

SUPERIOR COURT OF PENNSYLVANIA

Commonwealth v. Andrew David Miller

2025 Pa. Super. 61 · No. 1051 WDA 2024 · Decided March 14, 2025

SUMMARY

The Pennsylvania Superior Court reviewed the Commonwealth's interlocutory appeal from an order suppressing evidence obtained during a traffic stop involving Andrew David Miller. The court held that the troopers lawfully removed Miller from the vehicle and detained him based on reasonable suspicion of criminal activity, but lacked an articulable basis to believe he was armed and dangerous, making the Terry frisk unlawful. The court affirmed suppression of evidence obtained after the frisk, reversed suppression of evidence obtained before it, and remanded.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Panella, P.J.E.; Lane, J.; Bender, P.J.E.
JURISDICTION	Pennsylvania Superior Court
DECIDED	March 14, 2025
DOCKET	1051 WDA 2024
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Commonwealth took an interlocutory appeal from an order granting Miller's suppression motion. The Commonwealth challenged the suppression court's conclusions concerning Miller's removal from the vehicle, investigative detention, Terry frisk, and the admissibility of evidence recovered after Miller's arrest.
STANDARD OF REVIEW	The appellate court determines whether the suppression court's factual findings are supported by the record and whether the legal conclusions drawn from those findings are proper. When the defendant prevailed below, the appellate court considers the defense evidence and the uncontradicted Commonwealth evidence. Factual findings supported by the record bind the appellate court, but legal conclusions are reviewed de novo.
PRECEDENTIAL VALUE	Published Pennsylvania Superior Court opinion
PARTIES	Commonwealth of Pennsylvania v. Andrew David Miller

TOPICS

suppression of evidence

search and seizure

fourth amendment

appellate procedure

standard of review

PRACTICE AREAS

criminal procedure

constitutional law

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evidence

QUESTIONS PRESENTED

1. Whether the Superior Court should remand because the suppression court did not expressly enter findings of fact and conclusions of law on the record.
2. Whether the troopers lawfully removed Miller from the vehicle during the ongoing traffic stop.
3. Whether the troopers had reasonable suspicion to place Miller under investigative detention.
4. Whether the troopers had specific, articulable facts supporting a reasonable suspicion that Miller was armed and dangerous so as to justify a Terry frisk.
5. Whether evidence recovered during the search incident to arrest was sufficiently disconnected from the unlawful Terry frisk to avoid application of the exclusionary rule.

HOLDINGS

1. Remand was unnecessary because the suppression court's Rule 1925(a) opinion adequately explained the factual and legal basis for its suppression ruling, permitting appellate review.
2. The troopers lawfully required Miller to exit the vehicle because the traffic stop was still ongoing; no additional reasonable suspicion was required.
3. The initial investigative detention was lawful because the troopers had reasonable suspicion that criminal activity was afoot.
4. The Terry frisk was unlawful because the troopers failed to articulate specific facts supporting a reasonable inference that Miller was armed and dangerous.
5. The Commonwealth failed to establish that the evidence recovered during the search incident to arrest was obtained independently of, and not through exploitation of, the unlawful Terry frisk; therefore, that evidence remained suppressed.

KEY QUOTATIONS

"We agree with the Commonwealth that Miller's initial investigative detention after the troopers had him step out of the vehicle was legal." (at 10)

"However, based on the totality of the circumstances, we conclude the troopers failed to articulate specific facts from which they could reasonably infer that Miller was armed and dangerous to justify a Terry frisk." (at 12)

"Lastly, the Commonwealth failed to meet its burden that Miller's arrest and search incident to arrest were not tainted by the illegal Terry frisk." (at 16)

FACTUAL BACKGROUND

On February 27, 2024, Pennsylvania State Police troopers stopped a vehicle after observing that its driver failed to stop properly at a stop sign. Miller, the passenger, appeared nervous, and the troopers observed a small yellow rubber band and a rolled paper containing marijuana in the vehicle's center console. During the ongoing traffic stop, the troopers asked Miller to exit, detained him, and conducted a Terry frisk; Miller cooperated and displayed no furtive or threatening behavior. The frisk located a hard plastic box-shaped object in Miller's groin area, and the troopers later arrested and forcibly searched him, recovering drug paraphernalia, marijuana, and methamphetamine.

PROCEDURAL HISTORY

Troopers stopped a vehicle in which Miller was a passenger, removed him during the traffic stop, detained him, and frisked him. The suppression court granted Miller's motion and suppressed all evidence discovered after he was required to exit the vehicle. The Commonwealth filed an interlocutory appeal after certifying that the order terminated or substantially handicapped its prosecution. The Superior Court held that removal from the vehicle and the initial investigative detention were lawful, but the Terry frisk was unlawful and the Commonwealth failed to show that evidence recovered during the later search incident to arrest was untainted by the frisk.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The order was reversed in part only insofar as it suppressed evidence obtained before the Terry frisk. The suppression of evidence obtained after the unlawful Terry frisk was affirmed. The case was remanded in accordance with the opinion, and jurisdiction was relinquished.

CASES CITED

- Terry v. Ohio, 392 U.S. 1 (1968)
- Commonwealth v. Sharaif, 205 A.3d 1286, 1289-90 (Pa. Super. 2019)
- Commonwealth v. Rivera, 311 A.3d 1160, 1163 n.2 (Pa. Super. 2024), appeal denied, 325 A.3d 1024 (Pa. 2024)
- Commonwealth v. Tillery, 249 A.3d 278, 280 (Pa. Super. 2021)
- Commonwealth v. Palmer, 145 A.3d 170, 173 (Pa. Super. 2016)
- Commonwealth v. Reppert, 814 A.2d 1196, 1202 (Pa. Super. 2002) (en banc)
- Commonwealth v. Luczki, 212 A.3d 530, 542 (Pa. Super. 2019)
- Commonwealth v. Brinson, 328 A.3d 1096, 1104 (Pa. Super. 2024)
- In re T.W., 261 A.3d 409, 417 (Pa. 2021)
- Arizona v. Johnson, 555 U.S. 323, 326-27 (2009)
- Commonwealth v. Davis, 102 A.3d 996, 999 (Pa. Super. 2014)

- Commonwealth v. Cunningham, 287 A.3d 1, 10 (Pa. Super. 2022)
- Commonwealth v. Henderson, No. 882 MDA 2023 (Pa. Super. filed Sept. 19, 2024) (unpublished memorandum)
- Commonwealth v. Grahame, 7 A.3d 810, 816-17 (Pa. 2010)
- Commonwealth v. Seeney, 316 A.3d 645, 648-49 (Pa. Super. 2024)
- Commonwealth v. Easter, 2025 WL 16361, at *3 (Pa. Super. filed Jan. 2, 2025)
- Commonwealth v. Shabazz, 166 A.3d 278, 289 (Pa. Super. 2017)

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