

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37**

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|------------------------------|---|--------------------------|
| COMMONWEALTH OF PENNSYLVANIA | : | IN THE SUPERIOR COURT OF |
|                              | : | PENNSYLVANIA             |
|                              | : |                          |
| v.                           | : |                          |
|                              | : |                          |
|                              | : |                          |
| CARLISE EUGENE JETER         | : |                          |
|                              | : |                          |
| Appellant                    | : | No. 3112 EDA 2025        |

Appeal from the Judgment of Sentence Entered June 27, 2025  
In the Court of Common Pleas of Montgomery County Criminal Division  
at No(s): CP-46-CR-0004432-2024

BEFORE: PANELLA, P.J.E., LANE, J., and BENDER, P.J.E.

MEMORANDUM BY BENDER, P.J.E.:

**FILED SEPTEMBER 10, 2026**

Carlise Eugene Jeter (Appellant) appeals from the judgment of sentence entered following a nonjury trial, at the conclusion of which he was convicted of one count each of possession of a controlled substance with intent to deliver, possession of a controlled substance, and possession of drug paraphernalia.<sup>1</sup> We affirm.

The trial court's opinion detailed the factual history of this case as follows

On May 28, 2024, authorities discovered that an individual (the "Decedent") had died from an apparent drug overdose involving controlled substances sold to him by a suspected Pottstown drug dealer named Gary Mastrippolito. Authorities believed Mr. Mastrippolito was not aware of the Decedent's overdose and, on May 29, 2024, utilized the Decedent's phone while posing as the Decedent to arrange a drug transaction with Mr. Mastrippolito.

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<sup>1</sup> 35 P.S. §§ 780-113(a)(30), (16), and (32), respectively.

Mr. Mastrippolito agreed to perform the transaction at a location in Pottstown, and upon his arrival at the location, authorities placed him into custody. During a search of his person, authorities recovered two (2) bags of Fentanyl, which was consistent with what Mr. Mastrippolito had agreed to sell in the transaction. Mr. Mastrippolito confirmed to Corporal Zachary Robinson of the Pottstown Police Department that he resided at 322 Chestnut Street in Pottstown with his girlfriend, Amber Knox. Authorities subsequently began the process of applying for a search warrant for this residence and Corporal Robinson traveled to the residence in order to secure the location.

Mr. Mastrippolito's residence is a room located within a boarding house at the 322 Chestnut Street address. The room is situated on the bottom floor of the boarding house and contains two (2) windows which look out onto Chestnut Street. Upon arrival at the residence, Corporal Robinson directed another officer on scene to stand on the Chestnut Street sidewalk to monitor the window while the corporal entered the common area of the boarding house. The other officer informed Corporal Robinson that he could see a female, later identified as Amber Knox, inside the room.

Corporal Robinson subsequently entered the common area of the boarding house through an open door and approached the door to Mr. Mastrippolito's room, which he observed was slightly ajar. The corporal raised his hand to knock on the door, but before he could even knock once, the door was slammed shut and Corporal Robinson could hear the deadbolt on the door being locked from the inside. The corporal proceeded to knock on the door and Ms. Knox responded. Corporal Robinson instructed Ms. Knox to open the door, but she refused and claimed she was getting dressed. The corporal could hear the sounds of commotion, quick movements and rummaging around the room while he was standing at the door.

Following several more commands and knocks on the door; a male, later identified as [Appellant], opened the door. Corporal Robinson recognized [Appellant] from prior drug trafficking investigations and was also aware [Appellant] had been previously convicted of firearms offenses in addition to violent crimes such as robbery. The corporal directed [Appellant] to exit the room and conducted a pat down of his person due to his belief that [Appellant] was armed and dangerous. During the pat down, Corporal Robinson positioned himself behind [Appellant's] back

and began to run his right hand across [Appellant's] waistline. The corporal briefly detected an object during the process, but just as the corporal touched the object, [Appellant] thrust his hips backwards and indicated the item was simply his phone. Corporal Robinson indicated that when he felt the object in [Appellant's] waistband, he believed it was a firearm.

