

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
ERIN SIOBAHN TAYLOR	:	
	:	
Appellant	:	No. 596 EDA 2025

Appeal from the Judgment of Sentence Entered January 29, 2025
In the Court of Common Pleas of Delaware County Criminal Division at
No(s): CP-23-CR-0002451-2022

BEFORE: NICHOLS, J., McLAUGHLIN, J., and KING, J.

MEMORANDUM BY NICHOLS, J.:

FILED OCTOBER 26, 2026

Appellant Erin Siobahn Taylor appeals from the judgment of sentence following her conviction of one count of aggravated assault.¹ Appellant argues the trial court erred in denying her suppression motion and abused its discretion in two evidentiary rulings. After careful review, we affirm.

The trial court set forth the facts of this case as follows:

On February 28, 2022 Appellant [] assaulted Victim Mary McCall [(Victim)] by throwing sulfuric acid in her face and on her head[,] resulting in acidic burns on Victim['s] [] scalp and face, substantial pain and physical injuries[,] including temporary blindness, and multiple surgeries. This assault occurred at 308 North Maple Avenue, Lansdowne, Delaware County, Pennsylvania. . . .

During the jury trial, the Commonwealth called several key witnesses to testify, building a clear, concise, and cogent case

¹ 18 Pa.C.S. § 2702(a)(1).

proving beyond a reasonable doubt Appellant [] guilty of aggravated assault.

* * *

Right before Appellant [] threw the acid at Victim, [Victim] saw Appellant [] from a few feet away and backed up. Appellant Taylor was dressed in black from head to toe, black footwear, black pants, long black coat, black scarf, black eye patch, black hat.

* * *

. . . [The] Bensalem Police Department was assigned to assist in the execution of the search warrant for the home of Appellant [] at 1614 Sparrow Way. . .

Trial Ct. Op., 5/22/26, at 1-4, 6-8 (citations omitted and formatting altered). In the warrant, Sergeant Michael Miller of the Landsdowne Borough Police Department identified the items to be searched for and seized at Appellant's home as follows:

Black mid length jacket, black scarf, eye patch, unknown liquid substance with odor similar to recovered items . . . , any and all clothing items appeared to have reddish colored liquid stains similar to the items recovered . . . , proof of residency, proof of cellular phone ownership, and cell phones bearing the number

Search Warrant Appl., 3/18/22.

On March 18, 2022, police executed the search warrant. Sergeant Miller testified that he recovered a JanSport backpack with post-it notes that seemingly included information related to the crime. N.T., Suppression Hr'g, 5/24/25, at 53, 54. He also recovered a red first aid bag containing additional post-it notes with various writings including, *inter alia*, "gun powder residue," "sulfuric acid/drain cleaner," and "Muslim garb." **Id.** at 65. Sergeant Miller

testified that one of the JanSport notes said, “Places to avoid getting cut or stabbed at all costs.” ***Id.*** at 144.

On October 25, 2024, Appellant filed an omnibus pre-trial motion which included a *habeas corpus* motion to dismiss, a motion to suppress, a motion *in limine*, and a notice of alibi defense. Omnibus Pretrial Mot., 10/25/24. On November 1, 2024, the Commonwealth filed a notice, pursuant to Pa.R.E. 404(b), of its intent to introduce evidence relating to Appellant’s relationship with Victim’s partner, Devaughn Boyd. 404 Notice, 11/1/24, at 1. On November 6, 2024, the trial court heard the parties’ pre-trial motions, and on November 22, 2024, the trial court denied the *habeas corpus* motion, motion *in limine*, and motion to suppress. Trial Ct. *Habeas* Order, 11/22/24; Trial Ct. *Limine* Order, 11/22/24; Trial Ct. Supp. Order, 11/22/24.

On November 27, 2024, the Commonwealth filed a motion seeking to prevent the defense from introducing character evidence of a third-party, Mr. Boyd. Commonwealth’s Mot. *in Limine*, 11/27/24. The trial court determined that the evidence was admissible. Trial Ct. Op., 5/22/25, at 14-17. The jury trial commenced on December 2, 2024, and on December 5, the jury found Appellant guilty of aggravated assault, a first-degree felony. Appellant was sentenced to seven to fourteen years’ incarceration, to be followed by six years of consecutive probation, on December 5, 2024. Certificate of Imposition of Sentence, 1/29/25.

Appellant filed a timely notice of appeal. Both Appellant and the trial court complied with Pa.R.A.P. 1925.

