

SUPERIOR COURT OF PENNSYLVANIA

Commonwealth v. Aguilar

2025 Pa. Super. 118 · No. 1 EDA 2025 · Decided June 10, 2025

SUMMARY

The Pennsylvania Superior Court reversed an order granting suppression and sua sponte quashing the criminal information against Sergio Mauricio Zambrano Aguilar. The court held that Aguilar lacked a reasonable expectation of privacy in online communications provided by an adult vigilante, and that factual impossibility was not a defense to attempted corruption of minors under Pennsylvania law. The court also concluded that the charged offenses did not require communication with an actual minor or a law-enforcement officer posing as a minor.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	President Judge Emeritus Stevens; Judge Dubow; Judge Beck
JURISDICTION	Pennsylvania Superior Court
DECIDED	June 10, 2025
DOCKET	1 EDA 2025
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Commonwealth appealed from an order granting Aguilar's pretrial motion to suppress and, after construing the motion as a motion to quash, sua sponte quashing the criminal information.
STANDARD OF REVIEW	Suppression court factual findings are binding if supported by the record, but legal conclusions are reviewed de novo. An order quashing a criminal information is reviewed for abuse of discretion. The sufficiency of the Commonwealth's prima facie case is a question of law subject to plenary review.
PRECEDENTIAL VALUE	Published and precedential opinion of the Superior Court of Pennsylvania.
PARTIES	Commonwealth of Pennsylvania v. Sergio Mauricio Zambrano Aguilar

TOPICS

criminal procedure

suppression of evidence

statutory interpretation

appellate procedure

preservation of error

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether the trial court erred by granting a suppression motion where the defendant did not assert a violation of a privacy or constitutional right and the communications were provided by their recipient.
2. Whether the trial court erred by sua sponte construing the suppression motion as a motion to quash and quashing the criminal information.
3. Whether factual impossibility barred prosecution for attempted corruption of minors when the person communicating with the defendant was an adult posing as a minor.
4. Whether the charged offenses require communication with an actual minor or a law-enforcement officer posing as a minor.
5. Whether the trial court properly concluded sua sponte that the Commonwealth failed to establish a prima facie case.

HOLDINGS

1. The suppression motion was unfounded because Aguilar did not establish that the Commonwealth violated his Fourth Amendment or Pennsylvania constitutional rights, and he did not demonstrate a legitimate expectation of privacy in communications received by the adult recipient.
2. The trial court erred by sua sponte treating Aguilar's suppression motion as a motion to quash and granting relief that Aguilar had not requested.
3. Factual impossibility is not a defense to criminal attempt in Pennsylvania when the completed offense could have occurred had the circumstances been as the defendant apprehended them to be.
4. Neither attempted corruption of minors nor criminal use of a communication facility requires communication with an actual minor or a law-enforcement officer posing as a minor.
5. The trial court erred in sua sponte concluding that the Commonwealth failed to establish a prima facie case; the record contained evidence supporting each element of the charged offenses.

KEY QUOTATIONS

"A motion to quash may be used to raise defects apparent on the face of the information or other defects that prohibit prosecution." (at 7)

"The defense of factual impossibility has been unavailable in Pennsylvania for decades." (at 8)

"It is neither a guilt determining procedure nor a pre-trial means for determining the sufficiency of the Commonwealth's evidence." (at 11-12)

“We decline Appellee’s invitation to add omitted language to an unambiguous statute.” (at 16)

FACTUAL BACKGROUND

An adult male operating an organization called LC Predator Catchers represented himself online to Aguilar as a fifteen-year-old boy. Aguilar allegedly agreed to meet for sexual acts, sent graphic photographs, proposed being sexual partners, and provided his home address. Police later interviewed Aguilar after arriving at the address, and Aguilar allegedly acknowledged the sexual nature of his communications and his intent to have sex with someone he believed was fifteen.

