

TODD, C.J., DONOHUE, DOUGHERTY, WECHT, MUNDY, BROBSON, JJ.

COMMONWEALTH OF PENNSYLVANIA,	:	No. 4 MAP 2023
	:	
Appellee	:	Appeal from the Order of the
	:	Superior Court dated June 28, 2022
v.	:	at 1582 MDA 2021 Affirming the
	:	Judgment of Sentence of the Union
DANIEL D. CHISEBWE,	:	County Court of Common Pleas,
	:	Criminal Division, dated November
Appellant	:	5, 2021 at No. CP-60-SA-0000018-
	:	2021.
	:	ARGUED: November 29, 2023
COMMONWEALTH OF PENNSYLVANIA,	:	No. 5 MAP 2023
	:	
Appellee	:	Appeal from the Order of the
	:	Superior Court dated June 28, 2022
v.	:	at 1583 MDA 2021 Affirming the
	:	Judgment of Sentence of the Union
DANIEL D. CHISEBWE,	:	County Court of Common Pleas,
	:	Criminal Division, dated November
Appellant	:	5, 2021 at CP-60-SA-0000019-
	:	2021.
	:	ARGUED: November 29, 2023
COMMONWEALTH OF PENNSYLVANIA,	:	No. 6 MAP 2023
	:	
Appellee	:	Appeal from the Order of the
	:	Superior Court dated June 28, 2022
v.	:	at 1584 MDA 2021 Affirming the
	:	Judgment of Sentence of the Union
DANIEL D. CHISEBWE,	:	County Court of Common Pleas,
	:	Criminal Division, dated November
Appellant	:	5, 2021 at CP-60-SA-0000020-
	:	2021.
	:	ARGUED: November 29, 2023

COMMONWEALTH OF PENNSYLVANIA,	:	No. 7 MAP 2023
	:	
Appellee	:	Appeal from the Order of the
	:	Superior Court dated June 28, 2022
v.	:	at 1585 MDA 2021 Affirming the
	:	Judgment of Sentence of the Union
	:	County Court of Common Pleas,
DANIEL D. CHISEBWE,	:	Criminal Division, dated November
	:	5, 2021 at CP-60-SA-0000021-
Appellant	:	2021.
	:	ARGUED: November 29, 2023

OPINION

JUSTICE DOUGHERTY

DECIDED: February 21, 2024

In this discretionary appeal, we consider whether the evidence was sufficient to support Daniel Chisebwe's summary convictions of violating two provisions of the Motor Vehicle Code: 75 Pa.C.S. §1511 (Carrying and exhibiting driver's license on demand),¹

¹ Section 1511 provides:

(a) General rule.--Every licensee shall possess a driver's license issued to the licensee at all times when driving a motor vehicle and shall exhibit the license upon demand by a police officer, and when requested by the police officer the licensee shall write the licensee's name in the presence of the officer in order to provide identity.

(b) Production to avoid penalty.--No person shall be convicted of violating this section or section 1501(a) (relating to drivers required to be licensed) if the person:

(1) produces at the headquarters of the police officer who demanded to see the person's license, within 15 days of the demand, a driver's license valid in this Commonwealth at the time of the demand; or

(2) if a citation has been filed, produces at the office of the issuing authority, within 15 days of the filing of the citation, a driver's license valid in this Commonwealth on the date of the citation.

(continued...)

and 75 Pa.C.S. §1311 (Registration card to be signed and exhibited on demand).² The evidence established Chisebwe repeatedly refused numerous police requests to produce his driver's license and registration card after he was stopped for speeding. He did not exhibit the requested documents until approximately twenty-five minutes into the traffic stop, when the police were poised to remove him from his car and take him to the police station. Under these circumstances, we hold the evidence was sufficient to support the convictions, and accordingly affirm the order of the Superior Court.

