NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellant	:	
	:	
	:	
v.	:	
	:	
	:	
SHABAZZ SWEETS	:	No. 1031 EDA 2025

Appeal from the Order Entered April 9, 2025
In the Court of Common Pleas of Philadelphia County Criminal Division at No(s): CP-51-CR-0005280-2023

BEFORE: PANELLA, P.J.E., NICHOLS, J., and KING, J.

MEMORANDUM BY NICHOLS, J.: **FILED NOVEMBER 10, 2026**

The Commonwealth appeals from the order granting Appellee Shabazz Sweets' motion to suppress.[1] On appeal, the Commonwealth contends that the suppression court erroneously concluded the police officer's encounter with Appellee was not supported by reasonable suspicion. After careful review, we reverse and remand for further proceedings.

The trial court set forth the following factual and procedural history:

> At the time of [the April 9, 2025 suppression hearing], [Philadelphia Police Officer Jason] Keen had been a police officer

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[1] In its notice of appeal, the Commonwealth certified that the trial court's suppression order would terminate or substantially handicap the prosecution of its case. ***See*** Pa.R.A.P. 311(d) (stating that "in a criminal case, under the circumstances provided by law, the Commonwealth may take an appeal as of right from an order that does not end the entire case where the Commonwealth certifies in the notice of appeal that the order will terminate or substantially handicap the prosecution"); ***see also*** Notice of Appeal, 4/21/25; Commonwealth's Brief at 1.

in the 25th District for nine years, where he often responded to calls for violent crimes, as well as firearms and narcotic offenses. [Philadelphia Police Officer Anthony] Ramuno was on duty as a Philadelphia police officer detailed to highway patrol. Two other officers, Officer Donnelly and Officer Murphy, were present at the scene but did not testify.

On July 10, 2023, at approximately 7:30 PM, Officers Keen, Ramuno, Donnelly, and Murphy were on duty in full uniform, driving north on [North] Franklin [Street] in the 25th District, with Officer Keen operating a marked patrol vehicle. As he was driving northbound on [North Franklin Street], Officer Keen observed Appellee standing in the running lane on the north end of the 3900 block of North Franklin Street, speaking with another male. Officer Keen noted that Appellee was wearing a large fanny pack, approximately twelve by sixteen inches, that was large enough to hold a small laptop, while the other individual did not have a bag. Appellee was not observed engaging in any sort of criminal activity, and there was no visible outline of a firearm inside the bag.

As Officer Keen drove north towards Appellee, Appellee looked in the direction of the car, adjusted his bag, and stepped onto the sidewalk. He then began to walk west and adjusted his bag again. Officer Keen turned left onto Luzerne [Avenue] to follow Appellee, who walked west on the sidewalk behind a large box truck. Officer Keen watched Appellee's feet as he walked underneath the box truck before slowing down and stopping roughly parallel to the truck to observe Appellee. Officer Keen testified that he observed Appellee stop, turn around, and re-enter his view from beyond the box truck, before turning back and walking toward the truck. In contrast, Officer Ramuno testified that Appellee was standing behind the box truck and did not have an opportunity to pass the box truck before stopping the vehicle. Officer Keen, in full uniform, then exited the car and approached Appellee. Officer Keen attempted to stop Appellee by saying something to the effect of "Yo, my man." After Officer Keen [] made this statement[] he[,] along with Officer Ramuno, continued to approach[] Appellee and [at that time] Appellee and the unknown male both began to run.

A chase ensued as Appellee ran northbound on the 4000 block of North Darien [Street], with the officers in pursuit both on foot and in their vehicle. During this pursuit, the unknown male with whom