On appeal, Appellant raises three issues for our review:

1. Did the trial court err in denying [Appellant's] motion to suppress the post-it notes seized from her backpack?
2. Did the trial court abuse its discretion by allowing the Commonwealth to introduce evidence of prior alleged fraud and fictitious children?
3. Did the trial court abuse its discretion by sustaining the Commonwealth's objection to relevant testimony regarding the [alleged] abusive nature of [Appellant's] relationship with [Mr.] Boyd?

Appellant's Brief at 5.

In each of her issues, Appellant challenges the trial court's determinations regarding the admission or exclusion of evidence. First, Appellant argues that the trial court should have suppressed the post-it notes seized from her backpack under the Pennsylvania and United States Constitutions. ***Id.*** at 16. Specifically, Appellant contends that the search warrant did not authorize the seizure of papers or handwritten notes. ***Id.*** According to Appellant, the plain view doctrine—which permits police, in certain circumstances, to seize evidence without a warrant if the evidence appears immediately incriminating—did not apply, because the incriminating nature of the notes was not immediately apparent. ***Id.*** at 18. Therefore, Appellant argued, the police used the search warrant as a general investigatory tool to uncover evidence of the crime. ***Id.*** at 21.

The Commonwealth argued that the four-corners of the search warrant permitted seizure of the post-it notes and, further, the plain view doctrine did apply, because the notes' incriminating nature was readily apparent. **See** Commonwealth's Brief at 11.

At the suppression hearing, Sergeant Miller testified he was looking for items described in the search warrant, which included a black scarf, black jacket, and eye patch, when he noticed a black JanSport backpack with numerous compartments. N.T., Suppression H'rg, 11/6/2024, at 32. He opened the first compartment and removed some items of paper and placed them down when the number "308" caught his eye. **Id.** at 32-33. Sergeant Miller testified regarding his initial sighting of the notes:

[T]he very first post-it . . . the very first thing it says [is] "police near 308," . . . our victim's address, and where the attack happened, was 308 North Maple, so obviously it grabbed my attention right away. . . it was immediately apparent that this had something to do with our attack.

Id. at 54 (some formatting altered).

In reviewing an appeal challenging the denial of a suppression motion, our standard of review is whether the trial court's factual findings and legal conclusions drawn therefrom are supported by the evidence. **See Commonwealth v. Wholaver**, 989 A.2d 883, 893 (Pa. 2010) (citations omitted). We consider all of the Commonwealth's evidence, as well as any evidence for the defense that remains uncontradicted when taken in

consideration of the record as a whole. ***See Commonwealth v. Harvard***, 64 A.3d 690, 695 (Pa. Super. 2013). We must view the record in the light most favorable to the prevailing party; in this case, the Commonwealth. ***See Commonwealth v. Cost***, 224 A.3d 641, 650 (Pa. 2020). When the record supports the trial court's findings, we may only reverse if the trial court's legal conclusions are erroneous and there is no other legitimate basis for admitting the challenged evidence. ***See Commonwealth v. Laatsch***, 661 A.2d 1365, 1367 (Pa. 1995) (citations omitted).

Here, the trial court found that Detective Miller's seizure of the post-it notes was valid under the plain view doctrine, setting forth the following reasoning:

The [search] warrant described with particularity the place to be searched, the items to be seized, and was supported by probable cause for a reasonable belief the items sought would provide evidence of the crime. Additionally, the search of the backpack found among Appellant['s] [] belongings was not in dispute as something properly to be searched. Appellant['s] argument – [that] the police were not permitted to remove the post-it notes from the backpack and read the contents; rather, the police should have obtained another search warrant to continue the search because they were not listed on the search warrant as items to be searched for and seized, and they were not in plain view – although nuanced and particular, was not persuasive.

. . . [U]nder the circumstances. . . the post-it notes and the way in which they were discovered were in plain view in the backpack the police had undisputed authority to search, and their discovery was not the result of illegal conduct on the part of the police. Additionally, the notes inevitably would have been discovered during the continuing police investigation.

Trial Ct. Op., 5/22/24, at 23-24 (some formatting altered). The trial court concluded that the Commonwealth had established by a preponderance of the evidence that the contested evidence was not obtained without probable cause and/or in violation of Appellant's rights and therefore denied Appellant's motion to suppress. **See id.** at 24. Further, the trial court concluded the inevitable discovery rule also applied, pursuant to **Commonwealth v. Williams**, 2 A.3d 611 (Pa. Super. 2010). **See id.** at 24.