PROCEDURAL HISTORY

Aguilar was charged with misdemeanor and felony criminal attempt to corrupt the morals of a minor and criminal use of a communication facility after communicating online with an adult who represented himself as a fifteen-year-old boy. Aguilar filed a motion to suppress, arguing that communications with an adult vigilante posing as a minor could not support the charges. The trial court granted suppression, construed the motion as a motion to quash, quashed the information, and later stated in its Rule 1925(a) opinion that the Commonwealth had failed to establish a prima facie case. The Superior Court reversed and remanded for trial, reinstating the charges.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reinstate the charges and remand the matter for trial. Jurisdiction was relinquished.

CASES CITED

- Commonwealth v. Coles, 317 A.3d 659, 663 (Pa. Super. 2024)
- Commonwealth v. Korn, 139 A.3d 249, 253-254 (Pa. Super. 2016), appeal denied, 159 A.3d 933 (Pa. 2016)
- Commonwealth v. Perel, 107 A.3d 185, 188 (Pa. Super. 2015)
- Rakas v. Illinois, 439 U.S. 128, 130 n.1 (1978)
- Commonwealth v. Ruey, 892 A.2d 802, 807 (Pa. 2006)
- Commonwealth v. Monte, 329 A.2d 836 (Pa. 1974)
- Commonwealth v. Mason, 490 A.2d 421, 426 (Pa. 1985)
- Alderman v. United States, 394 U.S. 165, 171-72 (1969)
- Commonwealth v. Proetto, 771 A.2d 823, 830-31 (Pa. Super. 2001), aff’d, 837 A.2d 1163 (Pa. 2003)
- Commonwealth v. Meoli, 452 A.2d 1032 (Pa. Super. 1982)
- Commonwealth v. Martin, 694 A.2d 343, 344 (Pa. Super. 1997)
- Commonwealth v. Rishel, 658 A.2d 352, 358 (Pa. Super. 1995)
- Commonwealth v. Waters, 418 A.2d 312, 318-19 (Pa. 1980)

- Commonwealth v. Finley, 860 A.2d 132, 135 (Pa. Super. 2004)
- Commonwealth v. Henley, 459 A.2d 365, 366 (Pa. Super. 1983)
- Commonwealth v. Shaffer, 557 A.2d 1106, 1106-07 (Pa. Super. 1989)
- Commonwealth v. Moser, 476 A.2d 980, 982 (Pa. Super. 1984)
- Commonwealth v. Aikens, 168 A.3d 137, 138-39 (Pa. 2017)
- Commonwealth v. Pankraz, 554 A.2d 974, 977 (Pa. Super. 1989)
- Commonwealth v. Randall, 133 A.2d 276 (Pa. Super. 1957)
- Commonwealth v. Mumma, 414 A.2d 1026, 1030 (Pa. Super. 1980)
- Commonwealth v. Davison, 364 A.2d 425, 426 n.1 (Pa. Super. 1976)
- Commonwealth v. Crabill, 926 A.2d 488, 491 (Pa. Super. 2007)
- Commonwealth v. Sampolski, 89 A.3d 1287, 1289 (Pa. Super. 2014)
- Commonwealth v. Moss, 852 A.2d 374, 382 (Pa. Super. 2004)
- Mohamed v. Commonwealth, Department of Transportation, Bureau of Motor Vehicles, 40 A.3d 1186, 1194-95 (Pa. 2012)
- Commonwealth v. Tarbert, 535 A.2d 1035, 1044 (Pa. 1987)
- Sivick v. State Ethics Commission, 238 A.3d 1250, 1264 (Pa. 2020)
- Commonwealth v. Johnson, 125 A.3d 822, 831 (Pa. Super. 2015)
- Commonwealth v. Ouch, 199 A.3d 918, 923 (Pa. Super. 2018)
- Commonwealth v. Marti, 779 A.2d 1177, 1180 (Pa. Super. 2001)
- Commonwealth v. Baker-Myers, 255 A.3d 223, 235 (Pa. Super. 2021)