

SUPERIOR COURT OF PENNSYLVANIA

Commonwealth v. Evans, 393 Pa. Super. 500

Commonwealth v. Evans, 393 Pa. Super. 500, 574 A.2d 1051 (Pa. Super. 1990) · Decided March 19, 1990

SUMMARY

The court held that fenced, locked business storage areas—such as an oil refinery tank farm and a bus storage yard—are "places adapted for carrying on business" under 18 Pa.C.S.A. § 3501, and therefore constitute "occupied structures" for purposes of criminal trespass under § 3503(a). The court rejected the trial court's narrow interpretation limiting "carrying on business" to places where transactions occur, and clarified that the Commonwealth may prosecute under either criminal trespass or defiant trespass when the elements of breaking are present. The case also addresses the appealability of orders quashing the return of transcript after a preliminary hearing, treating them as final orders appealable by the Commonwealth.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Olszewski; Kelly; Johnson
JURISDICTION	Pennsylvania
DECIDED	March 19, 1990
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from trial court orders quashing the return of transcript (dismissing criminal trespass charges after preliminary hearing).
STANDARD OF REVIEW	The court accepts as true the evidence presented by the Commonwealth and reviews whether the trial court erred in quashing the charges.
PRECEDENTIAL VALUE	Published
PARTIES	Commonwealth of Pennsylvania v. Ernest Evans, Thomas Slaughter

TOPICS

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QUESTIONS PRESENTED

1. Whether fenced, locked storage areas used for business constitute 'occupied structures' under 18 Pa.C.S.A. § 3501, such that entering them can support a charge of criminal trespass.

HOLDINGS

1. Yes, fenced enclosures used for storage of business equipment and materials are 'places adapted for carrying on business' and thus 'occupied structures' under 18 Pa.C.S.A. § 3501.

KEY QUOTATIONS

“By defining 'occupied structure' to include 'places adapted for carrying on business,' the legislature extended to businesses, which are not always confined to structures made up of walls and a roof, the same protection from intrusion it afforded to dwellings, which traditionally are within buildings.” (505)

“We conclude that the fenced enclosures which appellees are accused of breaking into are 'places adapted for carrying on business therein,' and are therefore 'occupied structures' under 18 Pa. C.S.A. § 3501.” (506)

FACTUAL BACKGROUND

In No. 873, a security guard observed Evans and another male in a fenced tank farm area of an Atlantic Richfield refinery; a large hole was in the fence, and the other male appeared to be removing aluminum sheeting from a tank. When apprehended, Evans was hiding inside an empty tank. In No. 875, a SEPTA police officer observed Slaughter removing a window frame from a bus in a fenced bus storage yard; sixty window frames had been removed from several buses. Both areas were surrounded by fences and locked gates.

PROCEDURAL HISTORY

The trial court granted defendants' motions to quash the return of transcript, finding the Commonwealth failed to establish a prima facie case of criminal trespass because the fenced storage areas were not 'occupied structures.' The Commonwealth appealed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

for the reinstatement of criminal trespass charges

CASES CITED

- Commonwealth v. Revtai, 516 Pa. 53, 532 A.2d 1 (1987)
- Commonwealth v. Allem, 367 Pa.Super. 173, 532 A.2d 845 (1987)
- Commonwealth v. Hetherington, 460 Pa. 17, 331 A.2d 205 (1975)
- Commonwealth v. Wojdak, 502 Pa. 359, 466 A.2d 991 (1983)
- Commonwealth v. Cannon, 297 Pa.Super. 106, 443 A.2d 322 (1982)

- Commonwealth v. Wooten, 519 Pa. 45, 545 A.2d 876 (1988)
- Commonwealth v. Walker, 386 Pa.Super. 100, 562 A.2d 373 (1989)
- Commonwealth v. Mayer, 240 Pa.Super. 181, 362 A.2d 407 (1976)
- Commonwealth v. McCoy, 209 Pa.Super. 399, 228 A.2d 43 (1967)
- Commonwealth v. Coleman, 289 Pa.Super. 221, 433 A.2d 36 (1981)
- Commonwealth v. Warner, 504 Pa. 600, 476 A.2d 341 (1984)
- Commonwealth v. Vukovich, 301 Pa.Super. 111, 447 A.2d 267 (1982)
- Commonwealth v. Downing, 511 Pa. 28, 511 A.2d 792 (1986)
- Commonwealth v. Conyers, 238 Pa.Super. 386, 357 A.2d 569 (1976)
- Commonwealth v. Stanley, 498 Pa. 326, 446 A.2d 583 (1982)

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