

[J-40-2012][M.O. – McCaffery, J.]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 603 CAP
	:	
Appellee	:	
	:	Appeal from the Judgment of Sentence
	:	entered on 9/18/2008 in the Court of
v.	:	Common Pleas, Criminal Division, of
	:	Greene County, at Nos. CP-30-CR-
	:	0000310-2006 and CP-30-0000458-
	:	2006
	:	
JEFFREY ROBERT MARTIN,	:	
	:	
Appellant	:	ARGUED: April 10, 2012

DISSENTING OPINION

MR. JUSTICE SAYLOR

DECIDED: September 24, 2014

I respectfully dissent, since I conclude that the police lacked probable cause to arrest Appellant for any crime as of the time he was subjected to a series of custodial interrogations. While the majority makes the most out of the fact that Appellant was the person with the most legitimate, routine access to the location where the victim’s all-terrain vehicle was found and the instrumentality by which it had been concealed, see, e.g., Majority Opinion, slip op. at 20-21, the fact remains that the area was an open one to which Appellant’s access was non-exclusive. I also do not regard Appellant’s presence alone on the farm on the day of the victim’s disappearance as materially altering this assessment. Accordingly, I simply do not believe that any “reasonable inference” of Appellant’s involvement either with the victim or the all-terrain vehicle rises

to the level of probable cause to effectuate an arrest. While certainly the suspicions of investigating officers were legitimately aroused by the discovery of the all-terrain vehicle (or amplified, since, in fact, Appellant appears already to have been a person of interest in the investigation), I believe that further investigation was necessary to support an arrest, with or without a warrant.

For these reasons, I find merit in Appellant's challenge to the denial of his suppression motion and would award a new trial.