

SUPERIOR COURT OF PENNSYLVANIA

Commonwealth v. Sow

Sow, 2025 Pa. Super. 63 (Superior Court of Pennsylvania 2025) · No. 1405 EDA 2024 · Decided March 17, 2025

SUMMARY

The Pennsylvania Superior Court affirmed Abubakarr Sow’s judgment of sentence for obstructing the administration of law and driving under the influence. The court held that the trial court properly refused Sow’s proposed jury instruction concerning an officer’s duty to exhibit a warrant because the instruction was misleading and irrelevant to the elements of the obstruction offense. The court also concluded that Sow was not prejudiced by the refusal.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Stevens, P.J.E.; Panella, P.J.E.; Lane, J.
JURISDICTION	Pennsylvania Superior Court
DECIDED	March 17, 2025
DOCKET	1405 EDA 2024
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment of sentence following convictions for obstruction of administration of law or other governmental function and driving under the influence.
STANDARD OF REVIEW	A trial court's decision denying a requested jury instruction is reviewed for abuse of discretion or error of law. Reversal requires prejudice from the refusal to give the requested charge.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Abubakarr Sow v. Commonwealth of Pennsylvania

TOPICS

[jury instructions](#)[criminal procedure](#)[search and seizure](#)[appellate procedure](#)[standard of review](#)

PRACTICE AREAS

[criminal law](#)[criminal procedure](#)[appellate practice](#)

QUESTIONS PRESENTED

1. Whether the trial court erred by refusing to instruct the jury that an officer executing a warrant must exhibit the warrant upon the defendant's demand.
2. Whether the refusal to give the requested instruction prejudiced Sow or warranted a new trial on the obstruction charge.

HOLDINGS

1. The requested instruction, based on dicta in *Shovlin* concerning arrest warrants, did not accurately state the law applicable to this case and was irrelevant to the elements and factual issues of Sow's obstruction charge.
2. The trial court did not err in refusing the proposed instruction, and Sow was not entitled to a new trial because the instruction was misleading and irrelevant and he was not prejudiced by its omission.

KEY QUOTATIONS

“[O]ur standard of review when considering the denial of jury instructions is one of deference—an appellate court will reverse a court’s decision only when it abused its discretion or committed an error of law.” (5)

“[T]he trial court is not required to give every charge that is requested by the parties and its refusal to give a requested charge does not require reversal unless the Appellant was prejudiced by that refusal.” (5)

“The trial court did not err when it refused to read Appellant’s proposed jury instruction because the quote was misleading and irrelevant, and Appellant is not entitled to a new trial because he was not prejudiced by the trial court’s refusal.” (10)

FACTUAL BACKGROUND

At approximately 3:16 a.m., a police officer encountered Sow standing behind the open door of a running vehicle stopped in the roadway, observed signs of impairment, smelled alcohol, and arrested him for DUI. Sow refused an initial request for a blood draw, after which the officer obtained a search warrant for a blood sample and showed Sow the warrant or explained its contents without handing it to him. Sow again refused the blood draw and was charged with obstructing the execution of the warrant rather than having the sample forcibly seized.

PROCEDURAL HISTORY

Sow was convicted by a jury of obstruction of administration of law or other governmental function and DUI, and by the trial court of four summary offenses. The Monroe County Court of Common Pleas sentenced him to five days to six months' incarceration on the DUI charge followed by one year of probation on the obstruction charge. Sow timely appealed, challenging the trial court's refusal to give his proposed jury instruction concerning an officer's duty to exhibit a warrant.

DISPOSITION

affirmed

CASES CITED

- Shovlin v. Commonwealth, 106 Pa. 369 (1884)
- Commonwealth v. Galvin, 985 A.2d 783, 798-99 (Pa. 2009)
- Commonwealth v. Sandusky, 77 A.3d 663, 667 (Pa. Super. 2013)
- Commonwealth v. Thomas, 904 A.2d 964, 970 (Pa. Super. 2006)
- Commonwealth v. Chine, 40 A.3d 1239, 1244 (Pa. Super. 2012)
- Commonwealth v. Evans, 153 A.3d 323, 328 (Pa. Super. 2016)

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