The Fourth Amendment of the United States Constitution and Article I, Section 8 of the Pennsylvania Constitution prohibit unreasonable searches and seizures. Protection of reasonable expectations of privacy is the primary purpose of the prohibition against unreasonable searches and seizures. A search or seizure conducted without a warrant is presumptively unreasonable subject to a few specifically established, well-delineated exceptions . . . [such as] the plain view exception. . . . Under the plain view doctrine, the police may effectuate a warrantless seizure of an item if: (1) the police view the item from a lawful vantage point; (2) the incriminating nature of the item is immediately apparent; and (3) the police have a lawful right of access to the item.

Commonwealth v. Saunders, 326 A.3d 888, 897 (Pa. 2024) (citations omitted and some formatting altered).

Additionally, we note that it is well settled in Pennsylvania that, during the execution of a valid search warrant, officers are authorized to search the entire area in which the object of the search may be found. **Commonwealth v. Abdul-Salaam**, 678 A.2d 342, 352 (1996). This includes the opening and inspection of containers and other receptacles in which the item(s) may be secreted. **Id.**

Here, Appellant argues that the post-it notes were not described in the search warrant and, further, that the evidence was not admissible pursuant to a plain view exception to the search warrant requirement because the Commonwealth had failed to establish the second prong of the plain view test. Appellant's Brief at 14, 16-18. Specifically, Appellant contends that the incriminating nature of the notes was not readily apparent because Sergeant Miller had to go through some steps to make the conclusion that the notes were incriminating, such as removing the post-its, flipping the notes over, and reading them. **See id.** at 18; **see also** N.T. Suppression H'rg, 11/6/24, at 41-43.

To determine whether the incriminating nature of an item is "immediately apparent" under the second prong of the plain view test, trial courts should look to the "totality of the circumstances" and employ a contextual approach. **Commonwealth v. Johnson**, 921 A.2d 1221, 1223-24 (Pa. Super. 2007) (citation omitted). The **Johnson** Court noted that "a letter may be seized under the plain view doctrine even though its contents [were not] known until [after] the letter [was] read" because "the incriminating nature of words cannot be known until they are read." **Id.** at 1224 (citations omitted). In other words, if an item of writing is "properly seized under the plain view doctrine," then the officer's reading of any writing on the item does not violate the Fourth Amendment but, rather, is permitted under the plain view doctrine to determine whether the item is "immediately

apparent” to be of an “incriminating nature.” **Id. Johnson** elaborated, “We have noted . . . the brief perusal of an item does not render its incriminating nature any the less immediately apparent.” **Id.** at 1225.^{2, 3}

Here, though the bag itself was not enumerated on the search warrant, officers were authorized to search for items related to the crime that may have been stored in such a bag. **Commonwealth v. Abdul-Salaam**, 678 A.2d

² **See also Commonwealth v. McCree**, 924 A.2d 621, 625(Pa. 2007): “It is . . . an essential predicate to any valid warrantless seizure of incriminating evidence that the officer did not violate the Fourth Amendment in arriving at the place from which the evidence could be plainly viewed.” (quoting **Horton v. California**, 496 U.S. 128, 136-137 (1990)). Here, Sergeant Miller was executing a legal search warrant and did not arrive at the place from which he could view the evidence in violation of Appellant’s Fourth Amendment rights.

³ **See also Johnson** 921 A.2d at 1224-1225 (discussing **United States v. Crouch** 648 F.2d 932 (4th Cir. 1981)). The **Johnson** Court considered whether officers who had discovered incriminating letters in a desk drawer and inside of a purse during the execution of a legal search warrant for amphetamines had seized the items in violation of the defendant’s constitutional rights. **See Johnson**, 921 A.2d at 1224-25.

We attach no significance to the fact that some cursory reading of the letters was necessary in order to establish their nature . . . If a police officer spies a pistol on a table, its potentially incriminating nature is not only immediately apparent, it is very likely instantaneous. In contrast, if it is a sheet of paper on the table, there is nothing inherently incriminating . . . On the other hand, if the paper contains writing, the writing itself may be incriminating . . . but [its incriminating nature] is not perceived until it is read. Only then does its incriminating nature become immediately apparent.

Id. (citing **United States v. Crouch**, 648 F.2d 932, 933 (4th Cir. 1981) (some formatting altered).

342, 351-352 (Pa. 1996). Sergeant Miller was within a position to examine the black backpack pursuant to the search warrant, as the bag could have contained the items described, such as the cell phone, eye patch, or proof of residency. **See id.** Sergeant Miller testified the backpack had numerous compartments, and any of these compartments may have contained items he was searching for. N.T. Suppression Hr'g, 11/6/22, at 32. Further, Sergeant Miller testified that, upon his reading of the seized notes, he immediately registered writing, *i.e.*, "308," which potentially referenced the address of the crime, among other particulars. **Id.** This led him to believe that the notes were reasonably related to the crime the officers were investigating. **See id.**

Based on our review, we discern no abuse of discretion in the trial court's denial of Appellant's motion to suppress the seized post-it notes. **Abdul-Salaam**, 678 A.2d at 352. The trial court outlined its reasoning which, read in context of the entire record and in the light most favorable to the prevailing party, is cogent. **See id; See also** Trial Ct. Op., 5/22/24, at 23. Accordingly, we affirm the denial of Appellant's suppression motion.