The corporal subsequently placed [Appellant's] hands behind his back and requested the other officer on the scene to assist. Neither Corporal Robinson nor the other officer had handcuffs, so the corporal maintained control of [Appellant's] hands while the other officer reached into [Appellant's] waistband to remove the object believed to be a firearm. When the other officer reached into the waistband, a Ziploc style bag containing bundles of prepackaged fentanyl fell from [Appellant's] pants and onto the floor. Corporal Robinson subsequently placed [Appellant] under arrest and, during a search incident to arrest, recovered \$289 from [Appellant's] person.

Trial Court Opinion, 1/22/26, at 1-3.

The Commonwealth filed a criminal information on October 18, 2024, and Appellant filed a motion to suppress the evidence gathered during the search of his person. Following a hearing on February 14, 2025, the trial court denied Appellant's motion to suppress. Appellant proceeded to a bench trial and on April 2, 2025, was convicted of the crimes stated above.

On June 27, 2025, the trial court sentenced Appellant to serve an aggregate term of incarceration of eight to sixteen years. Appellant filed a post-sentence motion, which the trial court denied. This appeal followed. Appellant filed an untimely concise statement of errors complained of on

appeal and the trial court filed a comprehensive opinion pursuant to Pa.R.A.P. 1925.<sup>2</sup>

Appellant presents the following issue for our review:

Whether the [t]rial [c]ourt's legal conclusions were erroneous in denying the Appellant's Motion to Suppress Evidence in violation of the Appellant's right against unreasonable searches under the Fourth Amendment of the U.S. Constitution or Article I, § 8 of the Pennsylvania Constitution.

Appellant's Brief at 4.

Our standard of review in addressing a challenge to a trial court's denial of a suppression motion is limited to determining whether the factual findings are supported by the record and whether the legal conclusions drawn from those facts are correct.

We may consider only the evidence of the prosecution and so much of the evidence for the defense as remains uncontradicted when read in the context of the record as a whole. Where the record supports the findings of the suppression court, we are bound by those facts and may reverse only if the court erred in reaching its legal conclusions based upon the facts.

***Commonwealth v. Williams***, 2008 PA Super 6, 941 A.2d 14, 26–27 (Pa. Super. 2008) (*en banc*) (citations, quotations, and quotation marks omitted). Moreover, it is within the lower court's province to pass on the credibility of witnesses and determine the weight to be given to their testimony. ***See Commonwealth v. Clemens***, 2013 PA Super 85, 66 A.3d 373, 378 (Pa. Super. 2013).

***Commonwealth v. McCoy***, 154 A.3d 813, 815–816 (Pa. Super. 2017) (quoting ***Commonwealth v. Roberts***, 133 A.3d 759, 771 (Pa. Super. 2016)).

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<sup>2</sup> We note that in ***Commonwealth v. Burton***, 973 A.2d 428 (Pa. Super. 2009), we explained that an appellate court may decide the merits of an appeal where a trial court adequately prepared an opinion addressing issues raised in an untimely Rule 1925(b) statement.

“Furthermore, our Supreme Court in ***In the Interest of L.J.***, 79 A.3d 1073, 1085 (Pa. 2013), clarified that the scope of review of orders granting or denying motions to suppress is limited to the evidence presented at the suppression hearing.” ***Id.*** at 816.

In the sole issue before us, Appellant argues that the trial court improperly denied his motion to suppress physical evidence. ***See*** Appellant’s Brief at 14-18. He contends that he was subjected to a “pat-down” or “***Terry*** frisk”<sup>3</sup> that was unreasonable under both the United States and Pennsylvania Constitutions. Specifically, Appellant asserts that “the search of the Appellant should have been suppressed for the following reasons: (1) officers did not have a warrant or consent to pat-down or search the Appellant; (2) Officer Robinson’s pat-down was based on an unparticularized suspicion or hunch; (3) the facts of this case did not give rise to a reasonable inference that the Appellant was armed and dangerous; and (4) Officer Robinson’s search of the Appellant was outside the scope of the authorized by the plain feel and ***Terry.***” ***Id.*** at 16 (verbatim). He further claims that “[t]his case seems [to turn] on whether Corporal Robinson’s alleged knowledge of the Appellant’s criminal record is in and by itself enough to justify that the Appellant was armed and dangerous.” ***Id.*** at 18. In essence, the primary issue before this court is whether the police officer had reasonable suspicion to stop and conduct a frisk

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<sup>3</sup> ***Terry v. Ohio***, 392 U.S. 1 (1968)

of Appellant. Upon review, we disagree with Appellant's argument that the evidence should have been suppressed.

