

SUPREME COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania v. Larry Wardell Hunte

No. 16 MAP 2023 (Pa. June 17 2025) · No. 16 MAP 2023 · Decided June 17, 2025

SUMMARY

The Supreme Court of Pennsylvania considers a facial constitutional challenge to 75 Pa.C.S. § 3755, which authorizes warrantless blood draws from certain people receiving emergency medical treatment after motor vehicle accidents. The Court holds that Section 3755 is facially unconstitutional under the Fourth Amendment to the United States Constitution and Article I, Section 8 of the Pennsylvania Constitution. The appeal arises from the Cumberland County Court of Common Pleas’ suppression of blood-test results and dismissal of charges against Larry Wardell Hunte.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice David N. Wecht; Chief Justice Todd; Justice Donohue; Justice Dougherty; Justice Wecht; Justice Mundy; Justice Brobson; Justice McCaffery
JURISDICTION	Supreme Court of Pennsylvania
DECIDED	June 17, 2025
DOCKET	16 MAP 2023
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Commonwealth took a direct appeal from the Cumberland County Court of Common Pleas order declaring 75 Pa.C.S. § 3755 unconstitutional, suppressing evidence derived from the blood draw, and dismissing charges premised solely on the blood testing.
STANDARD OF REVIEW	De novo review of the constitutionality of a statute, with plenary scope of review.
PRECEDENTIAL VALUE	Published and precedential Supreme Court of Pennsylvania opinion
PARTIES	Commonwealth of Pennsylvania v. Larry Wardell Hunte

TOPICS

- fourth amendment
- search and seizure
- warrant requirement
- criminal procedure
- appellate jurisdiction

PRACTICE AREAS

constitutional law

criminal procedure

search and seizure

DUI and implied consent

appellate procedure

QUESTIONS PRESENTED

1. Whether the constitutionality of 75 Pa.C.S. § 3755 was properly before the Court where the blood draw was expressly requested under that statute.
2. Whether Section 3755 facially violates the Fourth Amendment and Article I, Section 8 of the Pennsylvania Constitution by authorizing warrantless blood draws based only on probable cause to suspect DUI.
3. Whether implied consent, exigent circumstances, or search warrants obtained after the blood draw could save Section 3755 from facial invalidity.
4. Whether Section 3755(b), which provides immunity to medical personnel and mandates compliance with the statute, is severable from unconstitutional Section 3755(a).

HOLDINGS

1. Section 3755 is facially unconstitutional under the Fourth Amendment because it mandates warrantless blood draws based on probable cause alone and requires neither a warrant nor a case-specific exception to the warrant requirement.
2. Statutory implied consent does not constitute an independent categorical exception to the Fourth Amendment warrant requirement and cannot save Section 3755.
3. Case-specific exigent circumstances and search warrants obtained after the blood draw do not establish a constitutional application of Section 3755 because they would provide independent authority for a search rather than authority derived from the statute.
4. Section 3755(b) is not severable from Section 3755(a), so the trial court properly declared Section 3755 unconstitutional in its entirety.
5. Section 3755 violates Article I, Section 8 of the Pennsylvania Constitution because the Fourth Amendment provides a sufficient baseline to resolve the issue.

KEY QUOTATIONS

“Section 3755 is facially unconstitutional under the Fourth Amendment to the United States Constitution and Article I, Section 8 of the Pennsylvania Constitution.” (2)

“In the end, “implied consent” is a constitutionally meaningless phrase in this context.” (39)

“A case-specific showing of exigent circumstances—which is not necessitated by the statute—provides a wholly distinct, constitutional authority.” (45)

“What the General Assembly cannot do, however, is subject the people to unconstitutional searches by legislative fiat.” (52)

FACTUAL BACKGROUND

Police responded to a severe single-vehicle accident involving Larry Wardell Hunte and a passenger who later died. Police observed fentanyl patches and open alcohol containers, and a first responder reported that Hunte admitted driving and drinking. Hunte was transported to a hospital, where he was unconscious; after an attempted consent procedure under Section 1547 failed, an officer requested a separate blood draw under Section 3755 without first obtaining a warrant. The blood was later seized and tested pursuant to warrants, revealing alcohol and controlled substances.

PROCEDURAL HISTORY

After a single-vehicle accident, police requested and obtained an additional blood draw from Hunte, who was unconscious and receiving emergency medical treatment, pursuant to 75 Pa.C.S. § 3755 and without a warrant. Hunte moved to suppress the blood-test results and dismiss charges. The trial court concluded that Section 3755 was unconstitutional under the Fourth Amendment and Article I, Section 8 of the Pennsylvania Constitution, suppressed the results, and dismissed charges based on them. The Commonwealth appealed directly because the trial court had held a Pennsylvania statute unconstitutional.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Riedel, 651 A.2d 135 (Pa. 1994)
- Commonwealth v. Jones-Williams, 237 A.3d 528 (Pa. Super. 2020)
- Commonwealth v. Jones-Williams, 279 A.3d 508 (Pa. 2022)
- Commonwealth v. Myers, 164 A.3d 1162 (Pa. 2017)
- Missouri v. McNeely, 569 U.S. 141 (2013)
- Birchfield v. North Dakota, 579 U.S. 438 (2016)
- Mitchell v. Wisconsin, 588 U.S. 840 (2019) (plurality)
- City of Los Angeles v. Patel, 576 U.S. 409 (2015)
- Schneckloth v. Bustamonte, 412 U.S. 218 (1973)
- Katz v. United States, 389 U.S. 347 (1967)
- Commonwealth v. Lyons, 79 A.3d 1053 (Pa. 2013)
- Commonwealth v. Edmunds, 586 A.2d 887 (Pa. 1991)
- Commonwealth v. Pownall, 278 A.3d 885 (Pa. 2022)
- United States v. Salerno, 481 U.S. 739 (1987)
- Commonwealth v. Bell, 211 A.3d 761 (Pa. 2019)
- State v. Prado, 960 N.W.2d 869 (Wis. 2021)
- Commonwealth v. Wolfel, 233 A.3d 784 (Pa. 2020)

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