> Appellee was conversing was seen on bodycam footage running past Officer Keen, who made no effort to stop him. The unknown man turned and ran toward Officer Donnelly. Not one of the four officers pursued this unknown male.
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> Appellee fled into an open lot between Darien and 9th Street[s], and then through an overgrown, littered alleyway. Officer Ramuno, who pursued Appellee through the alleyway on foot, briefly lost sight of him, but found Appellee on some steps in the rear yard of a home. The bag was next to him on the stairs. Officer Ramuno did not witness Appellee produce a firearm during the pursuit.
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> Officer Ramuno detained Appellee. On the body worn camera footage, Officer Ramuno can be seen escorting [Appellee] out of the alleyway, as Appellee stumbled over an abandoned tire lying on the ground. Officer Ramuno looked at the tire and saw a gun. The firearm was recovered. Officer Ramuno ran [] Appellee's information through NCIC/PCIC and found that he did not have a license to carry a firearm.
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> [] Appellee was arrested [and charged with one count each of] firearms not to be carried without a license, carry[ing] firearms in public in Philadelphia, and make repairs/sell[] offensive weapon.[2]
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> A preliminary hearing was conducted on July 26, 2024, at which time [Appellee] was held for court on all charges. The pre-trial conference took place on January 17, 2024.
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> On April 9, 2025, the waiver trial was listed, and a motion to suppress was litigated. [The trial court] granted the motion to suppress.
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> The Commonwealth then filed a notice of interlocutory appeal to the Superior Court of Pennsylvania on April 21, 2025. On April 22, 2025, a [Pa.R.A.P.] 1925(b) order was issued. The Commonwealth timely filed a statement of errors on April 30, 2025[.]

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[2] 18 Pa.C.S. §§ 6106(a), 6108, and 908(a), respectively.

Suppression Ct. Op., 6/20/25, at 1-4 (footnotes and citations omitted; some formatting altered). The suppression court subsequently complied with Pa.R.A.P. 1925.

The Commonwealth raises the following issue for our review:

> Did the [trial] court erroneously suppress the abandoned firearm found near [Appellee] during a lawful investigative detention that was supported by reasonable suspicion?

Commonwealth's Brief at 4.

On appeal, the Commonwealth contends that it "proved at the suppression hearing that the police lawfully seized a firearm found abandoned near where [Appellee] fled from a lawful investigative detention supported by reasonable suspicion." ***Id.*** at 10. The Commonwealth, conceding that the officers' giving chase to Appellee once he started running constituted an investigatory detention, argues that Appellee was present in a high-crime area and engaged in unprovoked flight. ***Id.*** at 15.

Our standard of review for a challenge to the grant of a motion to suppress is 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 findings of fact bind an appellate court if the record supports those findings. 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. Korn, 139 A.3d 249, 252-53 (Pa. Super. 2016) (citation omitted).

Further, while "[o]ur standard of review is restricted to establishing whether the record supports the suppression court's factual findings[,] . . . we maintain *de novo* review [of] the suppression court's legal conclusions." ***Id.*** at 253 (citation omitted). Additionally, this Court has explained:

> With respect to a suppression court's factual findings, it is the sole province of the suppression court to weigh the credibility of the witnesses. Further, the suppression court judge is entitled to believe all, part[,] or none of the evidence presented.
>
> At a suppression hearing, the Commonwealth has the burden of establishing by a preponderance of the evidence that the evidence was properly obtained.

Commonwealth v. Heidelberg, 267 A.3d 492, 499 (Pa. Super. 2021) (*en banc*) (citations omitted and some formatting altered), *abrogated on other grounds by* ***Commonwealth v. Steadly***, 360 A.3d 799 (Pa. 2026).

> As this Court has previously stated:
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> The Fourth Amendment to the United States Constitution and Article I, Section 8 of the Pennsylvania Constitution guarantee the right of the people to be secure in their persons, houses, papers, and possessions from unreasonable searches and seizures. To secure the rights of citizens to be free from unreasonable search and seizure, courts in Pennsylvania require law enforcement officers to demonstrate ascending levels of suspicion to justify their interactions with citizens to the extent those interactions compromise individual liberty.
>
> An investigative detention, unlike a mere encounter, constitutes a seizure of a person and thus activates the protections of Article I, Section 8 of the Pennsylvania Constitution. To institute an investigative detention, an officer must have at least a reasonable

> suspicion that criminal activity is afoot. Reasonable suspicion requires a finding that[,] based on the available facts, a person of reasonable caution would believe the intrusion was appropriate.

Commonwealth v. Miller, 333 A.3d 470, 477 (Pa. Super. 2025) (citations omitted and some formatting altered). "The determination of whether an officer had reasonable suspicion that criminality was afoot so as to justify an investigatory detention is an objective one, which must be considered in light of the totality of the circumstances." ***Commonwealth v. Davis***, 102 A.3d 996, 1000 (Pa. Super. 2014) (quoting ***Commonwealth v. Holmes***, 14 A.3d 89, 96 (Pa. 2011)). It is axiomatic, however, that an officer's "mere hunch," without more, cannot establish reasonable suspicion. ***Commonwealth v. Lewis***, 343 A.3d 1016, 1038 (Pa. 2025) (quoting ***Navarette v. California***, 572 U.S. 393, 397 (2014)).