The Fourth Amendment to the United States Constitution and Article I, Section 8, of the Pennsylvania Constitution protect individuals from unreasonable searches and seizures, "thereby ensuring the right of each individual to be let alone." ***Commonwealth v. Barber***, 889 A.2d 587, 592 (Pa. Super. 2005) (citations omitted). As a means of protecting this right, the courts of this Commonwealth have recognized three types of interactions between members of the public and the police requiring an increased level of suspicion as the level of intrusion increases. ***See Interest of A.A.***, 195 A.3d 896, 904 (Pa. 2018); ***Commonwealth v. Hayes***, 898 A.2d 1089, 1092 (Pa. Super. 2006). "A 'mere encounter' does not require any level of suspicion or carry any official compulsion to stop or respond ... an 'investigative detention' permits the temporary detention of an individual if supported by reasonable suspicion ... and an arrest or custodial detention ... must be supported by probable cause." ***Interest of A.A.***, 195 A.3d at 904. Therefore, an investigative detention must be supported by reasonable suspicion, which is a less stringent standard than probable cause. ***Commonwealth v. Foglia***, 979 A.2d 357, 360 (Pa. Super. 2009) (*en banc*).

To justify a pat-down search, or ***Terry*** frisk, the officer first must have reasonable suspicion, under the totality of the circumstances, that criminal activity is afoot and also that "the individual whose suspicious behavior he is investigating at close range is armed and presently dangerous to the officer

or to others.” **Terry**, 392 U.S. at 24; **Commonwealth v. Guzman**, 44 A.3d 688, 693 (Pa. Super. 2012).

“In order to determine whether the police had reasonable suspicion, the totality of the circumstances - the whole picture - must be considered.” **Commonwealth v. Simmons**, 17 A.3d 399, 403 (Pa. Super. 2011). Given the totality of the circumstances, “the detaining officers must have a particularized and objective basis for suspecting the particular person stopped of criminal activity.” **Id.** (quoting **United States v. Cortez**, 449 U.S. 411, 417-418 (1981)). “[W]e must give due weight to the specific reasonable inferences the police officer is entitled to draw from the facts in light of his experience.” **Commonwealth v. Kemp**, 961 A.2d 1247, 1255 (Pa. Super. 2008) (*en banc*) (citation and quotation marks omitted). Furthermore:

the totality of the circumstances test does not limit our inquiry to an examination of only those facts that clearly indicate criminal conduct. Rather, even a combination of innocent facts, when taken together, may warrant further investigation by the police officer.

**Commonwealth v. Hughes**, 908 A.2d 924, 927 (Pa. Super. 2006) (citations and internal quotations omitted).

Additionally:

[w]hen an officer is justified in believing that the individual whose suspicious behavior he is investigating at close range is armed and presently dangerous to the officer or to others the officer may conduct a pat down search to determine whether the person is in fact carrying a weapon. **Terry**, 392 U.S. at 24, 88 S.Ct. 1868. The purpose of this limited search is not to discover evidence of crime, but to allow the officer to pursue his investigation without

fear of violence. **Adams v. Williams**, 407 U.S. 143, 146, 92 S.Ct. 1921, 32 L.Ed.2d 612 (1972).

**Simmons**, 17 A.3d at 403 (internal quotation marks omitted). “To justify a frisk incident to an investigatory stop, the police need to point to **specific and articulable** facts indicating the person they intend to frisk may be armed and dangerous; otherwise, the talismanic use of the phrase ‘for our own protection[.]’ ... becomes meaningless.” **Commonwealth v. Cooper**, 994 A.2d 589, 593 (Pa. Super. 2010) (citation and quotation omitted; emphasis in original). We are “guided by common sense concerns, giving preference to the safety of the officer during an encounter with a suspect where circumstances indicate that the suspect may have, or may be reaching for, a weapon.” **Commonwealth v. Mack**, 953 A.2d 587, 590 (Pa. Super. 2008).

