

SUPERIOR COURT OF PENNSYLVANIA

Commonwealth v. Gibson, T.

2025 Pa. Super. 65 · No. 565 MDA 2024 · Decided March 19, 2025

SUMMARY

The Pennsylvania Superior Court reviewed Timothy Gibson’s appeal from convictions for possession of a controlled substance, obstructing the administration of law, and possession of drug paraphernalia. The court held that county probation officers had ancillary authority to stop and frisk a non-supervisee present during a probation visit, but lacked reasonable suspicion that criminal activity was afoot and that officer-safety concerns did not justify the forcible seizure described in the record. The court therefore vacated Gibson’s judgment of sentence.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Beck, J.; Lazarus, P.J.; Bender, P.J.E.
JURISDICTION	Pennsylvania Superior Court
DECIDED	March 19, 2025
DOCKET	565 MDA 2024
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Gibson appealed from the judgment of sentence entered after a bench trial and convictions for possession of a controlled substance, obstructing the administration of law, and possession of drug paraphernalia. He challenged the denial of his motion to suppress evidence obtained during his encounter with county probation officers.
STANDARD OF REVIEW	The scope of law-enforcement authority is reviewed de novo with plenary scope. Factual findings supporting a reasonable-suspicion determination are viewed in the light most favorable to the Commonwealth as prevailing party, while legal conclusions are reviewed de novo.
PRECEDENTIAL VALUE	Published Pennsylvania Superior Court opinion; precedential.
PARTIES	Timothy Gibson v. Commonwealth of Pennsylvania

TOPICS

suppression of evidence

fourth amendment

search and seizure

criminal procedure

appellate procedure

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether county probation officers possess ancillary authority to detain and frisk a third party encountered during a lawful probationary home visit.
2. Whether the officers had reasonable suspicion that criminal activity was afoot to justify seizing Gibson under Terry.
3. Whether the officer's safety concern independently justified a Terry frisk of Gibson absent reasonable suspicion of criminal activity.
4. Whether physically restraining Gibson and requiring him to remain in the living room was a permissible, appropriately limited protective action.

HOLDINGS

1. County probation officers have ancillary authority, consistent with the Fourth Amendment, to take constitutionally permissible protective actions concerning a third party encountered while carrying out their statutory supervisory duties.
2. The officers lacked reasonable suspicion that Gibson was engaged in criminal activity, so the seizure was unconstitutional under the Fourth Amendment.
3. A Terry frisk may be justified when a probation officer lawfully performing supervisory duties has reasonable suspicion that a third party is armed and dangerous, even absent reasonable suspicion that the third party is engaged in criminal activity.
4. The officer's forcible restraint and order requiring Gibson to remain seated were not sufficiently limited to the protective purpose of discovering and neutralizing weapons; the trial court therefore erred in denying suppression.

KEY QUOTATIONS

“It would be “anomalous to hold that parole officers may carry weapons like peace officers, place themselves in peril like peace officers, and conduct lawful arrests like peace officers, yet not protect themselves in the face of apparent danger.”” (2025 PA Super. 65, at 12)

“Officer Cutter’s actions did not further the goal of disarming Gibson, and we thus decline to affirm on this alternative basis.” (2025 PA Super. 65, at 31)

FACTUAL BACKGROUND

During a scheduled residential check of a probationer, county probation officers encountered Gibson, a third party who was present in the probationer's bedroom. When the probationer indicated that the bedroom would be searched, Gibson turned away and moved his hands toward the front of his pants. As Gibson attempted to leave

the bedroom and move through the hallway, an officer physically restrained both of his wrists and told him he was not free to leave. The officers arrested Gibson after he resisted, discovered a folding knife, and found cocaine during a search incident to arrest.

PROCEDURAL HISTORY

The Dauphin County Court of Common Pleas denied Gibson's motion to suppress. Gibson proceeded to a bench trial, was convicted of all charges, and received a judgment of sentence on March 20, 2024. The Superior Court reversed the suppression order, vacated the judgment of sentence, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The order denying suppression was reversed and Gibson's judgment of sentence was vacated. The case was remanded for further proceedings.

CASES CITED

- Commonwealth v. Mathis, 173 A.3d 699 (Pa. 2017)
- Commonwealth v. Wolfel, 233 A.3d 784 (Pa. 2020)
- Kopko v. Miller, 892 A.2d 766 (Pa. 2006)
- Commonwealth v. Price, 672 A.2d 280 (Pa. 1996)
- Terry v. Ohio, 392 U.S. 1 (1968)
- Dunaway v. New York, 442 U.S. 200 (1979)
- Adams v. Williams, 407 U.S. 143 (1972)
- Commonwealth v. Hicks, 208 A.3d 916 (Pa. 2019)
- Florida v. J.L., 529 U.S. 266 (2000)
- Commonwealth v. Reppert, 814 A.2d 1196 (Pa. Super. 2002)
- California v. Hodari D., 499 U.S. 621 (1991)
- United States v. Smith, 594 F.3d 530 (6th Cir. 2010)
- Commonwealth v. Giffin, 595 A.2d 101 (Pa. Super. 1991)
- United States v. Cortez, 449 U.S. 411 (1981)
- Commonwealth v. Moyer, 954 A.2d 659 (Pa. Super. 2008)
- Commonwealth v. Arrington, 233 A.3d 910 (Pa. 2020)
- Commonwealth v. Livingstone, 174 A.3d 609 (Pa. 2017)
- Commonwealth v. Buchert, 68 A.3d 911 (Pa. Super. 2013)
- Commonwealth v. Simmons, 17 A.3d 399 (Pa. Super. 2011)
- In re O.J., 958 A.2d 561 (Pa. Super. 2008)

- Commonwealth v. Murray, 936 A.2d 76 (Pa. Super. 2007)
- Michigan v. Summers, 452 U.S. 692 (1981)
- Muehler v. Mena, 544 U.S. 93 (2005)
- Maryland v. Buie, 494 U.S. 325 (1990)
- Commonwealth v. Rodriguez, 614 A.2d 1378 (Pa. 1992)
- Ybarra v. Illinois, 444 U.S. 85 (1979)
- Arizona v. Johnson, 555 U.S. 323 (2009)
- Commonwealth v. E.M., 735 A.2d 654 (Pa. 1999)
- Sibron v. New York, 392 U.S. 40 (1968)

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