

U.S. Supreme Court Reverses Criminal Conviction Under State Hazardous Waste Statute

The United States Supreme Court has reversed a criminal conviction under Pennsylvania's hazardous waste statute because the Commonwealth had conceded that it failed to prove a basic element of the crime.

William Fiore had been convicted in a Pennsylvania court of violating Pennsylvania's hazardous waste statute, which prohibits "operat[ing] a hazardous waste" facility without a "permit." Although Fiore actually possessed such a permit, the Commonwealth successfully argued at Fiore's criminal trial that he "had deviated so dramatically from the permit's terms that he nonetheless had violated the statute." After Fiore's conviction became final, however, the Pennsylvania supreme court ruled in case involving Fiore's codefendant that such conduct did not violate the statute because "the statute meant what it said: The statute made it unlawful to operate a facility *without* a permit; one who deviated from his permit's terms was not a person *without* a permit; hence a person who deviated from his permit's terms did not violate the statute." In spite of this subsequent ruling, the Pennsylvania courts refused to overturn Fiore's conviction. Fiore then sought relief in federal court, arguing that his continued incarceration violated his right to due process under the Fourteenth Amendment to the United States Constitution.

Before ruling on Fiore's case, the United States Supreme Court first asked the Pennsylvania supreme court to clarify whether its interpretation of the hazardous waste statute announced a new rule of law, or merely stated the correct interpretation of the statute at the time of Fiore's conviction. The Pennsylvania supreme court responded by

stating that it did *not* announce new rule of law, but rather furnished “the proper statement of law at the date Fiore’s conviction became final.” Based on this clarification, the United States Supreme Court held that Fiore’s continued incarceration clearly violated due process.

The Court noted that “the Due Process Clause of the Fourteenth Amendment forbids a State to convict a person of a crime without proving the elements of that crime beyond a reasonable doubt.” A basic element of Fiore’s alleged crime was the failure to possess a permit. During Fiore’s criminal trial, however, the Commonwealth had conceded that Fiore *did* possess a permit. Therefore, the Court stated that the “simple, inevitable conclusion is that Fiore’s conviction failed to satisfy the Federal Constitutional demands” and reversed his conviction.

***Fiore v. White*, No. 98-942 (S.Ct. Jan. 9, 2001)**

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