



JUNE 9, 2016

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Williams v. Pennsylvania

The U. S. Supreme Court holds that under the Due Process Clause judge must recuse if he earlier had significant, personal involvement as a prosecutor in a critical decision regarding the defendant's case

In *Williams v. Pennsylvania*, No. 15-5040 (June 9, 2016), the record showed that Williams was convicted in 1984 of murder and sentenced to death. During the trial, the then-district attorney, Ronald Castille, approved the trial prosecutor's request to seek the death penalty against Williams. Twenty-six years later, a trial court held that because the prosecutor committed *Brady* violations, Williams must be resentenced. The state appealed to the Supreme Court of Pennsylvania, now Chief Justice Ronald Castille presiding. Williams filed a motion for Chief Justice to recuse, which the Chief Justice summarily denied and also refused to refer the motion to the full court for decision. He then joined the State Supreme Court opinion vacating the trial court's grant of penalty-phase relief and reinstating Williams's death sentence. The U. S. Supreme Court granted certiorari to determine if the failure to recuse violated Williams' right to due process.

The Court, in a 5-3 decision, held that under the Due Process Clause, there is an impermissible risk of actual bias when a judge earlier had significant, personal involvement as a prosecutor in a critical decision regarding the defendant's case. The Court applied an objective standard that requires recusal when the likelihood of bias on the part of the judge "is too high to be constitutionally tolerable." A constitutionally intolerable probability of bias exists when the same person serves as both accuser and adjudicator in a case. No attorney is more integral to the accusatory process than a prosecutor who participates in a major adversary decision. As a result, a serious question arises as to whether a judge who has served as an advocate for the State in the very case the court is now asked to adjudicate would be influenced by an improper, if inadvertent, motive to validate and preserve the result obtained through the adversary process. In these circumstances, neither the involvement of multiple actors in the case nor the passage of time relieves the former prosecutor of the duty to withdraw in order to ensure the neutrality of the judicial process in determining the consequences his or her own earlier, critical decision may have set in motion.

The Court stated that there can be no doubt that the decision to pursue the death penalty is a critical choice in the adversary process. Therefore, the Chief Judge's authorization to seek the death penalty against Williams amounted to significant, personal involvement in a critical trial decision. Accordingly, the Chief Judge's failure to recuse from Williams's case presented an unconstitutional risk of bias.

Moreover, the Court held, an unconstitutional failure to recuse constitutes structural error that is not amenable to harmless-error review. And, this is true regardless of whether the judge's vote, as was the case here, was dispositive of the court's ruling.



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Accordingly, the Court held, Chief Justice Castille’s participation in Williams’s case was an error that affected the Pennsylvania Supreme Court’s whole adjudicatory framework below. Consequently, Williams must be granted an opportunity to present his claims to a court unburdened by any “possible temptation . . . not to hold the balance nice, clear and true between the State and the accused.”