

SUPERIOR COURT OF PENNSYLVANIA

Commonwealth v. Steven Mohamed Ewida

Commonwealth v. Mohamed, 71 Va. Cir. 383 (Superior Court of Pennsylvania 2006) · No. 55 WDA 2024 ·
Decided March 20, 2025

SUMMARY

The Pennsylvania Superior Court reviewed Steven Mohamed Ewida’s convictions arising from the operation of a vehicle “chop shop.” The court upheld the denial of his suppression motion and rejected his sufficiency challenges concerning altered vehicle identification numbers. It affirmed the judgment of sentence in part but remanded for a new sentencing hearing because two convictions were improperly graded.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Bender, P.J.E.; Olson, J.; Lane, J.
JURISDICTION	Pennsylvania Superior Court
DECIDED	March 20, 2025
DOCKET	55 WDA 2024
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a judgment of sentence following jury convictions for operating a chop shop, alteration or destruction of a vehicle identification number, disposition of a vehicle or vehicle part with an altered vehicle identification number, theft by unlawful taking, and receiving stolen property.
STANDARD OF REVIEW	Suppression factual findings are upheld if supported by the record, while legal conclusions are reviewed de novo under a plenary scope. Sufficiency of the evidence is reviewed de novo with plenary scope, viewing the evidence in the light most favorable to the Commonwealth as verdict winner. Legality-of-sentence claims are reviewed de novo with plenary scope.
PRECEDENTIAL VALUE	Published precedential opinion of the Superior Court of Pennsylvania.
PARTIES	Steven Mohamed Ewida v. Commonwealth of Pennsylvania

TOPICS

search and seizure

fourth amendment

suppression of evidence

criminal procedure

sentencing

PRACTICE AREAS

criminal procedure

constitutional criminal procedure

evidence

sentencing

appellate procedure

QUESTIONS PRESENTED

1. Whether officers violated the Fourth Amendment, Article I, Section 8 of the Pennsylvania Constitution, or related property-based curtilage principles by entering Ewida's driveway and viewing and seizing evidence without a warrant.
2. Whether the evidence was sufficient to establish that Ewida altered or destroyed a vehicle identification number under 18 Pa.C.S. § 7703.
3. Whether the evidence was sufficient to establish that Ewida possessed or transferred a vehicle or vehicle part knowing that its vehicle identification number had been altered under 18 Pa.C.S. § 7704.
4. Whether the trial court imposed illegal sentences by grading theft by unlawful taking and receiving stolen property as third-degree felonies without a jury finding beyond a reasonable doubt concerning the value of the property.

HOLDINGS

1. The officers did not violate Ewida's constitutional rights by approaching him in the residential driveway during a knock-and-talk investigation. Their entry was objectively reasonable, and evidence observed from that lawful vantage point was admissible under the plain-view exception.
2. The evidence was sufficient to support Ewida's convictions for alteration or destruction of a vehicle identification number and disposition of a vehicle or vehicle part with an altered vehicle identification number. The statutory phrase 'a vehicle identification number' includes derivative identifying numbers affixed to engines and other vehicle components.
3. The theft and receiving-stolen-property convictions were improperly graded as third-degree felonies because the Commonwealth presented no evidence establishing the value of the property and the jury made no finding concerning value. Under 18 Pa.C.S. § 3903(c)(3), the property value therefore had to be deemed less than \$50, requiring third-degree misdemeanor grading.

KEY QUOTATIONS

"The officers did not commit a constitutional violation by approaching Appellant in the driveway." (12)

"Since the officers viewed the scratched-off engine number from a lawful vantage point, the incriminating nature of the item was immediately apparent, and the officers could access the item in the driveway, the evidence was in plain view and could be seized without a warrant." (13)

"It applies to any identifying number on the vehicle that corresponds to only one vehicle, whether it is a pin stamp on the engine or the VIN on the dashboard." (19)

“Accordingly, it was error to grade these offenses as felonies; the proper grade for both counts under 18 Pa.C.S. § 3903(c)(2) is misdemeanor of the third degree.” (22)

FACTUAL BACKGROUND

Enterprise Rental returned a van by tow truck after determining that it required repairs, and a dealership discovered that its engine was inconsistent with the vehicle and had a ground-off engine identification number and mismatched component parts. Police traced the rental to Ewida and observed a disabled cargo van at his residence with an engine displaying a ground-off identifying number. Officers approached Ewida in the driveway, observed the engine from a lawful vantage point, and seized evidence that was in plain view.

PROCEDURAL HISTORY

The Court of Common Pleas of Butler County partially granted and partially denied Ewida's motion to suppress, admitting evidence observed in plain view. A jury convicted Ewida on all charges, and the trial court imposed an aggregate sentence of six to twenty-three months of incarceration followed by eighty-four months of probation. The Superior Court affirmed the convictions and most of the judgment of sentence, but held that the theft and receiving-stolen-property offenses were improperly graded and remanded for a new sentencing hearing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the judgment of sentence and conduct a new sentencing hearing, grading the theft by unlawful taking and receiving stolen property offenses as third-degree misdemeanors unless a legally sufficient basis otherwise establishes their grading. Jurisdiction was relinquished.

CASES CITED

- Commonwealth v. Barr, 266 A.3d 25, 39 (Pa. 2021)
- Commonwealth v. Saunders, 326 A.3d 888, 896-97 (Pa. 2024)
- Commonwealth v. Eichler, 133 A.3d 775, 783-84 (Pa. Super. 2015)
- Florida v. Jardines, 569 U.S. 1, 5-10 (2013)
- United States v. Jones, 565 U.S. 400 (2012)
- Kentucky v. King, 563 U.S. 452, 469 (2011)
- Ashcroft v. al-Kidd, 563 U.S. 731, 736 (2011)
- Commonwealth v. Simmen, 58 A.3d 811 (Pa. Super. 2012)
- Commonwealth v. Williams, 176 A.3d 298, 305 (Pa. Super. 2017)
- Commonwealth v. Toomer, 159 A.3d 956, 960-61 (Pa. Super. 2017)
- Commonwealth v. Seladones, 305 A.3d 83, 85-86 (Pa. Super. 2023)
- Commonwealth v. Wolfe, 140 A.3d 651, 660 (Pa. 2016)

- Commonwealth v. Zampier, 952 A.2d 1179, 1181 (Pa. Super. 2008)
- Apprendi v. New Jersey, 530 U.S. 466, 490 (2000)
- Commonwealth v. Panko, 975 A.2d 1189, 1191 (Pa. Super. 2009)
- Commonwealth v. Worrell, 419 A.2d 1199, 1201 (Pa. Super. 1980)

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