Appellant next argues that the trial court erred in allowing the Commonwealth to present testimony relating to "the fraud and fictitious children" narrative. Appellant's Brief at 21. Specifically, Appellant contends that the trial court committed reversible error in admitting evidence indicating she had fabricated the existence of twin children and committed financial

fraud⁴ and that she suffered prejudice as a result of the error. **See id.** According to Appellant, this admission violated Pennsylvania Rule of Evidence 404(b), which addresses evidence of prior bad acts. **See id.** at 22.

Pennsylvania Rule of Evidence 404(b) provides, in relevant part:

- (1) **Prohibited Uses.** Evidence of a crime, wrong, or other act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.
- (2) **Permitted Uses.** The evidence may be admissible for another purpose, such as proving **motive**, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident. In a criminal case, this evidence is admissible only if the probative value of the evidence outweighs its potential for unfair prejudice.

Pa.R.E. 404(b) (emphasis added).

Appellant argues that the admission of evidence relating to the fraud and fictitious children narrative was unfairly prejudicial. Appellant's Brief at 22. This evidence "concerns a wholly different type of conduct . . . It involved no acid, no disguise, no violence, and different victims." **Id.** at 23 (some formatting altered). Appellant contends that, even if the contested evidence had some relevance to motive, the trial court still misapplied the mandatory balancing test of Rule 404(b)(2), because the evidence's probative value was "modest and cumulative," while the "inflammatory impact was enormous." **Id.** at 25.

⁴ We adopt, for simplicity's sake, Appellant's shorthand for her alleged fraud scheme as "the fraud and fictitious children narrative."

The Commonwealth countered that it properly used the evidence to establish motive, intent, and identity under Pa.R.E. 404(b). Commonwealth's Brief at 21.

When analyzing whether relevant evidence should be excluded, the trial court considers if the probative value of the evidence outweighs any unfair prejudice, pursuant to Pa.R.E. 404(b)(2). If the evidence was admitted in error, we must determine whether the error is harmless, *i.e.*, not unfairly prejudicial. ***Commonwealth v. Robinson***, 721 A.2d 344, 350 (Pa. 1998). To constitute reversible error, an evidentiary ruling must be both erroneous and unfairly prejudicial to the complaining party. ***K.B. v. Tinsley***, 208 A.3d 123, 130 (Pa. Super. 2019).

Under Pa.R.E. 402, relevant evidence is admissible, except as otherwise provided at law, and, pursuant to Pa.R.E. 403, a trial court *may* exclude evidence if the danger of unfair prejudice outweighs its probative value. ***See*** Pa.R.E. 402, 403. Unfair prejudice is a tendency to suggest decision on an improper basis, or to divert the jury's attention away from its duty of weighing the evidence impartially. ***Commonwealth v. Gonzalez***, 112 A.3d 1232, 1238, n.6 (Pa. Super. 2015) (citations omitted). Pa.R.E. 404(b) governs the prohibited and permitted uses of character evidence and crimes of other acts, as indicated above. The trial court maintains broad discretion regarding the admissibility of evidence and is not required to exclude all evidence that could be prejudicial; rather, the trial court looks for unfair prejudice.

To succeed on an abuse of discretion argument against the trial court's ruling, an appellant must demonstrate how the ruling overrode the law, was manifestly unreasonable, or was the product of bias, ill-will, or partiality. ***Commonwealth v. Stevens***, 320 A.3d 1280, 1284 (Pa. Super. 2024).

Here, the trial court determined that the challenged evidence was relevant under Pa.R.E. 401, because it had any tendency to make the fact Appellant had motive to assault Victim more or less probable than it would be without evidence, and the fact was of consequence in determining the action. ***See*** Pa.R.E. 401; ***see also*** Trial Ct. Op., 5/22/25, at 14-17. Further, the trial court found the evidence, though perhaps prejudicial to Appellant, had probative value and was not so unfairly prejudicial as to warrant exclusion, stating:

The standard to be considered by the court is unfair prejudice, and not whether Appellant likes or agrees with the decision of the trial court. The trial court in making its decision recognized evidence can be detrimental without being unfairly prejudicial, and it does not to be sanitized; the evidence concerning the years of deceit and lies perpetuated by Appellant [] is relevant and unequivocally demonstrates Appellant's motive and intent, scheme, and desire.