In considering the totality of the circumstances, "appellate courts have disapproved of a 'divide-and-conquer' approach of considering individual factors in isolation from each other." ***Commonwealth v. Benitez***, 218 A.3d 460, 471 (Pa. Super. 2019) (citations omitted). Further, a "suppression court is not foreclosed from concluding that reasonable suspicion" existed even "where one could say that the conduct of a person is equally consistent with innocent activity[.]" ***Id.*** (citation omitted). Ultimately, in conducting a reasonable suspicion inquiry, a suppression court is required to afford "due weight to the specific, reasonable inferences drawn from the facts in light of the officer's experience." ***Id.*** (citation omitted).

A recent panel of this Court held as follows:

> A determination as to whether an officer possessed the requisite reasonable suspicion requires an evaluation of the totality of the circumstances, weighing factors including: the officer's knowledge of crime levels in the area at the time of the stop; unprovoked flight by the subject; and the subject's furtive behavior. ***See Commonwealth v. Foster***, 356 A.3d 747, 760 (Pa. 2026); ***Commonwealth v. Barnes***, 296 A.3d 52, 57 (Pa. Super. 2023); ***Commonwealth v. Jefferson***, 853 A.2d 404, 405 (Pa. Super. 2004). Law enforcement must "point to specific and articulable facts" that would make a reasonable officer "believe criminal activity is afoot [ ] in assessing the totality of the circumstances." ***Commonwealth v. Adams***, 205 A.3d 1195, 1200-03 (Pa. 2019). For flight in a high crime area to factor into reasonable suspicion, the police officer conducting the investigatory stop must possess knowledge of the crime level at the time of the investigatory stop. ***Foster***, 356 A.3d at 760-61. In ***Jefferson***, police were patrolling the area where a shooting had recently occurred and drug sales were common. ***Jefferson***, 853 A.2d at 405. They encountered the defendant, who immediately ran away. ***Id.*** This Court held that the combination of the encounter taking place in a high crime area and the defendant's unprovoked flight after seeing the officer together established reasonable suspicion. ***Id.*** at 406; ***see also Barnes***, 296 A.3d at 57 (holding unprovoked flight in a high crime area establishes reasonable suspicion necessary for investigatory stop).

Commonwealth v. Scott, ---A.3d---, 2026 WL 2604460 at *4 (Pa. Super. filed Sept. 3, 2026). As this Court has also recently held, an individual's mere presence alone in a high-crime area does not rise to the level of reasonable suspicion; however, it may be considered as a factor in determining whether reasonable suspicion existed. ***See Commonwealth v. Correa***, ---A.3d---, 2026 WL 2253292 at *4 (Pa. Super. filed Aug. 5, 2026) (citing ***In re D.M.***, 781 A.2d 1161, 1163-64 (Pa. 2001)). Likewise, an individual's possession of a concealed firearm in public alone does not rise to the level of reasonable suspicion. ***See Commonwealth v. Hicks***, 208 A.3d 916, 936 (Pa. 2019);

see also Commonwealth v. Toliver, 355 A.3d 920, 936 (Pa. Super. 2026) (applying ***Hicks***).

Reasonable suspicion is the standard by which the Court evaluates the legitimacy of investigatory stops. ***See Scott***, 2026 WL 2604460 at *3. As noted, not all interactions with police, even in high-crime areas, rise to this level of scrutiny. ***See id***. The law recognizes three distinct levels of interaction between police officers and citizens: mere encounters, investigative detentions, and custodial detentions. ***See id***. "The hallmark of [a mere encounter] is that it carries no official compulsion to stop or respond and, therefore, need not be justified by any level of police suspicion." ***See id.*** Conversely, "an investigative detention carries an official compulsion to stop and respond. Since this interaction has elements of official compulsion, it requires reasonable suspicion of unlawful activity."[3] ***See id.*** Essentially, then, the Court asks whether the citizen "had reason to believe that he was not free to leave the interaction" when determining whether a police stop qualifies as a mere encounter or an investigatory stop. ***See id.*** at *4.

Our decision in ***Scott*** is instructive. In ***Scott***, Philadelphia Police officers were surveying an area in response to a shooting that had recently taken place four blocks away. ***See id.*** at *1. The police chose this area to survey because of a known gun feud taking place in the area between two groups. ***See id.***

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[3] The third distinct police interaction category is custodial detention, which is, "practically speaking, the functional equivalent of an arrest." This highest level of scrutiny necessitates probable cause and is not relevant to the instant facts. ***Scott***, 2026 WL 2604460 at *3.

