

[J-18-2026] [MO: Mundy, J.]
IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 6 WAP 2025
	:	
Appellee	:	Appeal from the Order of the
	:	Superior Court entered November
	:	20, 2024, at No. 931 WDA 2023,
v.	:	Affirming the Order of the Court of
	:	Common Pleas of Allegheny
	:	County entered June 1, 2023, at
CLIFFORD E. WILSON,	:	No. CP-02-CR-009579-2021.
	:	
Appellant	:	ARGUED: April 14, 2026

DISSENTING OPINION

JUSTICE DONOHUE

DECIDED: AUGUST 18, 2026

On July 21, 2021, an off-duty paramedic was driving home when he encountered a vehicle that had crashed into a fence. Upon finding an unconscious Clifford Wilson (“Wilson”) in the driver’s seat of the vehicle, the off-duty paramedic called 911 and reported a suspected overdose. Officer Brett Carb responded to the call. N.T., 4/27/2023, at 7-8, 19. Wilson remained unresponsive until being administrated Narcan. *Id.* at 9-10, 20. Medics examined Wilson at the scene and an ambulance transported him to the hospital. *Id.* at 10-11. The off-duty paramedic who reported the suspected overdose identified himself to the responding officer and remained with Wilson until his arrival.

Officer Carb determined that Wison’s illegally parked vehicle had to be towed. *Id.* at 12. After Wilson agreed to go to the hospital, Officer Carb conducted an inventory search, a standard procedure prior to towing a vehicle. *Id.* The officer found “an empty stamp bag” used to package heroin “in the gear shifter” of Wilson’s vehicle. *Id.* at 13. Officer Carb removed the bag and placed it into evidence. *Id.* The officer subsequently

met Wilson at the hospital, where he informed Wilson that he was being arrested for suspected driving under the influence (“DUI”). A blood draw, which Wilson consented to, revealed that Wilson had Fentanyl in his system. *Id.* at 15-16; Trial Court Opinion, 10/23/2023, at 2.

Wilson was convicted of two counts of DUI — controlled substance, and one count of possession of drug paraphernalia.¹ The trial court sentenced Wilson to four days in the DUI alternative to jail program, six months of probation, and imposed fines. The Superior Court affirmed. *Commonwealth v. Wilson*, 327 A.3d 659 (Pa. Super. 2024). This Court granted allowance of appeal to consider “[w]hether the Superior Court erred in its interpretation of the scope of the exception to immunity under the Drug Overdose Response Immunity Act [(“DORIA”)], 35 P.S. § 780-113.7(d)(1)?” *Commonwealth v. Wilson*, 337 A.3d 961 (Pa. 2025) (per curiam). Specifically, we must decide whether the evidence in question, an empty stamp bag, was discovered by a police officer “prior to or independent of the action of seeking or obtaining emergency assistance ...” such that Wilson is not immune from prosecution. 35 P.S. § 780-113.7(d)(1). Today’s Majority concludes that a police officer discovered the evidence “independent of the action of seeking or obtaining emergency assistance” such that DORIA’s limiting provision precludes immunity for Wilson for the crime of possession of drug paraphernalia. Because I disagree with the Majority’s interpretative analysis, I respectfully dissent.

The question presented for our review involves statutory interpretation which presents a question of law. As a result, our standard of review is de novo and our scope of review is plenary. *Commonwealth v. Peck*, 242 A.3d 1274 (Pa. 2020) (citing *Commonwealth v. Hall*, 80 A.3d 1204, 1211 (Pa. 2013)).

¹ 75 Pa.C.S. § 3802(d)(1)-(2); 35 P.S. § 780-113(a)(32).

The object of all statutory interpretation is to ascertain and give effect to the intent of our General Assembly. 1 Pa.C.S. § 1921(a). The best expression of legislative intent appears in the plain language of a statute. *Peck*, 242 A.3d at 1279. Only when the words of the statute are ambiguous may a court ascertain legislative intent by considering outside factors. 1 Pa.C.S. § 1921(c). The words of a statute “shall be construed according to rules of grammar and according to their common and approved usage.” 1 Pa.C.S. § 1903(a). “[W]hen the words of a statute are clear and unambiguous, there is no need to look beyond the plain meaning of the statute under the pretext of pursuing its spirit.” *Commonwealth v. Brown*, 981 A.2d 893, 897 (Pa. 2009); *Commonwealth v. Satterfield*, 255 A.3d 438, 446 (Pa. 2021).

The statute at issue provides:

(a) A person may not be charged and shall be immune from prosecution for any offense listed in subsection (b) and for a violation of probation or parole if the person can establish the following:

(1) law enforcement officers only became aware of the person’s commission of an offense listed in subsection (b) because the person transported a person experiencing a drug overdose event to a law enforcement agency, a campus security office or a health care facility; or

(2) all of the following apply:

(i) the person reported, in good faith, a drug overdose event to a law enforcement officer, the 911 system, a campus security officer or emergency services personnel and the report was made on the reasonable belief that another person was in need of immediate medical attention and was necessary to prevent death or serious bodily injury due to a drug overdose;

(ii) the person provided his own name and location and cooperated with the law enforcement officer, 911 system, campus

security officer or emergency services personnel; and

(iii) the person remained with the person needing immediate medical attention until a law enforcement officer, a campus security officer or emergency services personnel arrived.