On July 3, 2021, Pennsylvania State Trooper Tyler Arbogast was conducting stationary radar enforcement from his marked police car on State Route 15 in White Deer Township, Union County. At approximately 8:21 a.m., Trooper Arbogast measured Chisebwe driving 70 miles per hour in a 55 miles per hour zone. The trooper stopped Chisebwe's car on the shoulder of the roadway, exited his cruiser, and approached Chisebwe's car on the passenger side. The trooper identified himself as a Pennsylvania State Trooper and informed Chisebwe he had been stopped for speeding. In addition, the trooper requested he provide his driver's license, registration card, and proof of

75 Pa.C.S. §1511.

² Section 1311 provides:

(a) Signing card.--Upon receiving the registration card or any duplicate, the registrant shall sign his name in the space provided.

(b) Carrying and exhibiting card.--Every registration card shall, at all times while the vehicle is being operated upon a highway, be in the possession of the person driving or in control of the vehicle or carried in the vehicle and shall be exhibited upon demand of any police officer.

(c) Production to avoid penalty.--No person shall be convicted of violating this section or section 1301 (relating to driving unregistered vehicle prohibited) if the person produces at the office of the issuing authority or at the office of the arresting police officer within five days of the violation, a registration card valid in this Commonwealth at the time of the arrest.

75 Pa.C.S. §1311.

insurance. Chisebwe refused to produce these documents and requested an attorney. The trooper advised him he was required to identify himself under the Motor Vehicle Code, and that he was not under arrest but only detained. Chisebwe continued to refuse to provide the requested documents, and insisted the trooper needed to read him his *Miranda*³ rights. The trooper responded that Chisebwe was only being detained and did not have to be read his *Miranda* rights. Trooper Arbogast then repeatedly requested Chisebwe to produce his driver's license, registration card, and proof of insurance. Chisebwe repeatedly refused to do so. He also repeatedly asked, "Is this going to be held against me in the court of law[?]" N.T. Summary Appeal Hearing, 11/4/21 at 11. The trooper responded that if he did not provide identifying documentation and his registration card and proof of insurance, it would be held against him in a court of law. The trooper also told him that if he did not identify himself, he would have to be taken to the police station to be identified. Chisebwe nevertheless continued to refuse to provide any documentation. See *id.* at 11-12.

Trooper Arbogast requested an additional trooper respond to the traffic stop and notified his supervisor. Approximately ten minutes into the traffic stop, Trooper Kollton Killion arrived at the scene. Troopers Arbogast and Killion "plead[ed]" with Chisebwe to provide his driver's license, registration card, and proof of insurance, but he continually refused. He also argued he was not speeding. See *id.* at 12, 21.

Approximately twenty minutes into the traffic stop, Corporal Ty Brininger and another trooper responded to the scene. Trooper Arbogast advised Chisebwe that if he did not provide his driver's license "this last time" he would be removed from his car and taken to the police station to be properly identified. He again refused. See *id.* at 12.

³ *Miranda v. Arizona*, 384 U.S. 436 (1966).

Approximately twenty-five minutes into the traffic stop, Trooper Arbogast walked to the driver's side door of Chisebwe's car. Just as the trooper was going to remove him from the car, Chisebwe agreed to provide the requested documentation and produced his driver's license, registration card, and insurance card. His insurance card indicated his insurance coverage had expired in April of 2021. When all was said and done, a total of four state troopers, including a corporal, responded to the scene, and they made over twenty requests for the documents before Chisebwe finally relented and provided them to the police. See *id.* at 12, 16-17.

On August 23, 2021, a magisterial district judge convicted Chisebwe of violating Sections 1511 and 1311, as well as two other provisions of the Motor Vehicle Code: 75 Pa.C.S. §1786 (Required financial responsibility), and 75 Pa.C.S. §3362 (Maximum speed limits). He appealed for a trial *de novo* in the Court of Common Pleas. On November 4, 2021, the trial court also convicted Chisebwe of the same four offenses. Chisebwe filed four separate appeals, which were consolidated on December 29, 2021.

