

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Davido

106 A.3d 611 (Pa. 2014) · No. No. 638 CAP; J-98-2012 · Decided December 15, 2014

SUMMARY

This is a concurring opinion by Chief Justice Castille in the Pennsylvania Supreme Court's per curiam disposition of Commonwealth v. Davido. The opinion addresses suppression of evidence obtained after warrantless entry into the appellant's residence and discusses the Federal Community Defender Office's role in pursuing state post-conviction proceedings and federal habeas discovery. The concurrence criticizes the alleged use of federal proceedings to circumvent Pennsylvania PCRA discovery restrictions.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Chief Justice Castille
JURISDICTION	Pennsylvania
DECIDED	December 15, 2014
DOCKET	No. 638 CAP; J-98-2012
DISPOSITION	other
PROCEDURAL POSTURE	Capital post-conviction appeal from an order of the Lancaster County Court of Common Pleas denying relief under the Post Conviction Relief Act. The Chief Justice filed a concurring opinion joining the per curiam opinion and supplementing its analysis.
PRECEDENTIAL VALUE	Concurring opinion; nonbinding separately authored reasoning, although it joins the per curiam opinion.
PARTIES	Tedor Davido v. Commonwealth of Pennsylvania

TOPICS

post-conviction relief

federal habeas corpus

suppression of evidence

fourth amendment

appellate procedure

PRACTICE AREAS

criminal procedure

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constitutional law

QUESTIONS PRESENTED

1. Whether trial counsel was ineffective for failing to seek suppression of evidence obtained through a warrantless entry into Davido's residence.
2. Whether the circumstances surrounding the anonymous domestic-abuse report supported warrantless police entry under the exigent-circumstances doctrine.
3. Whether federal habeas counsel improperly used federal discovery proceedings to circumvent Pennsylvania's restrictions on discovery in capital PCRA proceedings.

HOLDINGS

1. The concurrence agrees that the PCRA court's inevitable-discovery alternative holding was sufficient to reject the ineffective-assistance claim.
2. The concurrence concludes that, considering the totality of the circumstances, the anonymous 911 call reporting probable domestic abuse supported exigent circumstances and the police acted reasonably in entering the residence.
3. The concurrence states that federal habeas proceedings should not be used to obtain discovery for claims not first presented to state courts or to circumvent Pennsylvania's PCRA discovery restrictions.

KEY QUOTATIONS

“That said, in the totality of circumstances, a call like the one made here stands on its own merits and specifics.” (at 2)

“We now hold that review under [28 U.S.C.] § 2254(d)(1) [(Habeas Corpus)] is limited to the record that was before the state court that adjudicated the claim on the merits.” (at 6-7)

“If a defendant believes that state procedural provisions, such as our discovery rules, are unconstitutional (which is the only federal objection he could raise), that objection itself must be raised and exhausted in state court.” (at 7)

FACTUAL BACKGROUND

Police entered Davido's residence after receiving an anonymous 911 report of probable domestic abuse that supplied the address and led police to the victim, although not in time to save her life. The concurrence states that the circumstances supported exigent-circumstances analysis and that the PCRA court's alternative inevitable-discovery holding independently defeated the suppression-related ineffective-assistance claim. Davido's federally appointed counsel also obtained federal discovery before filing an amended state PCRA petition and allegedly used that discovery to develop state-law claims concerning the cause and manner of the victim's death.

PROCEDURAL HISTORY

Davido was convicted in Lancaster County and pursued collateral relief under the Pennsylvania Post Conviction Relief Act. The Court of Common Pleas entered an order on August 31, 2011, and Davido appealed to the Supreme Court of Pennsylvania. The concurrence addresses trial counsel's failure to seek suppression of

evidence obtained after a warrantless entry and criticizes the Federal Community Defender Office's use of federal habeas proceedings to obtain discovery for state PCRA litigation.

DISPOSITION

other

CASES CITED

- Commonwealth v. Torres, 764 A.2d 532, 545-48 (Pa. 2001)
- Commonwealth v. Henderson, 47 A.3d 797, 808 (Pa. 2012)
- Davis v. United States, 131 S. Ct. 2419, 2434 (2011)
- People v. Defore, 150 N.E. 585, 587 (N.Y. 1926)
- Commonwealth v. Williams, 86 A.3d 771, 781 (Pa. 2014)
- Commonwealth v. Jones, 54 A.3d 14, 19-20 (Pa. 2012)
- Commonwealth v. Abdul-Salaam, 42 A.3d 983 (Pa. 2012)
- Commonwealth v. Abdul-Salaam, 996 A.2d 482 (Pa. 2010)
- Cullen v. Pinholster, 131 S. Ct. 1388, 1398-99 (2011)
- Robinson v. Shell Oil Co., 519 U.S. 337, 341 (1997)
- Woodford v. Visciotti, 537 U.S. 19, 27 (2002)
- Lockyer v. Andrade, 538 U.S. 63, 71-72 (2003)
- Williams v. Taylor, 529 U.S. 362, 405-06, 413 (2000)
- Commonwealth v. Spatz, 18 A.3d 244, 329-49 (Pa. 2011)
- Commonwealth v. Spatz, 99 A.3d 866, 866-68 (Pa. 2014)
- Davido v. Beard, No. 2:06-cv-00917 (E.D. Pa. filed Mar. 1, 2006)
- Davido v. Pennsylvania, 546 U.S. 1020 (2005)