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REPORT No. 4/21
PETITION 797-12
REPORT ON INADMISSIBILITY

SAVOY ROBINSON
UNITED STATES OF AMERICA

Approved electronically by the Commission on January 5, 2021.

Cite as: IACHR, Report No. 4/21, Petition 797-12. Inadmissibility. Savoy Robinson. United States of America. January 5, 2021.

I. INFORMATION ABOUT THE PETITION

Petitioner:	Savoy Robinson
Alleged victim:	Savoy Robinson
Respondent State:	United States of America ¹
Rights invoked:	Articles I (right to liberty), II (right to equality before law), XVIII (right to a fair trial) and XXVI (right to due process of law) of the American Declaration of the Rights and Duties of Man ²

II. PROCEEDINGS BEFORE THE IACHR³

Filing of the petition:	April 27 2012
Notification of the petition to the State:	January 15, 2016
State's first response:	September 8, 2016

III. COMPETENCE

Competence <i>Ratione personae</i>:	Yes
Competence <i>Ratione loci</i>:	Yes
Competence <i>Ratione temporis</i>:	Yes
Competence <i>Ratione materiae</i>:	Yes, American Declaration (ratification of the OAS Charter on June 19, 1951)

IV. DUPLICATION OF PROCEDURES AND INTERNATIONAL *RES JUDICATA*, COLORABLE CLAIM, EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION

Duplication of procedures and International <i>res judicata</i>:	No
Rights declared admissible	None
Exhaustion of domestic remedies or applicability of an exception to the rule:	Yes (in terms of Section VI)
Timeliness of the petition:	Yes (in terms of Section VI)

V. ALLEGED FACTS

1. This petition deals primarily with allegations of due process violations during criminal proceedings against the petitioner and alleged victim Savoy Robinson⁴ who was ultimately convicted of first degree murder and possession of an instrument of crime.

2. According to the petition, in July 2004, the alleged victim, an African-American, was living in a half-way house called Coleman Hall, in Philadelphia, Pennsylvania. This facility housed men who had been released on parole. The petition indicates that Geary Turner, another resident of the facility, was fatally shot in his room on July 11, 2004. The petitioner states that (a) he was subsequently arrested and prosecuted for the murder of Geary Turner ("Mr. Turner"); (b) on February 3, 2005 he was convicted (before the Court of Common Pleas for the First Judicial District in Philadelphia) of the first degree murder of Mr. Turner and simultaneously for the possession of an instrument of crime; and (c) that on April 13, 2005, he was sentenced

¹ Hereinafter "USA", "US", or "United States".

² Hereinafter "American Declaration."

³ The observations submitted by each party were duly transmitted to the opposing party.

⁴ Hereafter "the petitioner" or "the alleged victim" or "Mr. Robinson".

to life imprisonment (for murder) plus a consecutive term 2.5 to 5 years (for possession of an instrument of crime).

3. According to the petitioner, the lawfulness of his conviction was vitiated by (a) withholding of videotape evidence by the prosecution; and (b) ineffective assistance of trial counsel. The petitioner also contends that in subsequent appellate processes, he was also denied effective assistance of counsel.

4. According to the petitioner there was a videotape that was generated by a surveillance camera on the day of the murder which the petitioner claims was ultimately exculpatory. In this respect, the petitioner claims that the videotape showed (a) that the murder victim was alive and well, walking down hallway with an iron in his hand, and that he entered his room 1025 (where he was subsequently shot); (b) other Coleman Hall residents were in the company of Mr. Turner during and after the shooting; (c) there was a trail of bloody foot prints from the Mr. Turner's room to a nearby room (room 1029); (d) that the petitioner was not recorded in the company of the accused before or during the shooting of deceased.

5. With respect to the petitioner's claims of ineffectiveness of trial counsel, the petitioner states that he initially instructed counsel that he had acted in self-defense. However, he claims that (a) counsel is not obliged to act on this if there were more plausible defenses; (b) that trial counsel "erroneously believed he was required to present the version of events that his frightened, inexperienced, and confused client was telling him". The petitioner claims that the prosecution provided a list of documents to trial counsel that included a reference to the videotape. The petitioner also contends that trial counsel generally failed to investigate the information/evidence provided by the State or to procure the videotape. In this regard, the petitioner alleges that there was no DNA testing on the shoes and sneakers of the occupants of the room 1029 to compare with the bloody footprints (in the hallway between rooms 1025 and 1029); and that trial counsel failed to challenge this during the course of the trial. The petitioner also claims that he was coerced into giving a false confession to the police, but that trial counsel failed to take steps to have it suppressed.

6. The petitioner also complains that on appeal to the Pennsylvania Superior Court, his appellate counsel rendered ineffective assistance by submitting a "procedurally defective brief"; and also "demonstrated a conflict of interest" when he sent a letter to petitioner that read "Unfortunately, you seem dissatisfied with my sterling efforts on your behalf. I tried my best. Unfortunately, you killed your roommate. That is all that can be said. Best of luck in prison."