On June 28, 2022, a panel of the Superior Court affirmed the judgment of sentence in a published decision. Pertinently, the panel rejected Chisebwe's claims that the evidence was not sufficient to support his convictions under Sections 1511 and 1311 because he ultimately provided his driver's license and registration card to the police. The panel noted that while "[t]here does not exist any Pennsylvania appellate authority evaluating the mandate[s] in Sections 1511 and 1311 which require drivers to exhibit their license and vehicle registration 'on demand' by a police officer[,] . . . the purpose of the . . . statutes . . . is to require motorists to provide their driver's license and vehicle registration to allow officers to verify their identity as licensed drivers with proper vehicle registration." *Commonwealth v. Chisebwe*, 278 A.3d 354, 360 (Pa. Super. 2022). In addition, the panel noted "[t]he statutes provide the licensee a grace period of fifteen days

in which to provide proof of a valid Pennsylvania driver's license and five days in which to provide proof of a valid Pennsylvania registration card.” *Id.* Here, the panel determined, Chisebwe “became combative and belligerent upon the demand of the state trooper for [him] to produce the . . . documents[,]” and his “continued obstructive behavior and refusal to provide the documents led to over a twenty-five[-]minute time elapse and the need for the involvement of four state troopers in what should have been a routine traffic stop.” *Id.* at 361. The panel concluded: “To reward [Chisebwe’s] combativeness and refusal to produce a valid driver’s license and registration card in this case by allowing him the additional time period to produce the documents would lead to an absurd result unintended by the legislature and create a policy that would encourage obstructive behavior by a licensee when a law enforcement officer appropriately demands to see his or her license and registration under the Vehicle Code. . . . [T]he language in Sections 1511(b)(1) and 1311(c) that grants drivers additional time periods to present proof of the required documents, does not extend to belligerent and combative behavior of the licensee to provide the required documents ‘upon the demand’ of a police officer.” *Id.* (citation omitted).

This Court granted Chisebwe’s petition for allowance of appeal, limited to the following two issues, which we rephrased for clarity:

(1) Was the evidence sufficient to support the conviction under 75 Pa.C.S. §1511 (Carrying and exhibiting driver’s license on demand), where petitioner initially refused to present his driver’s license to the police upon demand during a lawful traffic stop?

(2) Was the evidence sufficient to support the conviction under 75 Pa.C.S. §1311 (Registration card to be signed and exhibited on demand), where petitioner initially refused to present his registration card to the police upon demand during a lawful traffic stop?

Commonwealth v. Chisebwe, 291 A.3d 334 (Pa. 2023) (Table) (per curiam). “Evidentiary sufficiency is a question of law and, therefore, our standard of review is *de novo* and our

scope of review is plenary.” *Commonwealth v. Smith*, 234 A.3d 576, 581 (Pa. 2020), quoting *Commonwealth v. Sanchez*, 36 A.3d 24, 37 (Pa. 2011).

Chisebwe argues the evidence was not sufficient to support his convictions under Sections 1511 and 1311. He contends he produced his driver’s license and registration card “at the scene.” Appellant’s Brief at 15. Moreover, Chisebwe assails as “unsupportable” and “untenable” the panel’s position that the fifteen-day and five-day grace periods in the statutes do not apply when the driver is belligerent and combative. *Id.* at 15, 18. He insists “[n]othing in the statu[t]e[s] strip[s] a driver of his/her rights because they are deemed impolite.” *Id.* at 15; see also *id.* at 18 (“The lower courts are trying to add words to a statute.”). He warns the panel’s decision leads to a “classic slippery slope” whereby an officer’s belief the driver was “personally offensive” would preclude the driver’s attempts to produce the documents, either at the scene or later at the police station or issuing authority. *Id.* at 15-16. From a factual perspective, Chisebwe denies he was belligerent and combative. He asserts he did not threaten the police, curse, or raise his voice, and emphasizes he “was not charged with resisting arrest, disorderly conduct or terroristic threats.” *Id.* at 16.

