2026 PA Super 254

COMMONWEALTH OF PENNSYLVANIA Appellant v. JAMAR WILLIAMS	: : : : : : : : :	IN THE SUPERIOR COURT OF PENNSYLVANIA No. 219 EDA 2025

Appeal from the Order Entered September 24, 2024
In the Court of Common Pleas of Delaware County Criminal Division at No(s): CP-23-CR-0003011-2023

BEFORE: STABILE, J., LANE, J., and STEVENS, P.J.E.*

DISSENTING OPINION BY LANE, J.: **FILED NOVEMBER 10, 2026**

I agree with the Majority's determination that, under the totality of the circumstances, Jamar Williams ("Appellee") had a reasonable expectation of privacy in the area of the vehicle where Police Officer Robert Brobzinski ("Officer Brobzinski") discovered the gun. ***See*** Majority Memorandum at 14. However, I disagree with the Majority's conclusion that the police officer possessed reasonable suspicion to search the vehicle. I would instead determine: the seizure of the gun was unlawful; the custodial detention of Appellee based on the gun was therefore also unlawful; and the court properly suppressed both the gun and the statements Appellee made while detained. As I would thus affirm the order of the trial court granting Appellee's motion to suppress, I respectfully dissent.

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* Former Justice specially assigned to the Superior Court.

I incorporate the relevant case authority cited by the Majority, regarding the three categories of interactions between citizens and the police, and the application of this law to vehicle stops and warrantless searches of vehicles. I emphasize that under the applicable standard of review, we are

> ***required to determine whether the record supports the suppression court's factual findings and whether the inferences and legal conclusions drawn by the suppression court from those findings are appropriate.***
>
> [Where the defendant] prevailed in the suppression court, we may consider only the evidence of the defense and so much of the evidence for the Commonwealth as remains uncontradicted when read in the context of the record as a whole. Where the record supports the factual findings of the suppression court, we are bound by those facts and may reverse only if the legal conclusions drawn therefrom are in error.

Commonwealth v. Cartagena, 63 A.3d 294, 298 (Pa. Super. 2005) (*en banc*) (paragraph break and emphasis added and citations omitted). Additionally, "it is the sole province of the suppression court to weigh the credibility of the witnesses. [T]he suppression court judge is entitled to believe all, part or none of the evidence presented." ***Commonwealth v. Tashawn-Tyrell***, 340 A.3d 1015, 1022 (Pa. Super. 2025) (*en banc*).

For ease of discussion, I also incorporate the Majority's summary of the testimony presented at the suppression hearing. However, I emphasize Officer Brobzinski's testimony — relied on by the trial court in its analysis — that when he directed the driver to exit the vehicle, he did not have any safety concerns about Appellee. The following exchange occurred:

> [Defense counsel: At the time the driver] made the comment about a license to carry [the] firearm . . .
>
> * * * *
>
> . . . you asked [the driver] to step out of the vehicle?
>
> [Officer Brobzinski:] Yes.
>
> Q. And . . . those comments from [the driver,] they didn't prompt you to ask [Appellee] to step out. Is that correct?
>
> A. Not at that time.
>
> Q. So, although one person in the car said that they had a firearm[,] ***that didn't cause any red flags raised for you?***
>
> A. ***That the driver had a firearm?***
>
> Q. ***Yes.***
>
> A. ***No, he had a license to carry.***
>
> Q. Okay. So, ***at that time you didn't have any safety concerns regarding*** **[*Appellee*]*?***
>
> A. **[*Appellee*] *at that time, no***.
>
> Q. Okay. And so, ***you felt comfortable leaving*** **[*Appellee*]** ***in the vehicle while you spoke with [the driver] outside?***
>
> A. ***Correct.***

N.T., 7/19/24, at 38-39 (emphases added). Officer Brobzinski also explained that when the driver exited the vehicle, they went "back to [the officer's] patrol car." ***Id***. at 39. At this time, the assisting officers had not yet arrived, and Officer Brobzinski was the sole officer on the scene. ***See id***. at 40-41.