The trial court offered the following analysis in addressing this issue:

Corporal Robinson possessed reasonable suspicion that criminal activity was afoot inside Mr. Mastrippolito’s room and [Appellant] was armed and dangerous. Authorities had observed Mr. Mastrippolito leave the Chestnut Street Boarding House to perform a drug transaction almost immediately prior to the decision to secure the residence in advance of the application for a search warrant. [N.T., 2/14/25, at 12-13.] When the corporal arrived at the door to Mr. Mastrippolito’s room, an occupant inside quickly slammed the door shut and locked it from the inside. [**Id.** at 23.] Ms. Knox’s statement that she was getting dressed in response to Corporal Robinson’s requests to open the door was a deception technique that the corporal had frequently encountered when an occupant was attempting to obtain additional time to destroy or conceal evidence. [**Id.** at 24-25.] The sounds of rummaging and commotion emanating from the room at this time were also consistent with an attempt to conceal or destroy illegal items. [**Id.**]

When [Appellant] finally opened the door, the corporal recognized him from prior drug trafficking investigations, including an

investigation from two (2) months prior in which [Appellant] sold narcotics to authorities during controlled purchases. [*Id.* at 26-27.] Corporal Robinson also possessed knowledge that [Appellant] had been convicted of firearms charges and violent crimes such as robbery in the past. [*Id.* at 27.] The corporal did not expect [Appellant] to be present inside the room and wanted to ensure he was unarmed before potentially encountering other individuals present within the room. [*Id.* at 29.] ... Thus, the totality of the circumstances demonstrates the corporal had reasonable suspicion to initiate a pat down of [Appellant].

[Appellant's] act of thrusting his hips backwards during the corporal's initial pat down and his statement identifying the object inside his waistband as a phone was consistent with Corporal Robinson's prior experience involving individuals trying to conceal the presence of a firearm. [*Id.* at 31-32.] Based upon [Appellant's] actions during the pat down, the corporal's reasonable belief that the object inside [Appellant's] waistband was a firearm and the fact that an officer only need to be reasonably certain that an individual is armed, Corporal Robinson was permitted to direct the other officer at the scene to reach into [Appellant's] waistband in order to remove the object for safety purposes.

Therefore, all of the physical evidence acquired as a result of the pat down and subsequent search of [Appellant's] person was lawfully obtained and [Appellant] does not have valid grounds to suppress any of the items recovered.

Trial Court Opinion, 1/22/26, at 10-11 (citations omitted). We agree.

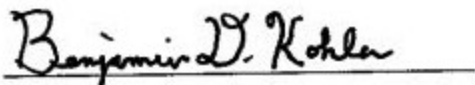
Upon review of the record, we conclude that the investigatory detention was supported by reasonable suspicion of criminal activity and a justifiable belief in the need to protect officer safety. Based on the totality of the circumstances, it was reasonable for Corporal Robinson to suspect that the ongoing commotion behind the suddenly locked door of the residence was the destruction or concealing of criminal evidence and that criminal activity was afoot. Further, it was reasonable for the officer to conclude that Appellant,

who was not expected to be at the scene, was involved in criminal activity, thereby validating the investigatory detention. Moreover, Corporal Robinson offered testimony presenting specific and articulable facts indicating his understanding that Appellant may have been armed and dangerous and that a **Terry** frisk was justified for the protection of the officers and others present in the boarding house. **See Simmons**, 17 A.3d at 403.

Therefore, under the facts of the case, the police possessed the requisite reasonable suspicion to validate the investigatory detention of Appellant and to justify the subsequent **Terry** frisk. There is no basis upon which to conclude that the trial judge erred in denying Appellant's motion to suppress the evidence. Accordingly, we find that Appellant is entitled to no relief.

Judgment of sentence affirmed.

Judgment Entered.

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

Benjamin D. Kohler, Esq.  
Prothonotary

Date: 9/10/2026