The Commonwealth responds the evidence was “plainly sufficient” to support Chisebwe’s convictions for violating Sections 1511 and 1311. Commonwealth’s Brief at 3. It notes these statutes require a driver to exhibit his license and registration “upon demand” by a police officer. The Commonwealth argues “multiple sources define ‘upon’ to include the term ‘on[,]’” and “‘demand’ is defined as ‘[t]o claim one’s due; to require; to ask relief.’” *Id.* at 7, quoting BLACK’S LAW DICTIONARY, 429 (6th ed. 1991). “Thus,” it maintains, “when coupled together, as used in the relevant statutes, ‘upon demand’ or ‘on demand’ requires a vehicle’s operator to provide their driver’s license and signed registration card at the time of, as soon as, or near to the authoritative call from the police

officer.” *Id.*; see also *id.* at 8 (“The common and approved usage of the term ‘upon demand’ or ‘on demand’ has a clear and unambiguous meaning which requires action immediately upon the request or order to act.”). The Commonwealth submits this interpretation of the phrase is consistent with how it is understood in the contexts of on-demand financial instruments and on-demand entertainment. Here, according to the Commonwealth, “[i]t is flatly indisputable” Chisebwe failed to provide his driver’s license and registration card “upon the demand,” where “[h]e outright and repeatedly refused production when it was requested and instead, eventually provided such documentation at a time of his own desire and choosing.” *Id.* at 9.

Moreover, the Commonwealth contends the safe-harbor provisions of the statutes – Subsections 1511(b) and 1311(c) – were not satisfied here. It argues these provisions allow production of the documents either at the office of the issuing authority or the office of the police officer, not “on the side of the roadway” following “a prolonged delay[.]” *Id.* at 13. Finally, the Commonwealth claims its interpretation of Sections 1511 and 1311 to mandate immediate disclosure of the requested documents and to exclude delayed roadside disclosure from the safe-harbor provisions is consistent with the legislative intent of these statutes and the Motor Vehicle Code more generally: insuring public safety on the streets and highways of Pennsylvania.

In conducting sufficiency review, “we consider whether the evidence introduced at trial and all reasonable inferences derived therefrom, viewed in the light most favorable to the Commonwealth as verdict winner, are sufficient to establish the elements of the offense beyond a reasonable doubt.” *Smith*, 234 A.3d at 581. Our review does not involve reweighing the evidence and substituting our judgment for that of the fact-finder. See *Commonwealth v. Andrews*, 768 A.2d 309, 317 (Pa. 2001). In addition, the facts and circumstances need not be absolutely incompatible with the defendant’s innocence;

rather, the question of any doubt is for the fact-finder unless the evidence is so weak and inconclusive that as a matter of law no probability of fact can be drawn from the combined circumstances. See *Commonwealth v. Sadusky*, 399 A.2d 347, 348 (Pa. 1979).

Section 1511 provides “[e]very licensee shall possess a driver’s license issued to the licensee at all times when driving a motor vehicle and shall exhibit the license upon demand by a police officer[.]” 75 Pa.C.S. §1511(a). Similarly, Section 1311 provides “[e]very registration card shall, at all times while the vehicle is being operated upon a highway, be in the possession of the person driving or in control of the vehicle or carried in the vehicle and shall be exhibited upon demand of any police officer.” 75 Pa.C.S. §1311(b). Thus, a driver is guilty of these summary offenses if: (1) the police request the driver to exhibit his driver’s license and registration card; and (2) the driver fails to exhibit the documents upon demand. It is undisputed the police requested Chisebwe to produce his driver’s license and registration card. Consequently, his sufficiency challenges turn on whether the evidence also established beyond a reasonable doubt Chisebwe failed to exhibit the requested documentation upon demand. The phrase “upon demand” has not acquired a peculiar and appropriate meaning, nor is it specifically defined in Sections 1511 and 1311 or elsewhere in the Motor Vehicle Code. Consequently, in accordance with the Statutory Construction Act, we construe this phrase according to its common and approved meaning. See 1 Pa.C.S. §1903(a). The common and approved meaning of a word or phrase is appropriately gleaned from dictionary definitions. See *Commonwealth v. Gamby*, 283 A.3d 298, 307 (Pa. 2022) (collecting cases).

