

SUPERIOR COURT OF PENNSYLVANIA

Commonwealth v. Robinson

2026 Pa. Super. 49 · No. 907 EDA 2024 · Decided March 17, 2026

SUMMARY

The Pennsylvania Superior Court affirmed Marcus Robinson’s judgment of sentence for firearms offenses. The court held that the police encounter became an investigative detention when Robinson submitted to the officers’ show of authority, and that the officers had reasonable suspicion based on the totality of the circumstances. The court also held that concurrent terms of probation and total confinement were legally permissible under 42 Pa.C.S.A. § 9721(a).

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Panella, P.J.E.; Lazarus, P.J.; Olson, J.; Stabile, J.; Kunselman, J.; Murray, J.; King, J.; Sullivan, J.; Lane, J.
JURISDICTION	Pennsylvania Superior Court
DECIDED	March 17, 2026
DOCKET	907 EDA 2024
DISPOSITION	affirmed
PROCEDURAL POSTURE	Robinson appealed from a judgment of sentence following a stipulated bench trial and challenged the denial of his motion to suppress physical evidence and statements.
STANDARD OF REVIEW	The appellate court determines whether the suppression court's factual findings are supported by the record and whether its legal conclusions are correct. Supported factual findings bind the appellate court, while legal conclusions receive plenary review. Review is limited to evidence presented at the suppression hearing, with credibility and weight determinations left to the suppression court.
PRECEDENTIAL VALUE	Published, precedential en banc opinion of the Superior Court of Pennsylvania.
PARTIES	Marcus Robinson v. Commonwealth of Pennsylvania

TOPICS

suppression of evidence

fourth amendment

search and seizure

probable cause

criminal procedure

PRACTICE AREAS

criminal law

criminal procedure

constitutional law

sentencing

QUESTIONS PRESENTED

1. Whether the trial court erred in denying Robinson's motion to suppress because police subjected him to an investigative detention without reasonable suspicion.
2. When the police-citizen encounter escalated from a mere encounter to an investigative detention.
3. Whether the officers had reasonable suspicion to detain Robinson and probable cause to arrest him after the firearm fell and Robinson admitted he lacked a carrying permit.
4. Whether the concurrent terms of incarceration and probation constituted an illegal sentence.

HOLDINGS

1. Section 9721(a) of title 42 permits a trial court to impose concurrent terms of probation and total confinement; Robinson's concurrent probationary sentence was therefore legal.
2. The initial questioning was a mere encounter because Robinson remained free to leave. The encounter became an investigative detention when Robinson submitted to the officers' show of authority by raising his hand as if surrendering.
3. The officers had reasonable suspicion to conduct an investigative detention and frisk Robinson for weapons.
4. The firearm was lawfully recovered when it fell as Robinson raised his arm, and the officers had probable cause to arrest him after he admitted that he lacked a permit to carry a concealed firearm.

KEY QUOTATIONS

"Section 9721(a) [of title 42] permits trial courts to impose concurrent terms of probation and total confinement." (at 4)

"The hallmark of this interaction is that it carries no official compulsion to stop or respond, and therefore need not be justified by any level of police suspicion." (at 7)

"The encounter turned investigative at the moment Robinson "submit[ted] to the show of authority" by raising his "right hand up in the sky as if he[was] giving up."" (at 11)

"This information constituted sufficient reasonable suspicion to subject Robinson to a pat down or frisk for weapons." (at 15)

FACTUAL BACKGROUND

Philadelphia police officers encountered Robinson in an area the Commonwealth established was known for PCP sales and shootings, where one officer had responded to at least fifteen shootings and made three firearms arrests. After seeing the officers, Robinson loudly said, "Oh, shit," held one arm against his body, bladed his

body, looked nervous, and concealed an object that appeared to be a firearm. Robinson denied having a weapon and stated that he had no permit to carry a firearm; when asked to raise his arm, a loaded .45-caliber handgun fell to the ground, and he was arrested.

PROCEDURAL HISTORY

The Philadelphia County Court of Common Pleas denied Robinson's suppression motion after a May 25, 2023 hearing. Robinson was convicted at a stipulated bench trial on September 25, 2023, and sentenced on February 7, 2024, to six to twelve years' incarceration and a concurrent seven-year probationary term. After the trial court denied reconsideration, Robinson appealed. The Superior Court, sitting en banc, affirmed the judgment of sentence.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Jennings, 1128 EDA 2024 (Pa. Super. filed Jan. 14, 2026) (en banc)
- Commonwealth v. Wright, 224 A.3d 1104, 1108 (Pa. Super. 2019)
- Commonwealth v. Saunders, 326 A.3d 888, 896 (Pa. 2024)
- Commonwealth v. Gibson, 333 A.3d 710, 717, 720 (Pa. Super. 2025)
- Terry v. Ohio, 392 U.S. 1 (1968)
- Commonwealth v. Jefferson, 256 A.3d 1242, 1247-48 (Pa. Super. 2021) (en banc)
- Commonwealth v. Lewis, 343 A.3d 1016, 1028-29, 1035-36 (Pa. 2025)
- Commonwealth v. Joyner, 348 A.3d 230, 236 (Pa. Super. 2025)
- Commonwealth v. Jones, 226 A.3d 1090, 1095 (Pa. Super. 2021)
- Illinois v. Wardlow, 528 U.S. 119, 124 (2000)
- Commonwealth v. Barr, 266 A.3d 25 (Pa. 2021)
- Commonwealth v. Carter, 105 A.3d 765, 775 (Pa. Super. 2014) (en banc)