One of the officers on patrol saw the defendant "walking down the street with a woman. [The officer] said, "hey man" to [the defendant and the defendant] looked shocked, grabbed his cross-body bag, and fled." ***Id.*** The officer gave chase to the defendant over two blocks, and during the chase, the officer saw the butt and barrel of a gun in the defendant's hand while he was running. ***See id.***

On appeal, the ***Scott*** Court held that the evidence established that the police officer had the requisite reasonable suspicion required for an investigatory detention. ***See id.*** at *5. First, this Court noted that the Commonwealth presented sufficient information that the area in question was a high crime area. ***See id.*** This Court next noted that the defendant's flight was unprovoked. ***See id.*** Finally, this Court concluded that the defendant "exhibited suspicious behavior when his eyes widened and he instantly grasped his cross-body bag upon seeing the officers." ***Id.***

In the instant case, the suppression court reached the following conclusion:

> The Commonwealth's primary argument was that Officer Keen possessed reasonable suspicion to seize Appellee as a result of his unprovoked flight in a high-crime area. The assertion that this was a high-crime area is supported by Officer Keen's assertion that firearm offenses were common in the neighborhood. However, in making its factual findings, [the suppression court] expressly rejected the notion that Appellee's flight alone prompted the pursuit. Instead, [the suppression court] found that the officers suspected Appellee of having something in his fanny pack, wanted to know what was inside that bag, and thus, decided to chase him[,] not because he fled without provocation in a high-crime area nor because they observed him engaged in any

suspicious activity, but rather because he had a fanny pack. Having found no credible evidence that Appellee engaged in – or prepared to engage in – any criminal activity, and having no lawful basis for initiating an investigative detention except for Appellee's mere presence in a high-crime area with a fanny pack, the seizure was unsupported from its inception. Accordingly, [the suppression court] did not credit the insinuation that Appellee's flight was unprovoked and that officers [Keen] and Ramuno chased Appellee due to his unprovoked flight.

Indeed, the fact that the other man who fled alongside Appellee was not pursued confirms that possession of the bag alone prompted officers' seizure of [Appellee]. Had the officers not intended to investigate Appellee and his bag, they would have chased and detained both individuals. Instead, they ignored the companion who ran alongside Appellee for over a block, demonstrating a singular focus on Appellee from the moment Officer Keen stepped out of the car and called [to] him. This selective pursuit demonstrates that the officers' intent was to investigate Appellee and the contents of his bag, not to question both individuals. Because the officers lacked reasonable, articulable suspicion to investigate, chase[,] and detain Appellee, the ensuing seizure was unlawful, and any evidence obtained as a result must be suppressed.

Neither Officer Keen nor Officer Ramuno testified to seeing Appellee slip contraband into the bag, remove anything from it, or handle it in a manner that would warrant suspicion of narcotics or firearm possession. Appellee did nothing more than carry and occasionally adjust the bag on his shoulder and hip – actions that are wholly insufficient to support reasonable suspicion. By choosing to single out and chase only Appellee while ignoring the other man who likewise fled, the officers made plain that the bag – not any unprovoked flight – sparked their inquiry and motivated the chase.

Mere possession of an innocuous item, such as a fanny pack, does not, by itself, justify reasonable suspicion that contraband or weapons are concealed within. Although reasonable suspicion for a ***Terry*** stop has a lower threshold than probable cause, it cannot rest on a mere hunch or on a person's mere presence in a high-crime area. Further, the officers cannot point to specific and articulable facts that warrant their initial suspicion. Appellee's fanny pack was neither unusually bulky nor externally indicative

> of contraband, and he never reached inside it. In the absence of additional indicia – such as a visible bulge suggesting a weapon, furtive gestures toward the bag, or a tip identifying Appellee as engaged in criminal activity – there was no objective basis to single him out and seize him. Without specific, articulable facts, reasonable suspicion cannot be premised solely on geographical location or the lawful possession of a bag in a high-crime area.

Trial Ct. Op., 6/20/25, at 9-10 (citations and footnotes omitted).

