

SUPERIOR COURT OF PENNSYLVANIA

Commonwealth v. Herlth

2026 Pa. Super. 114 · No. No. 183 MDA 2024 · Decided June 5, 2026

SUMMARY

The Pennsylvania Superior Court held that James Lee Herlth had a reasonable expectation of privacy in a closed shoebox located in his residence. The court concluded that a state trooper conducted a search by shining a flashlight through a small manufacturer's hole in the shoebox and that the search was not justified by the community caretaking or plain view exceptions. The court reversed the suppression ruling, vacated the judgment of sentence, and remanded for further proceedings.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Stabile, J.; Bowes, J.; Olson, J.; Dubow, J.; Kunselman, J.; Nichols, J.; Murray, J.; McLaughlin, J.; Beck, J.
JURISDICTION	Pennsylvania Superior Court
DECIDED	June 5, 2026
DOCKET	No. 183 MDA 2024
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the judgment of sentence entered after the trial court denied Herlth's motion to suppress evidence seized from a shoebox in his residence.
STANDARD OF REVIEW	The appellate court reviews whether the suppression court's factual findings are supported by the record and whether its legal conclusions are correct; questions of law are reviewed de novo. The court considers the Commonwealth's evidence and uncontradicted defense evidence viewed in the context of the entire suppression record.
PRECEDENTIAL VALUE	Published precedential en banc opinion
PARTIES	James Lee Herlth v. Commonwealth of Pennsylvania

TOPICS

- suppression of evidence
- fourth amendment
- search and seizure
- warrant requirement
- criminal procedure

PRACTICE AREAS

criminal procedure

constitutional law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether Herlth had a reasonable expectation of privacy in the closed shoebox located in his residence.
2. Whether the trooper's use of a flashlight to view the contents of the shoebox through a small hole constituted a search under the Fourth Amendment and Article I, Section 8 of the Pennsylvania Constitution.
3. Whether the search was valid under the community caretaking or emergency-aid exception.
4. Whether the plain-view doctrine authorized the search and seizure of the contents of the shoebox.

HOLDINGS

1. Herlth had a reasonable expectation of privacy in the contents of the closed shoebox located inside his residence.
2. The trooper conducted a search when he shined his flashlight into the small hole of the closed shoebox to view its contents.
3. The community caretaking or emergency-aid exception authorized the trooper's entry into the residence but did not authorize his flashlight search of the shoebox.
4. The plain-view doctrine did not authorize the search or seizure of the shoebox contents.

KEY QUOTATIONS

“A search takes place when police intrude upon a constitutionally protected area without the individual’s explicit or implicit permission.” (at 8)

“Plain view” provides grounds for seizure of an item when an officer’s access to an object has some prior justification under the Fourth Amendment. (at 29)

“Precedent does not allow for such an unlawful intrusion.” (at 31)

FACTUAL BACKGROUND

Pennsylvania State Police Trooper Dylan Adams entered Herlth's residence at approximately 5:00 a.m. while EMS personnel treated Herlth for an overdose. While standing near Herlth's feet, Adams saw a closed shoebox with a one-inch manufacturer hole and shined his flashlight through the hole, observing capsules that he identified as narcotics. Adams opened the shoebox and seized 117 scramble capsules in a plastic bag, along with cash discovered inside.

PROCEDURAL HISTORY

The Commonwealth charged Herlth with possession of a controlled substance with intent to deliver. After a suppression hearing, the Court of Common Pleas of York County denied his motion to suppress. A jury found

him guilty, and the trial court imposed a sentence of seven to fourteen years' imprisonment. The trial court denied post-sentence motions, and Herlth timely appealed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the order denying suppression, vacate the judgment of sentence, and remand to the trial court for further proceedings. Jurisdiction relinquished.

CASES CITED

- Commonwealth v. Shaffer, 209 A.3d 957, 968-69 (Pa. 2019)
- California v. Ciraolo, 476 U.S. 207, 211 (1986)
- Katz v. United States, 389 U.S. 347, 351, 360 (1967)
- Commonwealth v. Saunders, 326 A.3d 888, 896-97 (Pa. 2024)
- Commonwealth v. Perel, 107 A.3d 185, 188, 190 (Pa. Super. 2014)
- Payton v. New York, 445 U.S. 573, 589 (1980)
- Florida v. Jardines, 569 U.S. 1, 6 (2013)
- Commonwealth v. Bowmaster, 101 A.3d 789, 792 (Pa. Super. 2014)
- New Jersey v. T.L.O., 469 U.S. 325, 337 (1985)
- Commonwealth v. Prater, 256 A.3d 1274, 1286 (Pa. Super. 2021)
- Commonwealth v. Lemanski, 529 A.2d 1085, 1092-93 (Pa. Super. 1987)
- Commonwealth v. Gindlesperger, 743 A.2d 898, 903 (Pa. 1998)
- State v. Tarantino, 368 S.E.2d 588, 591-93 (N.C. 1988)
- People v. Hagededt, 270 N.E.3d 334, 343-48 (Ill. 2025)
- United States v. Dunn, 480 U.S. 294, 304-05 (1987)
- Commonwealth v. Milyak, 493 A.2d 1346, 1348 (Pa. 1985)
- Commonwealth v. Merkt, 600 A.2d 1297, 1299 (Pa. Super. 1992)
- Texas v. Brown, 460 U.S. 730, 733, 737-40 (1983)
- Commonwealth v. Davenport, 266 A.3d 707, 709-10 (Pa. Super. 2021)
- Commonwealth v. Wilmer, 194 A.3d 564, 571-72 (Pa. 2018)
- Commonwealth v. Graham, 721 A.2d 1075, 1079-80 (Pa. 1998)
- Horton v. California, 496 U.S. 128, 136-37 (1990)
- Commonwealth v. Norris, 446 A.2d 246, 250 (Pa. 1982)
- Commonwealth v. Choice, 345 A.3d 719, 733 n.18 (Pa. Super. 2025)

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