

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Housman

Housman · No. Nos. 765 CAP and 766 CAP · Decided March 26, 2020

SUMMARY

The Supreme Court of Pennsylvania reviews cross-appeals arising from a Cumberland County Court of Common Pleas order granting William Howard Housman a new penalty-phase trial under the Post Conviction Relief Act while denying guilt-phase relief. The court addresses claims involving ineffective assistance of counsel, admission of prior-bad-acts evidence, trial severance, and alleged prejudice. The opinion states that the court affirms the PCRA court’s order.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Todd; Chief Justice Saylor; Justice Baer; Justice Donohue; Justice Dougherty; Justice Wecht; Justice Mundy
JURISDICTION	Pennsylvania
DECIDED	March 26, 2020
DOCKET	Nos. 765 CAP and 766 CAP
DISPOSITION	affirmed
PROCEDURAL POSTURE	Cross-appeals from a Cumberland County Court of Common Pleas order granting Housman post-conviction relief in the form of a new penalty trial while denying guilt-phase relief.
STANDARD OF REVIEW	The appellate court reviews the grant or denial of PCRA relief to determine whether the PCRA court's conclusions are supported by the record and free of legal error, while deferring to supported factual findings based on witness credibility. Ineffectiveness claims are evaluated under the three-part performance, reasonable-basis, and prejudice framework applied in Pennsylvania under Strickland and Pierce.
PRECEDENTIAL VALUE	published precedential opinion of the Supreme Court of Pennsylvania
PARTIES	Commonwealth of Pennsylvania v. William Howard Housman

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether trial and appellate counsel were ineffective regarding the admission of prior-bad-acts evidence and hearsay during the guilt phase.
2. Whether appellate counsel was ineffective for failing to properly litigate the constitutional claim arising from the refusal to sever Housman's trial from Markman's trial.
3. Whether trial counsel was ineffective for failing to object to jury instructions on accomplice liability and conspiracy.
4. Whether trial counsel was ineffective for failing to present evidence concerning the specific cause of White's death and whether the Commonwealth committed misconduct by failing to correct testimony concerning ligature marks.
5. Whether the cumulative effect of alleged guilt-phase errors entitled Housman to a new trial.
6. Whether trial counsel was ineffective for failing to investigate and present available mitigating evidence during the capital penalty phase.

HOLDINGS

1. Housman was not entitled to relief because he failed to establish Strickland prejudice; the properly admitted evidence, including his own confession and conduct in luring, strangling, and concealing the victim, overwhelmingly established his guilt and capacity for violence.
2. The generalized hearsay claims were waived because Housman failed to identify and develop them in his appellate brief, and the one specifically identified statement did not support relief because it was cumulative of Housman's confession.
3. Housman was not entitled to relief on his reformulated ineffectiveness claim because the underlying federal due-process theory lacked arguable merit after the court had already rejected the identical prejudice argument on direct appeal.
4. Housman was not entitled to relief because he failed to demonstrate prejudice from counsel's failure to challenge the jury instructions.
5. Housman was not entitled to relief because, even if the gag rather than the speaker wire caused death, the evidence was sufficient to establish his specific intent to kill and his participation in first-degree murder.
6. The three guilt-phase errors rejected for lack of prejudice did not, considered cumulatively, establish the collective prejudice necessary for PCRA relief.

7. Capital trial counsel was ineffective for failing to obtain and investigate readily available mental-health records and related witnesses and for failing to present the substantial mitigation evidence developed at the PCRA hearing. Housman established arguable merit, the absence of a reasonable basis, and prejudice because there was a reasonable probability that at least one juror would have reached a different penalty verdict.

KEY QUOTATIONS

“An attorney cannot abdicate his own responsibility by hiring a mental health expert, or any other expert for that matter.” (J-S8AB-2019 - 47)

“The novel evidence presented at the PCRA hearing, including the more detailed account of Housman’s abusive upbringing and his history of emotional, social, and psychological problems, as well as the serious diagnoses and poor prognoses by his treating psychiatric providers, would have supported Attorney Gilroy’s submission of, and potentially at least one juror’s finding of, two additional mitigating circumstances.” (J-S8AB-2019 - 55)

FACTUAL BACKGROUND

Housman and Beth Ann Markman lured Leslie White to their trailer, bound and gagged her, and Housman strangled her with speaker wire while Markman assisted. They transported White's body to Virginia, concealed it in an abandoned vehicle, and attempted to dispose of evidence. Both Housman and Markman gave recorded confessions after receiving Miranda warnings. At the penalty phase, Housman's counsel presented only limited mitigation evidence despite the availability of extensive records and testimony concerning Housman's childhood abuse, family instability, mental-health treatment, cognitive impairments, and behavioral disorders.

PROCEDURAL HISTORY

Housman was convicted of first-degree murder and related offenses and sentenced to death in 2001. The Supreme Court of Pennsylvania affirmed his judgment of sentence in 2009, and the United States Supreme Court denied certiorari in 2010. Housman filed a timely PCRA petition, and after evidentiary hearings the PCRA court granted a new penalty trial based on counsel's ineffective failure to investigate and present mitigation evidence but denied guilt-phase relief. The Commonwealth appealed the new-penalty-trial order, and Housman cross-appealed the denial of guilt-phase relief.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The order granting Housman a new penalty-phase trial and denying guilt-phase relief was affirmed. The opinion does not state additional remand instructions.

CASES CITED

- Commonwealth v. Williams, 936 A.2d 12, 17 n.13
- Commonwealth v. Housman, 986 A.2d 822, 826-30, 835
- Housman v. Pennsylvania, 131 S.Ct. 199
- Commonwealth v. Markman, 916 A.2d 586, 597 n.8
- Commonwealth v. Crispell, 193 A.3d 919, 927, 936-937
- Commonwealth v. Spatz, 84 A.3d 312, 319
- Strickland v. Washington, 466 U.S. 668
- Commonwealth v. Pierce, 786 A.2d 203, 213
- Commonwealth v. Ali, 10 A.3d 282, 291
- Commonwealth v. Le, Commonwealth v. Le, 208 A.3d 960, 970
- Commonwealth v. Briggs, 12 A.3d 291, 342-343
- Commonwealth v. Edmiston, 634 A.2d 1078, 1092 n.3
- Commonwealth v. Elliott, 80 A.3d 415, 442
- Commonwealth v. Collins, 999 A.2d 564, 573
- Laird v. Horn, 414 F.3d 419, 425
- Commonwealth v. Daniels, 963 A.2d 409, 428
- Commonwealth v. Bennett, 57 A.3d 1185, 1203
- Commonwealth v. May, 887 A.2d 750, 753, 757
- Commonwealth v. Brown, 196 A.3d 130, 151, 154
- Commonwealth v. Tharp, 101 A.3d 736, 772-774
- Commonwealth v. Lesko, 15 A.3d 345, 380
- Commonwealth v. Sattazahn, 952 A.2d 640, 655
- Commonwealth v. Malloy, 856 A.2d 767, 787, 789
- Commonwealth v. Gibson, 951 A.2d 1110, 1121-1122
- Commonwealth v. Daniels, 104 A.3d 267, 297, 303-304, 310
- Commonwealth v. Keaton, 45 A.3d 1050, 1093
- Commonwealth v. Martin, 5 A.3d 177, 203-204
- Commonwealth v. Zook, 887 A.2d 1218, 1235