Trial Ct. Op., 5/22/25, at 17.

Finding no error or abuse in our review, we affirm the admission of evidence relating to the alleged fraud and fictitious children narrative. ***Robinson***, 721 A.2d at 304-305. The trial court outlined its reasoning, showing the evidence was relevant and was not unfairly prejudicial, satisfying the requirements of Pa.R.E. 404, including the Rule 404(b)(2) balancing test.

Trial Ct. Op., 5/22/25, at 14-17. Further, Appellant has not demonstrated any abuse of discretion. **Stevens**, 320 A.3d at 1284. Here, the Commonwealth articulated several statutorily legitimate reasons for the admission of the evidence under Pa.R.E. 404(b), and the trial court was within its discretion to decide that the probative value of the evidence outweighed the potential prejudicial risk. **See id.** Accordingly, Appellant is not entitled to relief.

Finally, Appellant argues that the trial court erred in sustaining the Commonwealth's objection to testimony relating to the alleged nature of the relationship between Appellant and Mr. Boyd. Appellant's Brief at 26. She argues the trial court erred by barring her from testifying that her relationship with Mr. Boyd was abusive. **See id.** at 28. Particularly, Appellant contends she was prejudiced by the testimony relating to the alleged fraud and fictitious children narrative and then denied the opportunity to explain the alleged underlying context. **See id.** According to Appellant, the trial court allowed the Commonwealth to "use [Appellant's] conduct in the relationship to establish motive and character, yet refused to allow her to tell the jury the other half of that story. . ." **Id.**

The Commonwealth objected to the admission of this evidence on the basis of lack of relevance. Commonwealth's Brief at 26. The Commonwealth contends that Mr. Boyd was neither a witness nor a victim of charges before the jury and, therefore, his credibility was not at issue. **See id.** at 26-27. The Commonwealth asserted, therefore, that Appellant's characterization of

her prior relationship with Mr. Boyd was not relevant to the ultimate issue in this case, which did not implicate Mr. Boyd. **See id.** The Commonwealth argued that evidence showing the relationship between Appellant and Mr. Boyd was abusive did not tend to make the fact of whether Appellant committed aggravated assault of Victim any more or less probable, so, therefore, it was not relevant under Pa.R.E. 401. **See id.**

The trial court agreed and determined Appellant's characterization of her relationship with Mr. Boyd was not germane, as he was not a victim or witness, and the nature of their relationship was not relevant to the ultimate question, *i.e.*, whether Appellant was guilty of aggravated assault for throwing acid on Victim. Trial Ct. Op., 5/22/25, at 26.

As discussed above, to be admissible, evidence must be relevant under Pa.R.E. 401. Relevance is determined by whether the proffered evidence has a tendency to make a fact more or less likely **and** that fact is of consequence in determining the action. **See** Pa.R.E. 401 (emphasis added). Here, Appellant was not on trial for the alleged fraud narrative. Appellant was on trial for assaulting Victim. The relationship between the three parties—while referenced by the Commonwealth to establish motive, lack of mistake, and identity—is not of consequence in determining the matter at hand and is therefore not relevant under Pa.R.E. 401. As the trial court noted,

The proposed testimony concerning whether the relationship between Appellant [] and [Mr.] [] Boyd turned abusive is not determinative in any respect concerning whether Appellant [] threw acid on Victim [] and does not tend to make this fact more

or less probable than it would be without the evidence. The trial court ruling did not override the law, was not manifestly unreasonable, and was not the product of bias, prejudice, ill-will, or partiality.

Trial Ct. Op., 5/22/24, at 26.

Appellant has not shown an abuse of discretion relating to the barred testimony, as there is no demonstration of manifest injustice, bias, ill-will, or partiality in either the record or the evidence—nor did the trial court overrule the law in its application of the Pennsylvania Rules of Evidence. **See Stevens**, 320 A.3d at 1284 (quoting **Commonwealth v. Talley**, 236 A.3d 42, 55 (Pa. Super., 2020)). Accordingly, Appellant’s third and final issue on appeal lacks merit.

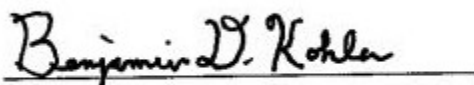
Having found no merit to any of Appellant’s issues, we affirm the judgment of sentence.

Judgment of sentence affirmed. Jurisdiction relinquished.

Judge McLaughlin joins the memorandum.

Judge King concurs in the result.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is written over a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 10/26/2026