7. The petitioner contends that he unsuccessfully invoked and exhausted various appellate and post-conviction remedies between 2006 and 2012. These remedies include (a) appeal to the Pennsylvania Superior Court – filed March 23, 2006, and dismissed on November 14, 2006; (b) appeal to the Pennsylvania Supreme Court – filed November 30, 2006, and dismissed on May 15, 2007; (c) Petition to the Pennsylvania Court of Common Pleas pursuant to Pennsylvania's Post Conviction Relief Act (PCRA) - filed on July 10, 2007 and denied on October 3, 2008; (d) appeal (of PCRA decision) to the Pennsylvania Superior Court which was denied on November 24, 2009; (e) application for habeas corpus in US District Court on January 20, 2010 which was denied on May 26, 2011; (f) appeal to US Court of Appeals on November 10, 2011 which was denied on February 7 2012; and (g) petition for certiorari to the US Supreme Court which was denied on April 16, 2012.

8. The petitioner also generally complains that in the United States, poor African Americans are systematically denied due process and equal protection of the law and are often sentenced to life imprisonment as a means of ethnic population control.

9. The State rejects the petition primarily on the basis of (a) failure to exhaust domestic remedies; (b) to state facts that tend to establish a violation of the American Declaration; and (c) adjudication of the petition would constitute a violation of the Commission's fourth instance formula.

10. By way of background, the State presents a narrative that is largely at variance with the petitioner's narrative. According to the State, on July 11, 2004, the petitioner shot his roommate, Geary Turner, at Coleman Hall Transitional Housing Facility, a halfway house in North Philadelphia, Pennsylvania, where both men were living after being released from prison on parole. A police officer arrived at the facility at 8:00 a.m.

and observed a bullet hole in the center of Turner's chest. Turner was pronounced dead at 8:10 a.m. All parolees of Coleman Hall were secured in their rooms at that time except for Mr. Robinson, who fled to his brother's house in Northeast Philadelphia. The following day, law enforcement officials arrived at the home and negotiated with Mr. Robinson for two hours before he finally surrendered. Once in custody, Mr. Robinson told one of the police officers that "he had a beef" with Turner and that "he had to do what he had to do." He also told the officers that he hid the murder weapon, a nine millimeter pistol, inside a shoebox in his brother's house. Mr. Robinson was then taken to the police station and informed both orally and in writing of his rights under the Fifth and Sixth Amendments to the U.S. Constitution, as interpreted by the U.S. Supreme Court in *Miranda v. Arizona* ("Miranda rights")—that is, the right against self-incrimination and the right to have an attorney present during police questioning. He agreed to make a statement to police and signed a Miranda waiver form. Mr. Robinson then recounted to detectives that Turner had threatened him, that Turner initiated an altercation against him, and that Turner also had a gun. Shortly after his arrest, Mr. Robinson called his parole agent, a state official that supervises and counsels parolees, and stated that "I didn't have a choice, I had to do this".

11. According to the State, Pennsylvania state prosecutors charged Mr. Robinson with first-degree murder and possession of an instrument of crime. The State further indicates that the petitioner's case went to a jury trial in the Court of Common Pleas for the First Judicial District in Philadelphia, a Pennsylvania state trial court. At trial, Mr. Robinson testified that he shot and killed Turner in self-defense. Ultimately, a Philadelphia jury concluded in February 2005 that Mr. Robinson was guilty of first-degree murder and a second crime called possession of an instrument of a crime. The Court of Common Pleas sentenced him in April 2005 to consecutive terms of life imprisonment for the crime of murder and 30 to 60 months for the crime of possessing an instrument of crime.

12. With respect to exhaustion of domestic remedies, the State contends that following his conviction Mr. Robinson subsequently benefited from an extensive judicial review process in both state and federal court which so far have affirmed his conviction. The State acknowledges (as stated by the petitioner) that between 2005 and 2012, Mr. Robinson initiated a number of appeals and post-conviction proceedings (up to the US Supreme Court) which were all dismissed⁵. The State also indicates that between 2013 and 2016, the petitioner continued to litigate claims concerning his conviction. In this regard, the State indicates that the petitioner filed a new, PCRA petition that was dismissed by the Pennsylvania trial court in December 2013, a decision that was ultimately affirmed by the Superior Court of Pennsylvania in January 2015. In response, Mr. Robinson filed yet another PCRA petition, which was also dismissed by the Pennsylvania trial court in July 2015, and ultimately affirmed by the Superior Court of Pennsylvania in February 2016. Mr. Robinson then filed another application for writ of certiorari to the U.S. Supreme Court, in July 2016 which the State alleges is still pending resolution. Given the foregoing, the State argues that the incompleteness of domestic proceedings pursued by the petitioner signifies that he has not effectively exhausted domestic remedies.

