

SUPERIOR COURT OF PENNSYLVANIA

Commonwealth v. Harper, 248 Pa. Super. 344

375 A.2d 129 (Pa. Super. Ct. 1977) · Decided June 29, 1977

SUMMARY

The Pennsylvania Superior Court affirmed Anthony Wayne Harper’s judgment of sentence for his involvement in a knife attack on a trolley passenger. The court held that the prompt hospital identification was not unduly suggestive and that police lawfully detained potential suspects based on probable cause until the victim could identify the attackers.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Price, Judge; Watkins, President Judge; Jacobs, J.; Hoffman, J.; Cercone, J.; Price, J.; Van der Voort, J.; Spaeth, J.
JURISDICTION	Pennsylvania
DECIDED	June 29, 1977
DISPOSITION	affirmed
PROCEDURAL POSTURE	Harper appealed his criminal judgment of sentence, arguing that the victim's hospital identification should have been suppressed as unduly suggestive and as the fruit of an illegal arrest.
STANDARD OF REVIEW	The court reviewed the admissibility of the identification and the legality of the detention and arrest under the applicable constitutional and probable-cause standards.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Anthony Wayne Harper v. Commonwealth of Pennsylvania

TOPICS

- criminal procedure
- probable cause
- suppression of evidence
- evidence

PRACTICE AREAS

- criminal procedure
- criminal evidence
- eyewitness identification
- probable cause

QUESTIONS PRESENTED

1. Whether the hospital identification procedure was unduly suggestive and therefore inadmissible.
2. Whether the identification was inadmissible as the fruit of an illegal arrest because police temporarily detained several possibly innocent men before the victim identified Harper.
3. Whether police had probable cause to detain the persons who reasonably fit the description of the attackers and, after the victim's identification, probable cause to arrest Harper.

HOLDINGS

1. The hospital identification was admissible because the record showed no undue suggestiveness. The police reasonably obtained an immediate identification before the seriously injured victim was taken into surgery, and the procedure provided an impromptu lineup rather than a one-on-one confrontation preceded by a police judgment that Harper was the perpetrator.
2. No illegal arrest occurred when police temporarily detained all persons who reasonably fit the description of the attackers until an identification could be made.
3. Probable cause to arrest Harper existed once the victim identified him as one of the attackers.

KEY QUOTATIONS

“Therefore, he was justified in momentarily detaining all persons who reasonably fitted the description of the attackers until an identification could be made.” (at 347)

“Thus, the police officers in this case acted not only reasonably; they acted with commendable skill and efficiency.” (at 348)

FACTUAL BACKGROUND

A trolley passenger was stabbed eleven times by two of three men who had boarded the trolley in Philadelphia. Police quickly learned that the men had boarded a nearby bus and detained six men on the bus and one man from the street, all of whom generally fit the description of the attackers. Less than an hour after the attack, police presented the men individually to the seriously wounded victim at the hospital, where the victim identified Harper and Henry Wyatt as two of the attackers before the victim underwent emergency surgery.

PROCEDURAL HISTORY

After a knife attack on a trolley passenger, police detained several persons who matched the general description of the attackers and presented them individually to the victim at the hospital. The victim identified Harper and another man. Harper challenged the identification and arrest procedure on appeal. The Superior Court of Pennsylvania affirmed the judgment of sentence.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Hall, 456 Pa. 243, 317 A.2d 891 (1974)
- Commonwealth v. Ray, 455 Pa. 43, 315 A.2d 634 (1974)
- Commonwealth v. Jenkins, 232 Pa. Super. 523, 335 A.2d 463 (1975)
- Commonwealth v. Santiago, 229 Pa. Super. 74, 323 A.2d 826 (1974)
- Commonwealth v. Wyatt, 242 Pa. Super. 628, 360 A.2d 665 (1976)

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