

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Spatz

99 A.3d 866 (Pa. 2014) · Decided September 3, 2014

SUMMARY

This single-justice opinion addresses post-decisional motions arising from Commonwealth v. Spatz, including motions seeking recusal and withdrawal of a concurring opinion. The opinion discusses the authority, funding, and state-court participation of the Philadelphia-based Federal Community Defender Office in Pennsylvania capital post-conviction litigation, as well as compliance with administrative orders and potential sanctions.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Chief Justice Castille
JURISDICTION	Pennsylvania
DECIDED	September 3, 2014
DISPOSITION	other
PROCEDURAL POSTURE	Following the Pennsylvania Supreme Court's affirmance of the denial of PCRA relief and its denial of reargument, appellant's counsel filed post-decisional motions seeking recusal of the authoring justice, withdrawal of the justice's prior concurring opinion, and leave to file those motions as post-submission communications. The Commonwealth filed responsive motions, including a request for sanctions and a request for a contempt rule based on counsel's noncompliance with administrative orders.
STANDARD OF REVIEW	The opinion applied the court's governing internal operating procedures, appellate procedural principles, and the court's discretion in considering withdrawal of motions and recusal requests. It treated the withdrawal request as an application for leave rather than as an automatic withdrawal.
PRECEDENTIAL VALUE	Published Pennsylvania Supreme Court opinion, but styled as a single-justice opinion addressing post-decisional motions and containing extensive commentary beyond the disposition.
PARTIES	Spatz v. Commonwealth of Pennsylvania

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QUESTIONS PRESENTED

1. Whether Chief Justice Castille was required to recuse himself from consideration of the reargument application because his prior concurrence criticized the conduct of appellant's counsel.
2. Whether the Federal Community Defender Office could withdraw, without leave, its pending motion seeking withdrawal of the justice's prior concurrence.
3. Whether the court's Internal Operating Procedures created a substantive or procedural right requiring withdrawal of a concurrence that joined the lead opinion.
4. Whether federally appointed habeas counsel may use federal funds to litigate an initial state PCRA petition before federal habeas review absent specific federal authorization.
5. Whether sanctions or contempt-related relief was warranted based on counsel's failure to comply with the court's administrative orders.

HOLDINGS

1. The recusal motion was withdrawn and no recusal motion remained before the court; Chief Justice Castille therefore participated in the unanimous decision denying reargument.
2. The FCDO was not entitled to withdraw its motion seeking withdrawal of the concurrence as of right, and leave to withdraw was denied because the motion made serious factual and legal assertions, had required substantial judicial and opposing-party resources, and remained relevant to the Commonwealth's sanctions request.
3. The Internal Operating Procedures create no substantive or procedural rights and do not require withdrawal of a concurrence merely because the justice joined the lead opinion.
4. Under 18 U.S.C. § 3599 and *Harbison v. Bell*, federally appointed habeas counsel may not use federal funds to pursue an initial state PCRA petition before federal habeas review unless specifically authorized under a qualifying federal court order; state post-conviction litigation is ordinarily not a proceeding subsequent or ancillary to federal habeas review.

KEY QUOTATIONS

“No substantive or procedural rights are created, nor are any such rights diminished.” (at 895)

“State habeas is not a stage “subsequent” to federal habeas. Just the opposite: Petitioners must exhaust their claims in state court before seeking federal habeas relief.” (at 893)

“It is not for a litigant or his attorney to say whether a Court order is “necessary” or whether a matter, taken under advisement by the Court, has become moot, or whether counsel’s slant on mootness authorizes and

allows counsel to defy an unambiguous Court order.” (at 894)

FACTUAL BACKGROUND

The Federal Community Defender Office represented or assisted capital defendants in numerous Pennsylvania state-court proceedings while also operating under federal defender funding and federal habeas appointments. In Spotz's case, the FCDO litigated an extensive PCRA proceeding and appeal, then challenged Chief Justice Castille's prior concurrence, which criticized the FCDO's litigation conduct and questioned its authority and use of federal funds in state proceedings. The FCDO initially asserted that its state-court activities were fully authorized and privately funded, but its later verified statement acknowledged prior funding-allocation violations and did not establish that the activity in Spotz's case was authorized as ancillary to a federal habeas appointment.

PROCEDURAL HISTORY

The Pennsylvania Supreme Court had previously affirmed the denial of PCRA relief in Spotz's capital case. After reargument was denied, the court considered ancillary motions challenging Chief Justice Castille's prior concurrence and seeking his recusal. The full court entered administrative orders requiring the Federal Community Defender Office to provide verified information concerning its authority, appearances, and funding in Pennsylvania capital cases; counsel did not initially comply and later filed a withdrawal pleading and a verified statement. The authoring justice granted withdrawal of the recusal motion, denied withdrawal of the motion challenging the concurrence, and proceeded to reject the substantive challenge to the concurrence.

DISPOSITION

other

CASES CITED

- Commonwealth v. Spotz, 610 Pa. 17, 18 A.3d 244, 330 (2011) (Castille, C.J., concurring)
- Abdul-Salaam v. Beard, 16 F. Supp. 3d 420, 511-12 (M.D. Pa. 2014), 2014 WL 1653208
- Commonwealth v. Abdul-Salaam, 606 Pa. 214, 996 A.2d 482 (2010)
- Commonwealth v. Bracey, 604 Pa. 459, 986 A.2d 128 (2009)
- Harbison v. Bell, 556 U.S. 180, 129 S. Ct. 1481, 173 L. Ed. 2d 347 (2009)
- Commonwealth v. Sepulveda, 618 Pa. 262, 55 A.3d 1108, 1151 (2012)
- Mitchell v. Wetzel, 2013 WL 4194324 (E.D. Pa. 2013)
- Wilson v. Horn, 1997 WL 137343, at *5 (E.D. Pa. 1997)
- In re Proceedings Before the Court of Common Pleas of Monroe County, Pa. to Determine Propriety of State Court Representation by Defender Ass'n of Phila. Filed in Commonwealth v. Manuel Sepulveda, 2013 WL 4459005 (M.D. Pa. Aug. 16, 2013)
- Bobby v. Van Hook, 558 U.S. 4, 13-14, 130 S. Ct. 13, 175 L. Ed. 2d 255 (2009)
- Miller v. Alabama, Miller v. Alabama, 567 U.S. 460, 132 S. Ct. 2455, 183 L. Ed. 2d 407 (2012)
- Commonwealth v. Porter, 613 Pa. 510, 35 A.3d 4, 29-33 (2012)
- Commonwealth v. Sanchez, 82 A.3d 943, 996-97 (Pa. 2013) (Castille, C.J., concurring)

- In re Reno, 55 Cal. 4th 428, 146 Cal. Rptr. 3d 297, 283 P.3d 1181, 1246-47 (2012)
- Commonwealth v. Edmiston, 619 Pa. 549, 65 A.3d 339, 357 (2013)
- Commonwealth v. Murphy, 540 Pa. 318, 657 A.2d 927 (1995)
- Commonwealth v. Murphy, 559 Pa. 71, 739 A.2d 141 (1999)

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