13. The State rejects the petitioner's claims as manifestly unfounded. With regard to the petitioner's claim about the videotape evidence, the State contends that there is no evidence substantiate the allegation that prosecuting officials suppressed the videotape. To the contrary, the State contends that domestic tribunals have rejected this claim and found that the videotape was disclosed and discussed at Mr. Robinson's trial, in Mr. Robinson's presence⁶. The State further argues that the petition itself concedes that the videotape was placed on a property receipt that was specifically disclosed to defense counsel.

⁵ Among the judicial remedies mentioned by the State are: (a) appeal to Court of Common Pleas rejected on December 2005; (b) appeal to Pennsylvania Superior Court rejected on November 2006; (c) appeal to Supreme Court of Pennsylvania rejected on May 15, 2007; (d) petition with the Court of Common Pleas under Pennsylvania's Post Conviction Relief Act (PCRA) rejected on October 3, 2008; (e) subsequent appeal of this decision dismissed by The Superior Court of Pennsylvania on November 24, 2009; (f) petition for habeas corpus in the U.S. District Court for the Eastern District of Pennsylvania dismissed in 2011, and decision affirmed on appeal by U.S. Court of Appeals for the Third Circuit in April 2012; (g) application for writ of certiorari to the U.S. Supreme Court, and that application was denied on April 16, 2012.

⁶ In support of this contention the State cites the 2011 judgment of the U.S District of for the Eastern District of Pennsylvania in which the court stated: "[T]he evidence makes plain that the videotape was not kept secret from the defense. Rather the videotape was placed on a property receipt numbered 2527418 and that the receipt was specifically disclosed to the defense in August 31, 2004 letter to defense counsel disclosing various discovery items..." According to the State, the court also observed that "...at trial during defense

14. The State similarly rejects (as groundless) the petitioners claims about ineffectiveness of counsel (trial and appellate). Generally, the State argues that this issue has been litigated before the domestic courts and been rejected. With respect to alleged ineffectiveness of trial counsel, the State rejects the petitioner's complaint regarding the defense of self-defense proffered at his trial by his counsel. In this regard, the State contends that (a) the petitioner agreed to a strategy of self—defense (and there is no evidence that Mr. Robinson disagreed with trial counsel's assessment that a theory of self-defense offered the best chance of acquittal; (b) the petitioner has not offered any alternative legal theories that could realistically have led to his acquittal; and (c) the petitioner chose to take the stand at this trial (which he was not required to) and testified that he shot Mr. Turner in self-defense. The State further notes that petitioner had previously made statements to the police that he had shot Mr. Turner in self-defense. Further, the State argues that there was uncontested evidence (before the domestic courts) that the weapon used to shoot Mr. Turner was found inside the petitioner's brother's home after the petitioner directed the police to that location.

15. With respect to appellate counsel, the State contends that there is no evidence of ineffectiveness. The State notes that the petitioner claims that appellate counsel filed a "procedural defective brief", but that the petitioner has failed to substantiate this claim. In any event the State argues that the fact that the petitioner's claims were fully heard by the Superior Court of Pennsylvania on its merits is conclusively demonstrates that even if there were a procedural defect in the brief, it did not inhibit the court from rendering a judgment. Accordingly, any "procedural defect" if it did exist, was immaterial. The State also rejects the petitioner's claim that appellate counsel had a conflict of interest. The State notes that the petitioner bases this claim on a letter⁷ received from appellate counsel in December 2006, a month after the petitioner's conviction was affirmed by the Superior Court of Pennsylvania. The State argues that while this letter might demonstrate appellate counsel's frustration with the petitioner after the fact, it shows no interest of appellate counsel that would have come into conflict with his defense of Mr. Robinson on appeal. Further, the State contends that this evidence is completely irrelevant to counsel's effectiveness in preparing and presenting the petitioner's appeal. Ultimately, the State contends that this issue has been repeatedly considered and rejected by US courts.

16. Regarding the petitioner's claim about systematic discrimination against African-Americans, the State argues that petitioner has presented no evidence to support this claim, within the context of the criminal proceedings against him. In this regard, the State further contends that there is no evidence that the trial judge (who was African-American) or the jury at this trial exhibited any hostility to the petitioner; or that the State of Pennsylvania is generally hostile to African-Americans. The State also submits that the Commission's jurisdiction is limited to addressing concrete violations of the rights of individuals, and that a petition is not the appropriate mechanism for adjudicating general allegations about racially discriminatory application of criminal laws in the State.

