

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Peters, 473 Pa. 72

373 A.2d 1055 (1977) · Decided June 3, 1977

SUMMARY

The Supreme Court of Pennsylvania held that the defendant waived his double-jeopardy claim by failing to raise it before his second trial. The court further held that statements and reenactment evidence obtained after authorities made assurances concerning material-witness detention and bail were not shown to result from a knowing, intelligent, and voluntary waiver of Miranda rights. The judgment of sentence was reversed and a new trial was granted.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Eagen, Chief Justice; Eagen, C.J.; O'Brien, J.; Roberts, J.; Pomeroy, J.; Nix, J.; Manderino, J.
JURISDICTION	Pennsylvania
DECIDED	June 3, 1977
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Peters appealed from judgments entered after a jury convicted him of aggravated assault and battery, assault and battery, two conspiracy offenses, and voluntary manslaughter. The appeal challenged retrial after a sua sponte mistrial, admission of three statements and reenactment evidence, and the accomplice instruction.
STANDARD OF REVIEW	The court reviewed preservation and waiver of the double-jeopardy claim, evaluated suppression evidence under the Commonwealth's evidence and uncontradicted defense evidence, and reviewed whether the Commonwealth carried its burden to prove knowing, intelligent, and voluntary Miranda waivers.
PRECEDENTIAL VALUE	Published precedential decision of the Supreme Court of Pennsylvania; the majority opinion is binding Pennsylvania authority on the stated waiver and Miranda-voluntariness rules.
PARTIES	Michael Peters v. Commonwealth of Pennsylvania

TOPICS

miranda rights

suppression of evidence

criminal procedure

double jeopardy

appellate procedure

PRACTICE AREAS

criminal procedure

constitutional law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether Peters waived his double-jeopardy claim by failing to plead it before the second trial.
2. Whether Peters's 1969 statement was obtained during custodial interrogation requiring Miranda warnings.
3. Whether the Commonwealth proved that Peters knowingly, intelligently, and voluntarily waived his rights before the March 1971 statement, reenactment, and later statement.
4. Whether the accomplice instruction was erroneous.

HOLDINGS

1. Under the circumstances presented, failure to plead double jeopardy before commencement of the second trial waives the claim for appellate review.
2. Peters's first statement was admissible because he was not subjected to custodial interrogation and Miranda warnings were not required.
3. The March 1971 statement, reenactment evidence, and subsequent statement should have been suppressed because the Commonwealth failed to prove that Peters voluntarily waived his Miranda rights.

KEY QUOTATIONS

"Furthermore, we are unwilling to adopt a requirement that warnings must be given merely because the police request an interview and it occur at a police station." (84)

"A fortiori, a waiver of rights cannot be considered voluntary where it is induced by promises of immunity from such a person." (86)

"While it is true that Peters was properly advised of his rights on both occasions, the promise which preceded each set of warnings undoubtedly operated 'to undercut the effect of the warning[s] by offering an inducement [for Peters to waive his rights and] to speak.'" (87)

FACTUAL BACKGROUND

Peters voluntarily went to a police station in 1969 for an investigatory interview when police did not suspect him and did not restrict his freedom. In March 1971, after police learned that Peters had additional information about the killing and after a criminal complaint had been filed, authorities questioned him after Miranda warnings, obtained a sworn statement, and later had him reenact the incident. A detective told Peters that the most that would happen was that he would be held as a material witness on nominal bail, or without bail, and Peters later made an additional unrecorded statement admitting that he had struck the victim.

PROCEDURAL HISTORY

Peters and a codefendant were initially tried, but the trial court sua sponte declared a mistrial after the jury indicated it could not reach a unanimous verdict on all charges, despite having agreed on some counts. Peters was retried and convicted, and the Court of Common Pleas of Bucks County denied post-verdict motions. The Supreme Court of Pennsylvania held that the double-jeopardy claim was waived because it was not pleaded before the second trial, held the first statement admissible, but determined that the Commonwealth failed to prove voluntary waivers preceding the later statements and reenactment; it therefore reversed and granted a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the judgment of sentence and grant Peters a new trial. The March 1971 statement, reenactment evidence, and subsequent statement must not be admitted unless the Commonwealth establishes a valid waiver consistent with the court's holding.

CASES CITED

- Commonwealth v. Bartolomucci, 468 Pa. 338, 362 A.2d 234 (1976)
- Commonwealth v. Fredericks, 235 Pa. Super. 78, 340 A.2d 498 (1975)
- Commonwealth v. Abruzzese, 231 Pa. Super. 157, 331 A.2d 821 (1974)
- Commonwealth v. Clair, 458 Pa. 418, 326 A.2d 272 (1974)
- Commonwealth v. Agie, 449 Pa. 187, 296 A.2d 741 (1971)
- Commonwealth v. Newsome, 462 Pa. 106, 337 A.2d 904 (1975)
- Commonwealth v. Bolden, 472 Pa. 602, 373 A.2d 90 (1977)
- Commonwealth v. Johnson, 467 Pa. 146, 354 A.2d 886 (1976)
- Commonwealth v. Fisher, 466 Pa. 216, 352 A.2d 26 (1976)
- Commonwealth v. O'Shea, 456 Pa. 288, 318 A.2d 713 (1974)
- Commonwealth v. Romberger, 454 Pa. 279, 312 A.2d 353 (1973)
- Commonwealth v. Marabel, 445 Pa. 435, 283 A.2d 285 (1971)
- Escobedo v. Illinois, 378 U.S. 478, 490, 84 S. Ct. 1758, 12 L. Ed. 2d 977 (1964)
- Miranda v. Arizona, 384 U.S. 436, 476, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966)
- Commonwealth v. Yount, 455 Pa. 303, 314 A.2d 242 (1974)
- Commonwealth v. Simala, 434 Pa. 219, 252 A.2d 575 (1969)
- Commonwealth v. Goodwin, 460 Pa. 516, 333 A.2d 892 (1975)
- Commonwealth v. Eiland, 450 Pa. 566, 301 A.2d 651 (1973)
- Commonwealth v. Cornish, 471 Pa. 256, 370 A.2d 291 (1977)

- Commonwealth v. Jones, 457 Pa. 423, 322 A.2d 119 (1974)
- Commonwealth v. Singleton, 439 Pa. 185, 266 A.2d 753 (1970)
- Commonwealth v. Nathan, 445 Pa. 470, 285 A.2d 175 (1971)
- Commonwealth v. Smith, 470 Pa. 219, 368 A.2d 272 (1977)

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