

SUPREME COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania v. James Smith and Commonwealth of Pennsylvania v. Patrick Smith

Nos. 53 EAP 2024 and 54 EAP 2024 (Pa. 2025) · No. Nos. 53 EAP 2024 and 54 EAP 2024 · Decided June 17, 2025

SUMMARY

Justice Wecht’s opinion in support of reversal addresses whether the lower courts improperly dismissed charges against two off-duty Philadelphia police officers at the preliminary-hearing stage. The opinion concludes that the lower courts impermissibly assessed witness credibility, relied on defense-favorable inferences, and failed to view the evidence in the light most favorable to the Commonwealth. It would reverse the Superior Court and remand for trial.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice David N. Wecht; Chief Justice Todd; Justice Donohue
JURISDICTION	Supreme Court of Pennsylvania
DECIDED	June 17, 2025
DOCKET	Nos. 53 EAP 2024 and 54 EAP 2024
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Commonwealth appealed the dismissal of criminal charges at a preliminary hearing. The Superior Court affirmed, the Supreme Court granted review, and this opinion in support of reversal would reverse and remand for trial.
STANDARD OF REVIEW	The sufficiency of the Commonwealth's prima facie case at a preliminary hearing is reviewed de novo, with plenary scope of review.
PRECEDENTIAL VALUE	Published opinion in support of reversal; proposed reasoning is nonbinding because the operative result was affirmance by operation of law.
PARTIES	Commonwealth of Pennsylvania v. James Smith, Patrick Smith

TOPICS

preliminary hearing

criminal procedure

evidence

standard of review

appellate procedure

PRACTICE AREAS

Pennsylvania criminal procedure

preliminary hearings

appellate review

QUESTIONS PRESENTED

1. Whether the lower courts applied the correct legal standards governing preliminary hearings when determining whether the Commonwealth established a prima facie case.
2. Whether the lower courts impermissibly weighed witness credibility and accepted defense-favorable factual inferences rather than viewing the evidence and reasonable inferences in the light most favorable to the Commonwealth.
3. Whether the evidence was sufficient at the preliminary-hearing stage to establish prima facie cases of simple assault, criminal conspiracy, and recklessly endangering another person.

HOLDINGS

1. At a preliminary hearing, the Commonwealth need only present some evidence of each element of the charged offense and some evidence that the accused probably committed it. The court must view the evidence in the light most favorable to the Commonwealth, draw reasonable inferences in its favor, and refrain from deciding guilt, innocence, witness credibility, or evidentiary weight.
2. The lower courts erred by crediting the defendants' asserted intent to detain McNally, rather than inferring from the Commonwealth's evidence that chasing and throwing a person head-first into a wall could establish the requisite intent for simple assault, shared criminal intent for conspiracy, and recklessness for recklessly endangering another person.

KEY QUOTATIONS

“The presiding jurist is not to decide the guilt or innocence of the accused.” (11)

“The question of the “evidentiary sufficiency of the Commonwealth’s prima facie case is one of law.”” (11)

“The weight and credibility of the evidence are not factors at the preliminary hearing stage.” (12)

“As Perez requires, if McNally’s testimony alone establishes all of the elements of a prima facie case, a court is not permitted to disregard that testimony, no matter the defense or justification offered by those charged.” (13)

FACTUAL BACKGROUND

While off duty, Philadelphia police Inspector James Smith and Detective Patrick Smith pursued Paul McNally after accusing him of attempting to enter parked cars. McNally testified that the two men chased him, threw or knocked him head-first into a concrete wall, and held him on the ground while he screamed, causing a bleeding head injury requiring urgent-care treatment. The defendants' supervisors' report stated that McNally tripped and that the Smiths attempted to identify themselves before calling 911. At the preliminary hearing, defense counsel

introduced a video intended to impeach McNally's credibility, and the Municipal Court relied on the defense version of events in dismissing the charges.

PROCEDURAL HISTORY

The Philadelphia Municipal Court dismissed charges of simple assault, criminal conspiracy, and recklessly endangering another person against James Smith and Patrick Smith for lack of evidence. The Commonwealth refiled the charges under Pennsylvania Rule of Criminal Procedure 544, but the Court of Common Pleas again dismissed them. The Superior Court affirmed, concluding that the Commonwealth had not established the mens rea and other elements of the charged offenses. The Supreme Court granted review; because the lower courts' affirmance stood by operation of law, Justice Wecht authored an opinion in support of reversal, joined by Chief Justice Todd and Justice Donohue.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The opinion in support of reversal would reverse the Superior Court's order and remand for trial. The opinion acknowledges, however, that the affirmance operated by operation of law.

CASES CITED

- Commonwealth v. McClelland, 233 A.3d 717, 737-38 (Pa. 2020)
- Commonwealth v. Ricker, 170 A.3d 494, 509 (Pa. 2017)
- Commonwealth v. Harris, 315 A.3d 26, 42 (Pa. 2024)
- Commonwealth v. Perez, 249 A.3d 1092, 1102-03 (Pa. 2021)
- Coleman v. Alabama, 399 U.S. 1, 9-10 (1970)
- Commonwealth v. Smith, 305 A.3d 1, 4, 9-12 (Pa. Super. 2023)
- Commonwealth v. Richardson, 636 A.2d 1195, 1196 (Pa. Super. 1994)
- Commonwealth v. Fisher, 80 A.3d 1186, 1190-91 (Pa. 2013)