

NON-PRECEDENTIAL DECISION – SEE SUPERIOR COURT I.O.P 65.37

COMMONWEALTH OF PENNSYLVANIA,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellee	:	
	:	
v.	:	
	:	
DAVID MICHAEL BROWN,	:	
	:	
Appellant	:	No. 209 MDA 2014

Appeal from the Judgment of Sentence December 30, 2013
in the Court of Common Pleas of York County,
Criminal Division, at No(s): CP-67-CR-0007803-2011

BEFORE: ALLEN, OTT, and STRASSBURGER,* JJ.

CONCURRING STATEMENT BY STRASSBURGER, J.: **FILED JULY 30, 2015**

I agree that Brown’s suppression motion was denied properly because the stop was authorized by 42 Pa.C.S. § 8953(a)(5). I write separately to distance myself from the Majority’s discussion of unintentional violations of the statute avoiding application of the exclusionary rule. Majority Memorandum at 17. As our Supreme Court recently reaffirmed, the Pennsylvania Constitution allows for no good-faith exception to the exclusionary rule. ***Commonwealth v. Johnson***, 86 A.3d 182, 184 (Pa. 2014); ***see also Commonwealth v. Edmunds***, 586 A.2d 887, 899 (Pa. 1991) (rejecting the federal good faith exception to the exclusionary rule as it would emasculate essential rights guaranteed by the Pennsylvania Constitution).

*Retired Senior Judge assigned to the Superior Court.