

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Santiago

Commonwealth v. Santiago, 209 A.3d 912 (Pa. 2019) · No. No. 1 EAP 2018 · Decided June 18, 2019

SUMMARY

Under the fruit of the poisonous tree doctrine, an in-court identification derived solely from a warrantless cell phone search is tainted and inadmissible, but a pre-search identification based on independent observations may be admissible. The Pennsylvania Supreme Court held that a police officer's in-court identification of a defendant was admissible because it was founded on his observations during a traffic stop that occurred prior to the illegal search of the defendant's cell phone, and the defendant failed to challenge the independence of those observations. The court also reaffirmed that a defendant's physical presence at trial is not suppressible as fruit of an illegal search or arrest.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Todd; Saylor; Baer; Donohue; Dougherty; Wecht; Mundy
JURISDICTION	Pennsylvania
DECIDED	June 18, 2019
DOCKET	No. 1 EAP 2018
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Superior Court's order affirming in part, reversing in part, and remanding the trial court's suppression order.
STANDARD OF REVIEW	de novo for questions of law; plenary scope
PRECEDENTIAL VALUE	Published
PARTIES	Angel Santiago v. Commonwealth of Pennsylvania

TOPICS

[fourth amendment](#) [search and seizure](#) [exclusionary rule](#) [evidence](#) [criminal procedure](#)

PRACTICE AREAS

[Criminal Law](#) [Constitutional Law](#)

QUESTIONS PRESENTED

1. Whether the fruit of the poisonous tree doctrine warrants suppression of in-court identification testimony by a police officer who observed a defendant prior to an illegal search of that defendant's cell phone.

HOLDINGS

1. An identification made wholly as a result of a warrantless search of a cell phone is tainted and inadmissible. However, a pre-search identification of a defendant may be admissible if based on observations independent of the taint of the subsequent unconstitutional search. Here, Officer Sanchez's in-court identification was not suppressible because it was based on his pre-search observations, and the defendant failed to challenge the independence of those observations.
2. The defendant's compelled presence at trial is not subject to suppression; it is not evidence that can be excluded.

KEY QUOTATIONS

“The ‘fruit of the poisonous tree’ doctrine prohibits the admission of evidence at trial that was tainted by unconstitutional actions by law enforcement officials.” (914)

“We hold that an identification made wholly as a result of a warrantless search renders such identification tainted and inadmissible. However, a pre-search identification of a defendant may be admissible, if independent of the taint of the subsequent unconstitutional search.” (927)

FACTUAL BACKGROUND

On July 31, 2014, Philadelphia Police Officer Paul Sanchez conducted a traffic stop of a vehicle driven by Angel Santiago. During the encounter, which lasted one to two minutes, Sanchez observed Santiago's nervous behavior and close-range features. After Santiago fled, a cell phone was recovered from the scene. Sanchez searched the phone without a warrant, finding the contact 'Angel Santiago.' A detective then ran that name through NCIC, obtained a prison photo, and Sanchez identified Santiago as the driver. Sanchez had not learned Santiago's name during the initial encounter.

PROCEDURAL HISTORY

The trial court suppressed both out-of-court and in-court identifications by Officer Sanchez. The Superior Court affirmed suppression of the out-of-court identification but reversed suppression of the in-court identification. The Supreme Court granted allocatur on the question of whether the fruit of the poisonous tree doctrine warrants suppression of in-court identification testimony by a police officer who observed a defendant prior to an illegal search of the defendant's cell phone.

DISPOSITION

affirmed

CASES CITED

- Wong Sun v. United States, 371 U.S. 471 (1963)
- United States v. Crews, 445 U.S. 463 (1980)
- Gilbert v. California, 388 U.S. 263 (1967)
- United States v. Wade, 388 U.S. 218 (1967)
- Commonwealth v. Garvin, 293 A.2d 33 (Pa. 1972)
- Silverthorne Lumber Co. v. United States, 251 U.S. 385 (1920)
- Nardone v. United States, 308 U.S. 338 (1939)
- Nix v. Williams, 467 U.S. 431 (1984)
- INS v. Lopez-Mendoza, 468 U.S. 1032 (1984)
- Commonwealth v. Fulton, 179 A.3d 475 (Pa. 2018)
- Davis v. United States, 564 U.S. 229 (2011)
- Adams v. New York, 192 U.S. 585 (1904)
- Mapp v. Ohio, 367 U.S. 643 (1961)