(b) The prohibition on charging or prosecuting a person as described in subsection (a) bars charging or prosecuting a person for probation and parole violations and for violations of [35 P.S. § 780-113] section 13(a)(5), (16), (19), (31), (32), (33) and (37).^[1]

(c) Persons experiencing drug overdose events may not be charged and shall be immune from prosecution as provided in subsection (b) if a person who transported or reported and remained with them may not be charged and is entitled to immunity under this section.

35 P.S. § 780-113.7(a)-(c). The statute defines a “drug overdose event” as

An acute medical condition, including, but not limited to, severe physical illness, coma, mania, hysteria or death, which is the result of consumption or use of one or more controlled substances causing an adverse reaction. A patient’s condition shall be deemed to be a drug overdose if a prudent layperson, possessing an average knowledge of medicine and health, would reasonably believe that the condition is in fact a drug overdose and requires immediate medical attention.

35 P.S. § 780-113.7(f).

In sum, the statute confers immunity upon the overdose reporter to the extent the aforementioned statutory conditions are met. 35 P.S. § 780-113.7(a)(2). Here, the off-duty paramedic was the overdose reporter who satisfied the conditions of subsection (a)(2). The statute provides the overdose victim with immunity from prosecution for minor crimes, including the crime of possession of drug paraphernalia, if the overdose reporter “remained with them and may not be charged and is entitled to immunity under this section.” 35 P.S. § 780-113.7(b), (c). Thus, subsection (c) extends immunity to the

overdose victim, in this case Wilson. *Id.* Of importance to this appeal, the statute limits immunity in relevant part as follows:

(1) This section may not bar charging or prosecuting a person for offenses enumerated in subsection (b) **if a law enforcement officer obtains information prior to or independent of the action of seeking or obtaining emergency assistance as described in subsection (a).**

35 P.S. § 780-113.7(d)(1) (emphasis added).

There is no dispute that the statutory preconditions for immunity apply. 35 P.S. § 780-113.7(a)-(c). The sole issue before us is whether subsection (d)(1) precludes immunity under the circumstances. This question requires the Court to resolve whether Officer Carb obtained the drug paraphernalia **“independent of the action of seeking or obtaining emergency assistance as described in subsection (a).”** 35 P.S. § 780-113(d)(1) (emphasis added). My analysis of this statutory text leads me to the conclusion that Wilson is immune from prosecution because DORIA’s limitation upon immunity in subsection (d)(1) does not apply.

In my view, the previously bolded language is clear and unambiguous. As relevant to Section 780-113(d)(1), Black’s Law Dictionary defines “independent” as “3. Not dependent or contingent on something else <an independent person>.” *Independent*, BLACK’S LAW DICTIONARY (12th ed. 2024). Merriam-Webster’s Dictionary defines “*independent*” in relevant part as: “not requiring or relying on something else: not contingent[.]” *Independent*, MERRIAM-WEBSTER’S ONLINE DICTIONARY, <http://www.merriam-webster.com/dictionary/independent>.

Consistent with the plain statutory text, the empty stamp bag was **not** obtained “prior to or independent of the action of seeking or obtaining emergency assistance as described in subsection (a).” 35 P.S. § 780-113.7(d)(1). Officer Carb’s discovery of the empty stamp bag was “dependent or contingent on something else[.]” namely, “the action

of seeking or obtaining emergency assistance.” *Independent*, BLACK’S LAW DICTIONARY (12th ed. 2024); see also 35 P.S. § 780-113.7(d)(1). The off-duty paramedic called 911 and reported the suspected drug overdose, and Officer Carb responded to the call. N.T., 4/27/2023, at 7-8, 19. Officer Carb would not have been at the scene and in contact with Wilson or his parked vehicle without the reported suspected drug overdose. The officer’s discovery of the stamp bag was procured during an inventory search necessitated by the consequences of the reported drug overdose and the emergency assistance rendered to Wilson. In other words, the emergency event directly led to the discovery of the stamp bag. The stamp bag was not found pursuant to an independent investigation or report because the inventory search was not independent of the report.

The Majority acknowledges that “[t]he word *independent*, by its very structure, means not dependent, which is consistent with dictionary definitions suggesting a meaning of not contingent, managed, or limited by something else.” Majority Op. at 8 (citing BLACK’S LAW DICTIONARY 770 (6th ed. 1990)). Without analyzing the plain text of DORIA or deeming the statute ambiguous, the Majority points to other jurisdictions which have relied upon a so-called causation analysis to define independent. *Id.* at 8-15. The Majority finds “search and seizure law analogous and thus useful in understanding the intended scope” of the statutory language at issue. *Id.* at 15-16. But, no help is needed to understand the clear language of the provision defining the scope of the exception to immunity. The Majority bases its interpretive analysis upon outside factors reserved for ambiguity. The Majority’s holding cannot be reconciled with the plain language.

Because I find the language of subsection (d)(1) clear and free of ambiguity, I would hold that the Superior Court misconstrued the statutory language at issue and erred in concluding that subsection (d)(1) of DORIA precludes immunity in this situation. I therefore respectfully dissent.