In its opinion, the trial court emphasized this testimony. It reasoned as follows: "[O]nce Officer Brobzinski discovered that no law had been broken

by" the driver, and the officer had not issued any citation to the driver, "***the traffic stop was 'completed***.'" Trial Court Opinion, 8/5/25, at 8 (emphasis added). The driver "demonstrated he was authorized to operate a motor vehicle[,] the motor vehicle was registered and insured," and the driver "demonstrated he had been issued a license to carry a firearm." ***Id***. ***At this point, Officer "Brobzinski had no legal basis to further detain [the driver] or the motor vehicle." Id***. (emphasis added).

However, the trial court opined that at that point, "when the traffic stop had been completed," Officer Brobzinski nevertheless "***engaged in an investigation no longer related to the initial purpose of the traffic stop*[*,*] *prolonging the detention to continue inquiry of* [*Appellee*] *which was not justified by any new facts giving rise to reasonable and articulable suspicion of criminal activity***." ***Id***. at 8-9 (emphasis added). The trial court considered Officer Brobzinski's testimony about Appellee's appearance — that his "chest was rising very fast" and "he was breathing heavily" — against his testimony that after these observations, the officer did ***not*** "have any safety concerns about" Appellee. ***Id***. at 9-10 (*quoting* N.T., 7/19/24, at 17).

On appeal, the Commonwealth challenges this rationale.[1] ***See*** Commonwealth's Brief at 28-29 (claiming "[t]he record does not support this asserted sequence"). The Commonwealth argues that Officer Brobzinski's observations — including the vehicle's initial movements and Appellee's heavy breathing and "unusual behavior" — gave "rise to a reasonable belief that [Appellee] was dangerous and could gain immediate control of a weapon." ***Id***. at 30. Thus, the Commonwealth concludes, the subsequent search of the vehicle was "conducted ***during*** the traffic stop — [and was] not a separate or extended detention." ***Id***. at 31 (emphasis added).

The Majority makes no mention of any of these findings of fact or conclusions of law by the trial court.[2] In particular, it does not refer to the court's basis for granting suppression — that once Officer Brobzinski was satisfied with the requested documentation from the driver and determined he would not issue any citation, coupled with the officer's own testimony that he had no concerns about Appellee, the officer "had no legal basis to further detain [the driver] or the motor vehicle" and the "the traffic stop was

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[1] As we discuss ***infra***, the Majority omits this portion of the Commonwealth's argument from its review. ***See*** Majority Memorandum at 8, 10 (summarizing the Commonwealth's "first" claim that the trial court erred in finding Appellee had a reasonable expectation of privacy in the vehicle).

[2] The Majority notes that the trial court's opinion referred to both the Fourth Amendment to the United States Constitution and Article I, Section 8 of the Pennsylvania Constitution, but provides no further discussion of the trial court's analysis. ***See*** Majority Memorandum at 5.

'completed.'" Trial Court Opinion, 8/5/25, at 8. Instead, the Majority reviews a portion of the testimony — while ignoring the very evidence relied upon by the trial court — to arrive at an independent conclusion that "multiple factors, viewed in their totality, create reasonable suspicion that Appellee was armed and dangerous." Majority Memorandum at 19-21.

I respectfully suggest that this is not the proper standard of review. Instead, we must first consider all of the trial court's relevant factual findings and conclusions of law, and then "determine whether the record supports those findings" and whether the court's inferences and legal conclusions are appropriate. ***See Cartagena***, 63 A.3d at 298. Our Court must also review the arguments presented by the appellant. As summarized above, the Commonwealth challenges the trial court's findings as to when the vehicle stop properly concluded, and argues that the officer's search of the vehicle was a part of the ongoing detention. The Majority similarly does not acknowledge, let alone address, this portion of the Commonwealth's argument. ***See Commonwealth v. Flowers***, 113 A.3d 1246, 1252 (Pa. Super. 2015) (stating that "[t]his Court is an error-correcting court[and s]ave for a very limited number of exceptions, the Court . . . does not act as an appellant's counsel").