Based on our review of the record, we find that the suppression court erred when it granted Appellee's motion to suppress. ***See Korn***, 139 A.3d at 252-53. The parties do not dispute that the interaction between Officers Keen and Ramuno and Appellee took place in a high crime area and the suppression court agreed with this assessment. ***See*** Suppression Ct. Op., 6/20/25, at 9; ***see also Lewis***, 343 A.3d at 1035-36 (setting forth criteria suppression courts must consider when determining whether the Commonwealth met its burden in establishing that an area is high in crime). Indeed, Officer Keen testified that he both responded to calls and made arrests for a wide variety of offenses in the area, including robberies, drug offenses, aggravated assaults, homicides, and firearms offenses. ***See*** N.T. Suppression Hr'g, 4/9/25, at 7. Specifically, Officer Keen testified that he had made approximately 40 firearms arrests within a five-block radius of 700 West Luzerne Avenue, and approximately 200 firearms arrests within the 25th Police District. ***See id.*** at 7-8.

The record before us bears a striking resemblance to ***Scott*** in several ways. Indeed, here, the record reflects that Officer Keen observed Appellee

on North Franklin Street wearing a large "fanny pack," which Officer Keen described as being large enough to potentially fit a "small laptop." ***See id.*** at 8-9. Officer Keen observed Appellee conversing with another person. ***Id.*** As Officer Keen was driving north on North Franklin Street, he observed Appellee adjusting his bag as he looked toward Officer Keen's marked police vehicle. ***Id.*** Officer Keen then observed Appellee walk toward the sidewalk on the west side of North Franklin Street. ***Id.*** Appellee walked to the corner of North Franklin Street and Luzerne Avenue, at which point he adjusted his bag again. ***Id.*** Officer Keen exited his vehicle and addressed Appellee, saying to him, "yo, my man," at which point Appellee fled, and Officer Keen gave chase. ***Id.*** at 11.

During cross examination, Officer Keen admitted that he did not observe Appellee do anything illegal. ***Id.*** at 17. Officer Keen further testified that the person with whom Appellee was conversing had also started running at the same time as Appellee. ***Id.*** at 20. The trial court also heard testimony from Officer Ramuno, who testified that, when he first observed Appellee, he did not observe Appellee engaging in any criminal activity. ***Id.*** at 30.

Officer Ramuno further testified that, after ultimately locating and apprehending Appellee, Officer Ramuno and another officer took Appellee through an alleyway back to Luzerne Avenue. ***Id.*** at 25. As they were going through the alleyway, Appellee kicked an abandoned tire on the ground. ***Id.*** at 26. After Appellee kicked the tire, Officer Ramuno's attention was directed toward the tire, at which point he observed a firearm under the tire. ***Id.*** On

cross-examination, Officer Ramuno admitted that he did not observe any outline of a firearm inside the bag that Appellee was carrying, nor did he observe Appellee "produce a firearm." ***Id.*** at 31-32.

As in ***Scott***, in the instant case, the police first encountered Appellee in a high-crime area. ***See id.***, at 6-8; ***Scott***, 2026 WL 2604460 at *5. Initially, like in ***Scott***, the encounter between police and Appellee began as a mere encounter and did not require reasonable suspicion. ***See Scott***, 2026 WL 2604460 at *4. As the ***Scott*** Court explained, "A mere encounter escalates to an investigatory stop requiring reasonable suspicion when an officer temporarily detains a pedestrian by physical force or a display of authority in a way that the pedestrian does not reasonably feel free to leave." ***Id***. at *4 (citations omitted). The ***Scott*** Court reasoned the mere encounter escalated into an investigatory detention only after Scott fled. ***Id***. at *5.

Likewise, in the instant case, immediately after the police approached Appellee as part of a mere encounter, he fled. ***See id.*** at *5; ***see also*** N.T. Suppression Hr'g, 4/9/25, at 11. As this Court has repeatedly held, unprovoked flight in a high-crime area is sufficient to articulate reasonable suspicion to justify an investigatory detention. ***See id.*** at *4; ***see also Commonwealth v. Walton***, 197 EDA 2025, 2026 WL 1864048 at *3 (Pa. Super. filed June 29, 2026) (unpublished mem.)[4] (citing ***Commonwealth v. Warren***, 350 A.3d 1018, 1027 (Pa. Super. 2025)). Accordingly, we find that

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[4] We may cite to this Court's unpublished memoranda filed after May 1, 2019 as persuasive authority. ***See*** Pa.R.A.P. 126(b).

the police possessed the requisite reasonable suspicion to conduct an investigative detention when Appellee fled. For these reasons, we reverse the trial court's order granting Appellee's motion to suppress and remand for further proceedings.

Order reversed. Case remanded. Jurisdiction relinquished.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/10/2026