

Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 42 WAP 2022

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July 16, 2025

CAPTION

Commonwealth of Pennsylvania, Appellee

v.

Willie James Hardy, Appellant

CASE INFORMATION

Initiating Document: Order Granting Petition for Allowance of Appeal

Case Status: Closed

Journal Number: J-38-2023 June 21, 2023

Case Category: Criminal Case Type(s): Murder 1
Aggravated Assault

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Attorney: Evans, James Michael
Segal McCambridge Singer & Mahoney

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Pittsburgh, PA 15219

Phone No: (412) 586-9953

Receive Mail: Yes

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Representing: Hardy, Willie James, Appellant

Pro Se: No

IFP Status:

Attorney: DeLosa, Elizabeth Anne
Pennsylvania Innocence Project

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914 Fifth Ave
Pittsburgh, PA 15219

Phone No: (412) 396-5877

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Representing: Hardy, Willie James, Appellant

Pro Se: No

IFP Status:

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COUNSEL INFORMATION

Attorney: Maxfield, Amelia
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 IFP Status:

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 Representing: Hardy, Willie James, Appellant
 Pro Se: No
 IFP Status:

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 Erie County District Attorney's Office
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 Receive Mail: Yes
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 Representing: Commonwealth of Pennsylvania, Appellee
 Pro Se: No
 IFP Status:

Attorney: Becker, Charles Lyman
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 1525 Locust St 19th Fl
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 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: The Innocence Project, New York, NY, Amicus Curiae
 Pro Se: No
 IFP Status:

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COUNSEL INFORMATION

Attorney:	Cohen, David R.	
	Reed Smith LLP	
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	Pittsburgh, PA 15222-2724	
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Pro Se:	No	
IFP Status:		

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Representing:	Pennsylvania District Attorneys Association, Amicus Curiae	
Pro Se:	No	
IFP Status:		

Attorney:	Ashe, Kristen Marie	
	Reed Smith LLP	
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	Philadelphia, PA 19103	
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Representing:	The Innocence Network, Amicus Curiae	
Pro Se:	No	
IFP Status:		

Attorney:	Smith, Corinne Mary Garrett	
	Reed Smith LLP	
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	Pittsburgh, PA 15222	
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Receive EMail:	Yes	Email:
Representing:	The Innocence Network, Amicus Curiae	
Pro Se:	No	
IFP Status:		

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SUPREME COURT INFORMATION

Appeal From: the Order of the Superior Court entered March 30, 2022, at No. 430 WDA 2021, affirming the order of the Court of Common Pleas of Erie County entered March 9, 2021, at No. CP-25-CR-0001647-1993.

Probable Jurisdiction Noted: Docketed Date: December 21, 2022
 Allocatur/Miscellaneous Granted: December 21, 2022 Allocatur/Miscellaneous Docket No.: 185 WAL 2022
 Allocatur/Miscellaneous Grant Order: AND NOW, this 21st day of December, 2022, the Petition for Allowance of Appeal is GRANTED. The issues, rephrased for clarity, are:
 (1) Was Appellant's Petition for Post-Conviction DNA Testing Pursuant to 42 Pa.C.S. § 9543.1 timely?
 (2) Did Appellant satisfy the requirements of 42 Pa.C.S. § 9543.1(a)(2), with regard to evidence previously tested for DNA and evidence not previously tested for DNA?
 (3) Did Appellant present a prima facie case demonstrating that the DNA testing sought, assuming exculpatory results, would establish his actual innocence of the offense for which he was convicted?

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
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INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Superior Docket Number: 430 WDA 2021
 Date of Order: March 30, 2022 Rearg/Recon Disp Date: June 7, 2022
 Rearg/Recon Disposition: Denied.
 Judge(s): Murray, Mary P.
 Sullivan, Megan
 Colins, James G.
 Intermediate Appellate Court Action: Affirmed.
 Referring Court:

AGENCY/TRIAL COURT INFORMATION

Court Below: Erie County Court of Common Pleas
 County: Erie Division: Erie County Criminal Division
 Date of Agency/Trial Court Order: March 9, 2021
 Docket Number: CP-25-CR-0001647-1993
 Judge(s): Brabender, Jr. Daniel J. OTN: E 161434-0
 Order Type: Order

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Original Record	December 23, 2022	Superior Court

Record Remittal: July 7, 2025

BRIEFING SCHEDULE

Amicus Curiae	Appellee
Pennsylvania District Attorneys Association	Commonwealth of Pennsylvania
Brief	Brief
Due: Filed: May 10, 2023	Due: May 24, 2023 Filed: June 1, 2023

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BRIEFING SCHEDULE

Amicus Curiae**Pennsylvania District Attorneys Association****The Innocence Network****Brief**

Due: Filed: February 22, 2023

The Innocence Project, New York, NY**Brief**

Due: Filed: February 22, 2023

Appellant**Hardy, Willie James****Brief**

Due: February 22, 2023 Filed: February 21, 2023

Reply Brief

Due: Filed: June 13, 2023

Reproduced Record

Due: February 1, 2023 Filed: January 13, 2023

SESSION INFORMATION

Journal Number: J-38-2023
 Listed/Submitted Date: June 21, 2023
 Consideration Type: Submit on Briefs Supreme