The word “upon,” when used as a preposition as it is here, simply means “on.” *Upon*, MERRIAM-WEBSTER.COM, <https://www.Merriam-Webster.com/dictionary/upon> (last visited Jan. 9, 2024); *Upon*, CAMBRIDGE DICTIONARY, <https://dictionary.cambridge.org/us/dictionary/english/upon> (last visited Jan. 9, 2024);

Upon, OXFORD LEARNER'S DICTIONARIES, oxfordlearnersdictionaries.com/us/definition/english/upon (last visited Jan. 9, 2024) (same).⁴ The phrase “upon demand” is therefore equivalent to “on demand.” The phrase “on demand” is pertinently defined as “when requested or needed.” *On Demand*, MERRIAM-WEBSTER.COM, <https://www.Merriam-Webster.com/dictionary/demand> (last visited Jan. 9, 2024).⁵ Accordingly, the meaning of the interchangeable phrase “upon demand” in Sections 1511 and 1311 is likewise “when requested or needed.”

This meaning connotes timely action. In order for a driver to exhibit his driver's license and registration card “when requested or needed” by a police officer, he must produce them immediately or nearly immediately. If the driver delays production of the documents, he does not disclose them when demanded by the police but rather on his own timetable. The “upon demand” language of Sections 1511 and 1311 requires prompt disclosure.

Here, the trial evidence established Chisebwe did not promptly exhibit his driver's license and registration card when Trooper Arbogast asked him to do so. In fact,

⁴ See also *Upon*, GOOGLE DICTIONARY, https://www.google.com/search?q=definition+of+upon&rlz=1C1CHBF_enUS941US941&oq=definition+of+upon&gs_lcrp=EgZjaHJvbWUyCQgAEEUYORiABDiGCAEQRRhAMgYIAhBFGDsYBggDEEUYOzIHCAQQABiABDIHCAUQABiABDINCAyQABiGAXiABBiKBTINCAcQABiGAXiABBiKBagCALACAA&sourceid=chrome&ie=UTF-8#ip=1 (last visited Jan. 9, 2024) (defining “upon” as “more formal term for on, especially in abstract senses”).

⁵ See also *On Demand*, DICTIONARY.COM, <https://www.dictionary.com/browse/on-demand> (last visited Jan. 9, 2024) (defining “on demand” as “[w]hen needed or asked for”); *On Demand*, CAMBRIDGE DICTIONARY, <https://dictionary.cambridge.org/us/dictionary/english/on-demand> (last visited Jan. 9, 2024) (defining “on demand” as “at any time that someone wants or needs something”); *On Demand*, GOOGLE DICTIONARY, https://www.google.com/search?sca_esv=596880998&rlz=1C1CHBF_enUS941US941&q=on+demand&si=AKbGX_rLPMdHnrrwkrRo4VZISHiJhjrPwbaE3rTxOAJRtMTuPuC85FkOcF1rykAWv3O_cVXXOZHxOEnEJpMOWKaRtY0u5jPW9wIGKA7fKGAA7NnWzw5-zic%3D&expnd=1&sa=X&ved=2ahUKEwjWJC729CDAXVUIIkEHRWQB0cQ2v4legQIFRA2&biw=1920&bih=1073&dpr=1 (last visited Jan. 9, 2024) (defining “on demand” to mean “as soon as or whenever required”).

