

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Rose

623 Pa. 241 (Pa. 2013) (Pa. 2013) · Decided December 17, 2013

SUMMARY

The Pennsylvania Supreme Court vacated the Superior Court’s decision affirming the denial of Anthony Rose’s PCRA petition and remanded the matter to the Lackawanna County Court of Common Pleas. The Court directed the clerk to comply with Pennsylvania Rule of Appellate Procedure 905 concerning docketing and transmitting Rose’s pro se notice of direct appeal, after which the lower courts were to determine the appeal’s timeliness and whether an evidentiary hearing was warranted.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Per Curiam; Baer; Castille; Eakin; McCaffery; Saylor; Stevens; Todd
JURISDICTION	Pennsylvania
DECIDED	December 17, 2013
DISPOSITION	vacated
PROCEDURAL POSTURE	The Supreme Court of Pennsylvania reviewed the Superior Court's decision affirming the denial of Anthony Rose's petition under the Post Conviction Relief Act. The record showed that Rose had filed a pro se notice of direct appeal from his judgment of sentence, but the Lackawanna County Court of Common Pleas failed to docket, time-stamp, or certify the notice for appellate review.
PRECEDENTIAL VALUE	Published Pennsylvania Supreme Court decision
PARTIES	Anthony Rose v. Commonwealth of Pennsylvania

TOPICS

- appellate procedure
- post-conviction relief
- state post-conviction relief
- criminal procedure

PRACTICE AREAS

- criminal procedure
- appellate procedure
- post-conviction relief

QUESTIONS PRESENTED

1. Whether the Court of Common Pleas was required to docket and time-stamp Rose's notice of appeal under Pennsylvania Rule of Appellate Procedure 905.
2. Whether the Superior Court's affirmance of the denial of Rose's PCRA petition should be vacated because the lower court failed to process Rose's notice of direct appeal.
3. Whether the lower courts should determine the timeliness of Rose's direct appeal and whether an evidentiary hearing was warranted.

HOLDINGS

1. The clerk of the Court of Common Pleas was required to immediately stamp Rose's notice of appeal with the date of receipt, show that date on the docket, and transmit a copy of the notice to the appellate prothonotary as required by Pennsylvania Rule of Appellate Procedure 905.
2. The Superior Court's decision was vacated because the lower court's failure to process Rose's notice of direct appeal prevented proper consideration of the appeal's timeliness and related post-conviction issues.
3. The Supreme Court could direct the Court of Common Pleas to ensure that its clerk complied with Pennsylvania's appellate-procedure rules.

KEY QUOTATIONS

“Pursuant to our general supervisory and administrative authority over all of the lower courts, we direct the Court of Common Pleas to ensure the clerk of court abides by our explicit rules of appellate procedure, as set forth in Pennsylvania Rule of Appellate Procedure 905, supra, as it pertains to Appellant’s notice of appeal from his judgment of sentence.” (82 A.3d at 426)

FACTUAL BACKGROUND

Rose filed a pro se notice of direct appeal from his judgment of sentence. The clerk of the Lackawanna County Court of Common Pleas inexplicably failed to docket, time-stamp, or otherwise certify the notice of appeal for appellate review. Because the record did not permit a determination of the appeal's timeliness, the Supreme Court directed corrective proceedings in the lower courts.

PROCEDURAL HISTORY

The Lackawanna County Court of Common Pleas denied Rose's PCRA petition. The Superior Court affirmed. The Pennsylvania Supreme Court vacated the Superior Court's decision and remanded to the Court of Common Pleas of Lackawanna County for further proceedings, including compliance with Pennsylvania Rule of Appellate Procedure 905 and determination of the timeliness of Rose's direct appeal and whether an evidentiary hearing was warranted.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The Court of Common Pleas of Lackawanna County must ensure that its clerk complies with Pennsylvania Rule of Appellate Procedure 905 as to Rose's notice of appeal, after which the lower courts must determine the timeliness of the direct appeal and whether a remand for an evidentiary hearing is warranted. Jurisdiction was relinquished.

CASES CITED

- In re Administrative Order No. 1-MD-2003, 594 Pa. 346, 936 A.2d 1 (2007)
- Payne v. Commonwealth Department of Corrections, 582 Pa. 375, 871 A.2d 795 (2005)
- Commonwealth v. Morris, 565 Pa. 1, 771 A.2d 721 (2001)
- Commonwealth v. Morgan, 469 Pa. 35, 364 A.2d 891 (1976)
- Commonwealth v. Jones, 549 Pa. 58, 700 A.2d 423 (1997)