DISPOSITION INFORMATION

Related Journal No:	J-38-2023	Judgment Date:	June 17, 2025
Category:	Decided	Disposition Author:	Wecht, David N.
Disposition:	Reversed/Remanded	Disposition Date:	June 17, 2025
Dispositional Filing:	Majority Opinion	Author:	Wecht, David N.
Filed Date:	June 17, 2025		
Justice:	Todd, Debra	Vote:	Joins
Justice:	Donohue, Christine	Vote:	Joins
Justice:	McCaffery, Daniel D.	Vote:	Joins
Dispositional Filing:	Concurring/Dissenting Opinion	Author:	Mundy, Sallie U.
Filed Date:	June 17, 2025		
Justice:	Dougherty, Kevin M.	Vote:	Joins
Justice:	Brobson, P. Kevin	Vote:	Joins

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
December 21, 2022	Allocatur Granted		Per Curiam
Comments: AND NOW, this 21st day of December, 2022, the Petition for Allowance of Appeal is GRANTED. The issues, rephrased for clarity, are: (1) Was Appellant's Petition for Post-Conviction DNA Testing Pursuant to 42 Pa.C.S. § 9543.1 timely? (2) Did Appellant satisfy the requirements of 42 Pa.C.S. § 9543.1(a)(2), with regard to evidence previously tested for DNA and evidence not previously tested for DNA? (3) Did Appellant present a prima facie case demonstrating that the DNA testing sought, assuming exculpatory results, would establish his actual innocence of the offense for which he was convicted?			
December 23, 2022	Superior Court Record Received		Superior Court of Pennsylvania
January 4, 2023	Application for Extension of Time to File Brief - First Request	Appellant	Hardy, Willie James
January 4, 2023	Answer to Application for Extension of Time to File Brief	Appellee	Commonwealth of Pennsylvania
January 5, 2023	Order Granting Application for Extension of Time to File Appellant Brief		Ceraso, Betsy
Comments: AND NOW, this 5th day of January, 2023, the application for extension of time is GRANTED. The Appellant's brief shall be served and filed on or before February 22, 2023.			
January 5, 2023	Order Exited		Office of the Prothonotary
January 13, 2023	Appellant's Reproduced Record Filed	Appellant	Hardy, Willie James
February 21, 2023	Appellant's Brief	Appellant	Hardy, Willie James
February 22, 2023	The Innocence Project, New York, NY Amicus Brief	Amicus Curiae	The Innocence Project, New York, NY
February 22, 2023	The Innocence Network Amicus Brief	Amicus Curiae	The Innocence Network
February 23, 2023	Praecipe for Appearance The Innocence Network	Amicus Curiae	Ashe, Kristen Marie
February 23, 2023	Praecipe for Appearance The Innocence Network The Innocence Network	Amicus Curiae Amicus Curiae	Cohen, David R. Smith, Corinne Mary Garrett
March 23, 2023	Application for Extension of Time to File Brief - First Request	Appellee	Commonwealth of Pennsylvania
March 23, 2023	Answer to Application for Extension of Time to File Brief	Appellant	Hardy, Willie James

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
March 23, 2023	Order Granting Application for Extension of Time to File Appellee Brief		Ceraso, Betsy
Comments: AND NOW, this 23rd day of March, 2023, the application for extension of time to file brief is granted in part. The Appellee's brief shall be served and filed on or before May 24, 2023.			
May 10, 2023	PA District Attorney's Association Amicus Brief	Amicus Curiae	Pennsylvania District Attorneys Association
May 25, 2023	Application for Leave to File Brief Nunc Pro Tunc	Appellee	Commonwealth of Pennsylvania
May 26, 2023	Answer to Application for Nunc Pro Tunc Relief	Appellant	Hardy, Willie James
May 30, 2023	Order Granting Application for Leave to File Appellee's Brief Nunc Pro Tunc		Ceraso, Betsy
Comments: AND NOW, this 30th day of May, 2023, the application for leave to file Appellee's brief nunc pro tunc is GRANTED. The Appellant's reply brief shall be filed on or before June 13, 2023.			
May 30, 2023	Order Exited		Office of the Prothonotary
June 1, 2023	Appellee's Brief	Appellee	Commonwealth of Pennsylvania
June 13, 2023	Appellant's Reply Brief	Appellant	Hardy, Willie James
June 17, 2025	Reversed/Remanded		Wecht, David N.
Comments: The order of the Superior Court is reversed, and the matter is remanded for further proceedings consistent with this opinion. Chief Justice Todd and Justices Donohue and McCaffery join the opinion. Justice Mundy files a concurring and dissenting opinion in which Justices Dougherty and Brobson join.			
June 17, 2025	Judgment Entered		Office of the Prothonotary
July 7, 2025	Remitted		Office of the Prothonotary
July 11, 2025	Acknowledgement of Record Remittal		Superior Court of Pennsylvania

CROSS COURT ACTIONS

Docket Number: 185 WAL 2022
Docket Number: 430 WDA 2021