

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Moody, Ivery, and Archie

125 A.3d 1 (Pa. 2015) · No. Nos. 47, 48, and 49 EAP 2013 · Decided October 27, 2015

SUMMARY

The Supreme Court of Pennsylvania considered whether the Superior Court erred in vacating the appellees' direct criminal contempt convictions arising from a violent courtroom disturbance. The Court held that summary punishment was proper because the misconduct occurred in the presence of the court and obstructed the administration of justice, and that the trial court did not violate due process by limiting the proceedings. The Court reversed the Superior Court and remanded for reinstatement of the sentences.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Eakin; Chief Justice Castille; Chief Justice Saylor; Justice Baer; Justice Todd; Justice McCaffery; Justice Stevens
JURISDICTION	Pennsylvania
DECIDED	October 27, 2015
DOCKET	Nos. 47, 48, and 49 EAP 2013
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Commonwealth appealed consolidated Superior Court decisions vacating appellees' direct criminal contempt convictions and remanding for new contempt proceedings.
STANDARD OF REVIEW	The legal issues were reviewed de novo with a plenary scope of review. A trial court's contempt finding is otherwise reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Pennsylvania
PARTIES	Commonwealth of Pennsylvania v. Katrina Moody, Barbara Ivery, Bernadette Archie

TOPICS

[criminal procedure](#)[due process](#)[right to counsel](#)[appellate procedure](#)[standard of review](#)

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether violent conduct occurring in an open courtroom constituted summary direct criminal contempt even if the trial judge was not required to prove that the judge personally observed every act.
2. Whether defendants in summary proceedings for direct criminal contempt are entitled to counsel, to call witnesses, or to cross-examine witnesses before the contempt finding.
3. Whether the trial court's summary contempt proceedings violated due process.

HOLDINGS

1. Conduct occurring in open court that obstructs the administration of justice may be punished summarily as direct criminal contempt; the trial court need not prove that it personally observed every aspect of the conduct. The appellees' violent courtroom conduct satisfied this standard.
2. A defendant in a proper summary proceeding for direct criminal contempt is not entitled to call or cross-examine witnesses before the contempt finding.
3. Where summary direct criminal contempt is initially adjudicated separately from sentencing, counsel need only be secured before the contemnor is actually imprisoned. Because counsel was appointed before appellees were sentenced, the proceedings did not violate due process.

KEY QUOTATIONS

"Thus, the court so violated is under no obligation to prove it actually witnessed the disturbance." (at 14)

"Under the aforementioned well-settled jurisprudence, the trial court acted within its authority in holding the summary proceeding at issue for appellees' acts of contempt committed in open court, and the Superior Court erred in holding otherwise." (at 18)

"assistance of counsel need only be secured prior to actual imprisonment for contempt." (at 20)

"Order reversed; case remanded for reinstatement of sentences." (at 21)

FACTUAL BACKGROUND

During a preliminary hearing in Philadelphia Municipal Court, relatives of homicide victims, including Moody, Ivory, and Archie, verbally and physically attacked the defendant's mother in the courtroom gallery. The altercation escalated into a general melee, injured a court officer, required police and sheriff intervention, and caused the courtroom to be locked down for approximately three hours. The trial judge stated that the judge had observed the conduct and summarily found the appellees in direct criminal contempt, later appointing counsel before sentencing.

PROCEDURAL HISTORY

The Philadelphia Municipal Court summarily found Moody, Ivery, and Archie in direct criminal contempt after a courtroom fight and sentenced each to five to ten days' imprisonment. The Superior Court vacated and remanded, holding that the record did not establish that the trial judge personally observed the appellees' specific conduct and that appellees should have been allowed to cross-examine witnesses and present their own evidence. The Pennsylvania Supreme Court granted allowance of appeal, reversed the Superior Court, and remanded for reinstatement of the sentences.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the Superior Court's order and remand for reinstatement of the appellees' sentences. Jurisdiction relinquished.

CASES CITED

- Commonwealth v. Moody, 46 A.3d 765, 771-76 (Pa. Super. 2012)
- Commonwealth v. Jackson, 532 A.2d 28, 32 (Pa. Super. 1987)
- Williams v. Williams, 721 A.2d 1072, 1073 (Pa. 1998)
- Commonwealth v. Pasture, 107 A.3d 21, 27 (Pa. 2014)
- Commonwealth v. Colavita, 993 A.2d 874, 891 (Pa. 2010)
- Cooke v. United States, 267 U.S. 517, 534-36 (1925)
- Behr v. Behr, 695 A.2d 776, 778 (Pa. 1997)
- Commonwealth v. Africa, 353 A.2d 855, 865 (Pa. 1976)
- Commonwealth v. Stevenson, 393 A.2d 386, 392-93 (Pa. 1978)
- Commonwealth v. Marcone, 410 A.2d 759, 763 (Pa. 1980)
- Commonwealth v. McMullen, 961 A.2d 842, 849 (Pa. 2008)
- Commonwealth v. Garrison, 386 A.2d 971, 975-79 (Pa. 1978) (plurality)
- In re Martorano, 346 A.2d 22, 27 (Pa. 1975)
- In re Terry, 128 U.S. 289, 307-13 (1888)
- Pounders v. Watson, 521 U.S. 982, 987-88 (1997) (per curiam)
- Ex parte Savin, 131 U.S. 267, 277-78 (1889)
- In re Oliver, 333 U.S. 257, 275-76 (1948)
- Argersinger v. Hamlin, 407 U.S. 25, 37 (1972)
- Scott v. Illinois, 440 U.S. 367, 373-74 (1979)
- Commonwealth v. Bethea, 282 A.2d 246, 247-48 (Pa. 1971)
- Commonwealth v. Baker, 766 A.2d 328, 331 (Pa. 2001)
- Sacher v. United States, 343 U.S. 1, 9 (1952)