Furthermore, as it was Appellee who prevailed on his suppression motion, "we may consider only the evidence of the defense and so much of the evidence for the Commonwealth ***as remains uncontradicted*** when read

in the context of the record as a whole." ***Id***. (emphasis added). While Officer Brobzinski testified about his initial observations of Appellee's suspicious appearance and conduct, it is not disputed that the officer nevertheless directed only the driver to exit the vehicle. ***See*** N.T., 7/19/24, at 15-17. Officer Brobzinski's additional testimony — that the driver's statement he had a firearm did not "cause any red flags," the officer did not "have any safety concerns" about Appellee, and he "felt comfortable leaving [Appellee] in the vehicle while he spoke to [the driver] outside — was not contradicted. ***Id***. at 38-39. Thus in my view, the Majority's conclusion, that "multiple factors, viewed in their totality, create reasonable suspicion that Appellee was armed and dangerous," was in error. Majority Memorandum at 19. In any event, the trial court, who was free to believe all, part, or none of the evidence, credited Officer Brobzinski's testimony that regardless of Appellee's appearance and conduct, he had no safety apprehensions concerning Appellee. ***See Tashawn-Tyrell***, 340 A.3d at 1022.

While the Majority opines that my "focus on Officer Brobinzki's subjective opinion that he had no safety concerns about Appellee is misplaced," I reiterate that it was the trial court who made this finding, this finding informed the court's overall reasoning, and it was supported by the officer's own testimony at the suppression hearing. Majority Memorandum at 24; ***see also*** N.T., 7/19/24, at 38-39 (Officer Brobinzki testifying that despite his observations of Appellee, he had no safety concerns regarding Appellee at

the time he directed the driver out of the vehicle and walked away with the driver, leaving Appellee alone in the car with no other police officers present). In our role as the appellate court, we must review all of the trial court's reasoning. ***See Cartagena***, 63 A.3d at 298.

On the merits, after independent review, I would conclude that the record supports the trial court's factual findings and conclusions of law: (1) based on Officer Brobzinski's own testimony, despite his initial observations of Appellee, the officer had no safety concerns regarding Appellee; (2) thus, without any other police officers present, the officer "felt comfortable leaving" Appellee unattended in the vehicle while he directed the driver "back [toward the officer's] patrol car;" (3) once Officer Brobzinski determined the vehicle was properly registered and insured and the driver demonstrated he had a license to carry a firearm, "Officer Brobzinski had no legal basis to further detain [the driver] or the motor vehicle" and "the traffic stop was 'completed;'" and (4) at that point, Officer Brobzinski lacked authority to conduct a warrantless search of the vehicle. Trial Court Opinion, 8/5/25. at 8. Despite Brobzinski's testimony about his ***earlier*** observations of Appellee, there were "no new facts giving rise to reasonable and articulable suspicion of criminal activity on the part of" Appellee. Trial Court Opinion, 8/5/25, at 10. There was similarly no evidence of new or additional criminal activity by the ***driver***.

I further note that Officer Brobzinski did not request backup assistance due to any safety threat. Instead, Officer Brobzinski testified that in "***every***

traffic stop[, he] call[s] for two to three assisting officers," and "they ***automatically*** come once [he calls] out on a traffic stop." N.T., 7/19/24, at 39 (emphases added and unnecessary capitalization omitted).

I would thus determine that the record supports the trial court's factual findings and legal conclusions — that the search of the vehicle was unlawful. ***See Cartagena***, 63 A.3d at 298. Accordingly, I would also deny relief on the Commonwealth's final claim — that the court erred in finding Appellee's statements to the police were fruit of the poisonous tree. Because the search was unlawful, Appellee's custodial detention based on the gun was unlawful, and the court properly suppressed the statements made by Appellee as a result of it. ***See Tashawn-Tyrell***, 340 A.3d at 1021 n.2 (stating that "[t]he exclusionary rule also applies to any evidence discovered as a result of the original illegal police conduct; such evidence is termed 'fruit of the poisonous tree'").

For all the foregoing reasons, I would affirm the order of the trial court granting Appellee's motion to suppress. I respectfully dissent.