

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Baird

601 Pa. 625 (Pa. 2009) (Pa. 2009) · No. No. 23 WAP 2007 · Decided July 22, 2009

SUMMARY

The Supreme Court of Pennsylvania considered whether notice of a criminal proceeding provided to defense counsel constitutes reasonable notice to the defendant for purposes of determining unavailability under Pennsylvania Rule of Criminal Procedure 600. The court held that, absent exceptional circumstances, notice to defense counsel is attributable to the defendant, and affirmed the Superior Court's decision that the period during which the defendant failed to appear was excludable from the Rule 600 calculation. The court also concluded that the Commonwealth's diligence in locating the defendant need not be assessed when the defendant had notice and willfully failed to appear.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Saylor; Chief Justice Castille; Justice Eakin; Justice Baer; Justice Todd; Justice McCaffery; Justice Greenspan
JURISDICTION	Pennsylvania
DECIDED	July 22, 2009
DOCKET	No. 23 WAP 2007
DISPOSITION	affirmed
PROCEDURAL POSTURE	Baird appealed from a Superior Court decision reversing and remanding the common pleas court's dismissal of criminal charges under Pennsylvania Rule of Criminal Procedure 600. The Supreme Court of Pennsylvania granted review to decide whether notice to defense counsel of a proceeding constitutes reasonable notice to the defendant for purposes of determining the defendant's unavailability under Rule 600.
STANDARD OF REVIEW	Rule 600 determinations are generally reviewed for abuse of discretion, but legal questions are reviewed plenary. Proper application of discretion requires adherence to the law.
PRECEDENTIAL VALUE	Published precedential decision of the Supreme Court of Pennsylvania

PARTIES

Scott D. Baird v. Commonwealth of Pennsylvania

TOPICS

speedy trial

criminal procedure

appellate procedure

standard of review

PRACTICE AREAS

Criminal procedure

Speedy-trial law

Appellate procedure

QUESTIONS PRESENTED

1. Whether notice to defense counsel of a judicial proceeding constitutes reasonable notice to the defendant for purposes of determining the defendant's unavailability under Pennsylvania Rule of Criminal Procedure 600.
2. Whether, when defense counsel has notice of a proceeding and the defendant fails to appear, the Commonwealth must establish due diligence in attempting to locate the defendant before the resulting delay may be excluded under Rule 600.

HOLDINGS

1. Absent exceptional circumstances, notice to defense counsel constitutes reasonable notice to the defendant for purposes of determining the defendant's unavailability under Rule 600.
2. When a defendant on bail has reasonable notice of a required court appearance and willfully fails to appear, the resulting period of unavailability is excludable under Rule 600, and the Commonwealth need not separately establish due diligence in apprehending the defendant.

KEY QUOTATIONS

"We hold that, absent exceptional circumstances not present here, notice to defense counsel constitutes reasonable notice for the purpose of determining a defendant's unavailability under Rule 600." (1119)

FACTUAL BACKGROUND

Baird was arrested and charged with burglary, robbery, and resisting arrest, then released on bond after agreeing to appear at subsequent proceedings. His attorney appeared at the preliminary hearing, waived it, and signed written notice of Baird's arraignment, but apparently did not tell Baird the arraignment date. Baird failed to appear, was later arrested on a bench warrant, and asserted that he had not known of the arraignment. The trial court found that Baird lacked notice and dismissed the charges under Rule 600, while the Superior Court held that counsel's notice was attributable to Baird.

PROCEDURAL HISTORY

Baird was charged in February 2003 and released on bail. His counsel appeared for the preliminary hearing, waived the hearing, and accepted written notice of the April 25, 2003 arraignment, but Baird did not appear. After his later arrest on the resulting bench warrant, Baird moved to dismiss under Rule 600. The court of

common pleas granted dismissal, finding that Baird lacked notice and that the Commonwealth was not duly diligent. The en banc Superior Court reversed and remanded, and the Supreme Court affirmed the Superior Court.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Meadius, 582 Pa. 174, 870 A.2d 802 (2005)
- Commonwealth v. Chamberlain, 557 Pa. 34, 731 A.2d 593 (1999)
- Commonwealth v. Cohen, 481 Pa. 349, 392 A.2d 1327 (1978)
- Commonwealth v. Snyder, 542 A.2d 95 (Pa. Super. Ct. 1988)
- Commonwealth v. Brown, 505 A.2d 295 (Pa. Super. Ct. 1986)
- Commonwealth v. Gorham, 491 A.2d 1368 (Pa. Super. Ct. 1985)
- Commonwealth v. Terfinko, 504 Pa. 385, 474 A.2d 275 (1984)
- United States v. MacDonald, 435 U.S. 850, 98 S. Ct. 1547, 56 L. Ed. 2d 18 (1978)
- Vermont v. Brillon, 556 U.S. 81, 129 S. Ct. 1283, 173 L. Ed. 2d 231 (2009)
- Link v. Wabash Railroad Co., 370 U.S. 626, 82 S. Ct. 1386, 8 L. Ed. 2d 734 (1962)
- Commonwealth v. DeBlase, 542 Pa. 22, 665 A.2d 427 (1995)
- Barker v. Wingo, 407 U.S. 514, 92 S. Ct. 2182, 33 L. Ed. 2d 101 (1972)
- Coleman v. Thompson, 501 U.S. 722, 111 S. Ct. 2546, 115 L. Ed. 2d 640 (1991)
- Commonwealth v. Grant, 572 Pa. 48, 813 A.2d 726 (2002)
- Commonwealth v. Baird, 919 A.2d 258 (Pa. Super. Ct. 2007)