17. Finally, the State contends that adjudication of the petition would constitute a violation of the Commission's fourth instance formula. In this regard, the State submits that the petitioner's complaints regarding the legality of his trial and conviction have been considered at multiple levels of the judiciary (both state and federal) and been rejected⁸. The State contends that the petitioner was guaranteed and received abundant due process protections, and that the evidence showed beyond reasonable doubt that he murdered another human being (Mr. Turner). The State argues the petitioner was not guaranteed a favorable result; and that mere dissatisfaction with the outcome of the domestic proceedings is not a legitimate basis for invoking the jurisdiction of the Commission. Accordingly, in keeping with the fourth instance formula, the State argues that the Commission lacks the jurisdiction to substitute its judgment for that of the domestic courts.

counsel's cross-examination of one of the detectives involved in the investigation, defense counsel marked the property receipt as a defense exhibit and questioned the detective at length about the receipt and the contents of the videotape..."

⁷ The petitioner took issue with this portion of the letter (as manifesting conflict of interest): "Unfortunately, you seem dissatisfied with my sterling efforts on your behalf. I tried my best. Unfortunately, you killed your roommate. That is all that can be said. Best of luck in prison."

⁸ The State attaches a number of the judgments that were issued during the domestic criminal proceedings against the petitioner (including trial, appellate, post-conviction).

VI. ANALYSIS OF EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION

18. In accordance with Article 31(1) of the Rules of Procedure of the Inter-American Commission, for a petition to be admissible, domestic remedies must have been pursued and exhausted pursuant to generally recognized principles of international law. This requirement is aimed at enabling national authorities to take cognizance of the alleged violation of the protected right and, if appropriate, resolve the matter before it is heard by an international body.

19. The Commission observes that the petitioner exercised the legal remedies available and considered suitable, which included appellate and post-conviction proceedings at both the state and federal levels. The final decision was issued by the US Supreme Court on April 16, 2012 which declined to hear a petition for certiorari. On the other hand, the State contends that there is still an ongoing procedure at the domestic level, rendering the petition inadmissible. While the Commission accepts that a proceeding is still pending before a national court, the requirement of exhaustion of domestic remedies does not mean that the alleged victim has the obligation to exhaust every possible remedy available to them. The Inter-American Commission has maintained that if the alleged victim endeavored to resolve the matter by making use of a valid, adequate alternative available in the domestic legal system and the State had an opportunity to remedy the issue within its jurisdiction, the purpose of the international legal precept is fulfilled. The Commission therefore concludes that the domestic remedies were exhausted with the US Supreme Court's decision of April 16, 2012. The petition to the IACHR was filed on April 27, 2012 and thus meets the requirement set in Article 32(1) of the Commission's Rules of Procedure.

VII. ANALYSIS OF COLORABLE CLAIM

20. The Commission notes that this petition principally alleges due process violations during the course of criminal proceedings against the petitioner.

21. For purposes of admissibility, the Commission must decide whether the alleged facts tend to establish a violation of rights, as stipulated in Article 34 (a) of the Commission's Rules of Procedure, or whether the petition is "manifestly groundless" or "obviously out of order," as described in Article 34 (b). The criterion for analyzing admissibility is different from that used for the analysis of the merits, given that the Commission only performs a *prima facie* analysis to determine whether the petitioner establishes an apparent or possible violation of a right guaranteed by the American Declaration. It is a summary analysis that does not imply prejudging or issuing a preliminary opinion on the merits.

22. The petitioner alleges various due process violations in the context of his criminal convictions. All of these alleged violations were raised in various trials, appellate and review courts and rejected. The petitioner is dissatisfied with the outcome of the domestic judicial proceedings and now seeks relief from the Commission. The Commission has observed that the interpretation of the law, the relevant proceeding, and the weighing of evidence, is among others, a function to be exercised by the domestic jurisdiction, which cannot be replaced by the IACHR. In this regard, it should be recalled that the Commission does not have authority to review sentences handed down by domestic courts acting within their competence and applying all due judicial guarantees unless it finds that a violation of one of the rights protected by the American Declaration has been committed.

23. Based on available information, the Commission considers that the petitioner was accorded all due judicial guarantees, and that he has not provided sufficient evidence to indicate, *prima facie*, any violations of his due process rights as guaranteed by the American Declaration. In view of these considerations, the Commission considers that the claims of the petitioner are manifestly unfounded.

24. In light of the foregoing, the IACHR concludes that the petition should be ruled inadmissible, in keeping with Article 34 (a) of the Commission's Rules of Procedure and the application of the fourth instance formula.

VIII. DECISION

1. To find the instant petition inadmissible; and
2. To notify the parties of this decision; and to publish this decision and include it in its Annual Report to the General Assembly of the Organization of American States.

Approved by the Inter-American Commission on Human Rights on the 5th day of the month of January, 2021. (Signed:) Joel Hernández, President; Flávia Piovesan, Second Vice President; Margarette May Macaulay and Julissa Mantilla Falcón, Commissioners.