Chisebwe did not produce the documents until approximately twenty-five minutes after the Trooper's initial request for them. During this time, Chisebwe rejected over twenty separate police demands for the documentation, incorrectly asserted his rights to counsel and *Miranda* warnings, disputed that he was speeding, and precipitated the response of four state troopers. Ultimately, it was only when the police were on the very cusp of physically removing Chisebwe from his car and taking him to the police station that he finally produced his driver's license and registration card. See N.T. Summary Appeal Hearing, 11/4/21 at 11-12, 16-17. The totality of this evidence was amply sufficient to demonstrate Chisebwe did not furnish his driver's license and registration card upon demand in violation of Sections 1511 and 1311.

Chisebwe's arguments otherwise are not convincing. The bare fact he eventually produced his driver's license and registration card "at the scene" was insufficient to satisfy Sections 1511 and 1311. Appellant's Brief at 15. These statutes do not require production "at the scene" but rather "upon demand." As discussed, the phrase "upon demand" calls for timely compliance with a request. Chisebwe's belated and begrudging disclosure of the requested documentation twenty-five minutes into the traffic stop was far from prompt.

Moreover, contrary to Chisebwe's claims, the safe-harbor provisions of Sections 1511 and 1311 do not apply to him. Subsection 1511(b) provides: "No person shall be convicted of violating this section . . . if the person: (1) produces at the headquarters of the police officer who demanded to see the person's license, within 15 days of the demand, a driver's license valid in this Commonwealth at the time of the demand; or (2) if a citation has been filed, produces at the office of the issuing authority, within 15 days of the filing of the citation, a driver's license valid in this Commonwealth on the date of the citation." 75 Pa.C.S. §1511(b). Subsection 1311(c) similarly provides: "No person shall

be convicted of violating this section . . . if the person produces at the office of the issuing authority or at the office of the arresting police officer within five days of the violation, a registration card valid in this Commonwealth at the time of the arrest.” 75 Pa.C.S. §1311(c). By their plain terms, these provisions permit a driver to produce his license and registration card either at the office of the police officer or the office of the issuing authority. That is not what happened here. Instead, Chisebwe produced the documents on the side of the road. His delayed roadside disclosure did not comport with the specific office-production requirements of the safe-harbor provisions.

Our reasoning here notably differs from the reasoning of the Superior Court. See *Ario v. Ingram Micro, Inc.*, 965 A.2d 1194, 1200 (Pa. 2009) (“[A]n appellate court may uphold an order of a lower court for any valid reason appearing from the record.”). The Superior Court held Subsections 1511(b) and 1311(c) were inapplicable because these provisions “do[] not extend to belligerent and combative behavior of the licensee[.]” *Chisebwe*, 278 A.3d at 361. We disagree with this rationale. Certainly, we encourage stopped motorists to be fully cooperative with lawful requests by the police. The inherent safety risks attending traffic stops are exacerbated when stopped drivers are uncooperative with the police. Among other things, a recalcitrant driver is more likely to be viewed as a threat by the police, and also more likely to delay the completion of the stop, thereby increasing the risk of accident to the police, driver, any passengers in the stopped car, and the public at large. However, there is no language in the safe-harbor provisions conditioning their application on whether the driver exhibited agreeable behavior. The Superior Court’s reasoning in this regard is unmoored from the statutory text.

Nonetheless, because “we review not reasons but judgments,” *Hader v. Coplay Cement Mfg. Co.*, 189 A.2d 271, 274 (Pa. 1963) (quotation marks and citation omitted),

and it is clear the evidence was sufficient to support the convictions, the order of the Superior Court upholding Chisebwe's judgment of sentence is affirmed.

Chief Justice Todd and Justices Donohue, Wecht, Mundy and Brobson join the opinion.

Justice Mundy files a concurring opinion in which Justice Brobson joins.