwealth; ineffective-assistance claims under the arguable-merit, reasonable-basis, and prejudice test; jury instructions as a whole to determine whether the law was clearly, adequately, and accurately presented; and the death sentence under 42 Pa.C.S. § 9711(h)(3) for passion, prejudice, arbitrariness, and evidentiary support for an aggravating circumstance.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Pennsylvania.
PARTIES	Donyell Paddy v. Commonwealth of Pennsylvania

TOPICS

- sentencing
- criminal procedure
- ineffective assistance
- evidence
- appellate procedure

PRACTICE AREAS

criminal law capital sentencing criminal procedure evidence appellate procedure
ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to prove Paddy was the perpetrator of Lashawn Whaley's first-degree murder.
2. Whether the Commonwealth violated *Brady v. Maryland* by failing to disclose information concerning a different gunman who committed a superficially similar homicide.
3. Whether trial counsel was ineffective concerning the admission of other-crimes evidence, hearsay, preliminary-hearing testimony, failure to call witnesses, prosecutorial closing argument, jury instructions, and penalty-phase matters.
4. Whether the trial court's flight, witness-threat, malice, and aggravating-circumstance instructions were erroneous and prejudicial.
5. Whether prosecutorial comments and alleged misconduct required reversal or a new penalty hearing.
6. Whether the death sentence was arbitrary or unsupported by sufficient evidence of an aggravating circumstance.

HOLDINGS

1. The evidence was sufficient to establish beyond a reasonable doubt that Paddy was the gunman who killed Lashawn Whaley.
2. Paddy failed to establish a *Brady* violation because the allegedly exculpatory information was publicly available and was not material to the verdict.
3. Paddy failed to establish ineffective assistance because the challenged claims lacked arguable merit, had reasonable strategic bases, or did not result in prejudice.
4. Evidence concerning the Panati Playground murders and the events surrounding Lashawn's failure to appear was admissible for legitimate purposes, including motive and completing the story, and did not warrant relief.
5. Admission of Shawn Roussaw's preliminary-hearing testimony did not violate Paddy's confrontation rights because preliminary-hearing counsel had a full and fair opportunity to cross-examine him.
6. The flight instruction was erroneous because it could attribute pre-murder flight to consciousness of guilt of a murder that had not yet occurred, but the error was not prejudicial.
7. None of the alleged penalty-phase errors required a new sentencing hearing because counsel's objections or the absence of prejudice defeated the claims, and the sentence was supported by the aggravating circumstances.

KEY QUOTATIONS

“A Brady violation comprises three elements: 1) suppression by the prosecution 2) of evidence, whether exculpatory or impeaching, favorable to the defendant, 3) to the prejudice of the defendant.” (305)

“In summary, the trial court erred in giving the challenged instruction, and we can envision no reasonable basis for trial counsel's failure to object thereto.” (323)

“Accordingly, we affirm the verdict and sentence.” (326)

FACTUAL BACKGROUND

Lashawn Whaley witnessed two earlier murders and identified Paddy as one of the shooters, making her a potential prosecution witness. Before Paddy's trial on those charges, Paddy's associates took Lashawn to Maryland and offered her money to stay away, and Paddy later made statements threatening her if she cooperated. Lashawn was subsequently shot and killed outside her cousin's home; eyewitness testimony, forensic evidence, and evidence of Paddy's motive linked him to the shooting. Paddy was convicted after a second trial, and the jury imposed death after finding three aggravating circumstances and no mitigating circumstances.

PROCEDURAL HISTORY

Paddy was tried twice for the murder of Lashawn Whaley; the first trial ended in a mistrial after the jury could not reach a verdict. At the second trial, he was convicted and sentenced to death. The trial court denied post-sentence motions, and Paddy appealed directly to the Supreme Court of Pennsylvania, which reviewed the capital conviction, sentence, sufficiency of the evidence, Brady claim, ineffective-assistance claims, evidentiary rulings, jury instructions, and prosecutorial-conduct claims.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Zettlemoyer, 500 Pa. 16, 454 A.2d 937 (1982)
- Commonwealth v. Spotz, 562 Pa. 498, 756 A.2d 1139 (2000)
- Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963)
- Strickler v. Greene, 527 U.S. 263, 119 S.Ct. 1936, 144 L.Ed.2d 286 (1999)
- United States v. Bagley, 473 U.S. 667, 105 S.Ct. 3375, 87 L.Ed.2d 481 (1985)
- Commonwealth v. Scott, 561 Pa. 617, 752 A.2d 871 (2000)
- Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984)
- Commonwealth v. Lark, 518 Pa. 290, 543 A.2d 491 (1988)
- Commonwealth v. Seiders, 531 Pa. 592, 614 A.2d 689 (1992)
- Commonwealth v. Bazemore, 531 Pa. 582, 614 A.2d 684 (1992)
- Commonwealth v. Rios, 546 Pa. 271, 684 A.2d 1025 (1996)
- Commonwealth v. Abu-Jamal, 553 Pa. 485, 720 A.2d 79 (1998)
- Commonwealth v. Collins, 549 Pa. 593, 702 A.2d 540 (1997)

- Commonwealth v. Douglas, 558 Pa. 412, 737 A.2d 1188 (1999)

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