

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

COMMONWEALTH OF PENNSYLVANIA,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellant	:	
	:	
v.	:	
	:	
ABDURRAHMAN MAMDOUH,	:	
	:	
Appellee	:	No. 1579 WDA 2013

Appeal from the Order September 4, 2013  
 In the Court of Common Pleas of Erie County  
 Criminal Division No(s): CP-25-CR-0003337-2012  
 CP-25-CR-0003338-2012  
 CP-25-CR-0003339-2012

BEFORE: GANTMAN, P.J., DONOHUE, and FITZGERALD,\* JJ.

JUDGMENT ORDER BY FITZGERALD, J.: FILED: April 23, 2014

The Commonwealth takes this interlocutory appeal as of right from the order that granted the suppression motion filed by Appellee, Abdurrahman Mamdouh. **See** Pa.R.A.P. 311(d). The Commonwealth’s sole assertion is that exigent circumstances should not be required to justify the warrantless search of the unoccupied vehicle that was parked in the driveway of Appellee’s residence.<sup>1</sup> Commonwealth’s Brief at 7-11. The Commonwealth

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\* Former Justice specially assigned to the Superior Court.

<sup>1</sup> Appellee presented evidence that he had permission to use the vehicle, which was owned by Appellee’s roommate.

acknowledges that the precedents holding that a warrantless vehicle search generally must be accompanied by both probable cause and exigent circumstances.<sup>2</sup> **Id.** at 7 (citing **Commonwealth v. Brown**, 23 A.3d 544, 553 (Pa. Super. 2011)).

In light of the Commonwealth's arguments and following a review of the record, we discern no basis to disturb trial court's legal conclusion that the underlying search required a showing of exigent circumstances.<sup>3</sup> **See Brown**, 23 A.3d at 553. As the court has summarized the relevant facts and the law to this appeal, we adopt its opinion on this issue as dispositive. **See** Trial Court Op., 9/4/13 at 1-3, 4-7.

Order affirmed.

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<sup>2</sup> The Commonwealth does not argue that a narrow exception to the general rule requiring a demonstration of exigent circumstances should apply in this case. **See Brown**, 23 A.3d at 557. Rather, it requests that this Court overrule precedent.

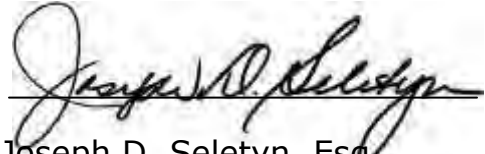
<sup>3</sup> Our standards of review are well settled.

When the Commonwealth appeals from a suppression order, we follow a clearly defined standard of review and consider only the evidence from the defendant's witnesses together with the evidence of the prosecution that, when read in the context of the entire record, remains uncontradicted. . . . The suppression court's conclusions of law, however, are not binding on an appellate court, whose duty is to determine if the suppression court properly applied the law to the facts.

**Commonwealth v. Baker**, 946 A.2d 691, 693 (Pa. Super. 2008) (citation omitted). "On questions of law, our standard of review is *de novo*, and our scope of review is plenary." **Commonwealth v. Pridgen**, 965 A.2d 1208, 1210 (Pa. Super. 2009).

J. S20038/14

Judgment Entered.

A handwritten signature in black ink, appearing to read "Joseph D. Seletyn", written over a horizontal line.

Joseph D. Seletyn, Esq.  
Prothonotary

Date: 4/23/2014