

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Romero

183 A.3d 364 (Pa. 2018) · Decided April 26, 2018

SUMMARY

The Pennsylvania Supreme Court considers whether an arrest warrant authorizes law enforcement to enter a residence when officers reasonably believe the intended arrestee lives there, but the residence actually belongs to third parties. The court also addresses the appellate standard of review for a suppression court's finding that the residents did not consent to entry, applying the principles of *Payton v. New York* and *Steagald v. United States*.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Wecht; Chief Justice Saylor; Justice Baer; Justice Todd; Justice Donohue; Justice Dougherty; Justice Mundy
JURISDICTION	Pennsylvania
DECIDED	April 26, 2018
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Commonwealth filed interlocutory appeals from orders granting Romero's and Castro's motions to suppress evidence obtained after law-enforcement officers entered their home while executing an arrest warrant for Moreno. The Superior Court reversed and remanded for trial. The Pennsylvania Supreme Court granted allowance of appeal.
STANDARD OF REVIEW	When the Commonwealth appeals from an order granting suppression, the reviewing court considers the defense evidence and uncontradicted Commonwealth evidence in the context of the whole record. The appellate court is bound by supported factual findings but exercises plenary review over legal conclusions and whether the law was properly applied to the facts.
PRECEDENTIAL VALUE	Published Pennsylvania Supreme Court decision; precedential. The opinion is fractured, and only Part II(A) was joined by a majority of the participating justices according to the supplied text.
PARTIES	Commonwealth of Pennsylvania v. Angel Romero, Wendy Castro

TOPICS

fourth amendment

search and seizure

warrant requirement

suppression of evidence

appellate procedure

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether an arrest warrant, without a separate search warrant, authorized officers to enter Romero's and Castro's home to execute the warrant for Moreno.
2. Whether the Superior Court improperly relied on contradicted testimony to determine that Romero or Castro permitted the officers to enter.

HOLDINGS

1. The Superior Court erred by treating the entry as consensual because the suppression court found that the officers lacked express permission and the testimony supporting consent was directly contradicted by Romero's credited testimony.
2. Even when officers seek to execute an arrest warrant, a law-enforcement entry into a home must be authorized by a warrant reflecting a magistrate's determination of probable cause to search that home, whether through a separate search warrant or through an arrest warrant that itself contains that determination. Absent such a warrant, entry is permissible only under a recognized exception to the warrant requirement.

KEY QUOTATIONS

"The Fourth Amendment for generations and with few exceptions, all generally involving some form of urgent necessity, clearly has denied law enforcement officers the discretion to make unilateral determinations of the authority to conduct a search or seizure-most jealously with respect to the home." (400)

"In light of the foregoing, we conclude that the Fourth Amendment requires that, even when seeking to execute an arrest warrant, a law-enforcement entry into a home must be authorized by a warrant reflecting a magisterial determination of probable cause to search that home, whether by a separate search warrant or contained within the arrest warrant itself." (406)

FACTUAL BACKGROUND

Parolee Earnest Moreno absconded from a Philadelphia halfway house, and a warrant was issued for his arrest. Relying on an expired driver's license, an address Moreno had provided in 2009, information allegedly provided by the halfway house, and Moreno's familial connection to the address, Agent Finnegan believed Moreno lived at 4745 North 2nd Street, the home of Moreno's half-brother Angel Romero and Romero's wife Wendy Castro. Officers entered the residence without a search warrant while attempting to execute Moreno's arrest warrant, searched the basement despite objections, and discovered an apparent marijuana-growing operation; a later search warrant produced marijuana plants, a firearm, ammunition, and related evidence.

PROCEDURAL HISTORY

The Court of Common Pleas granted the defendants' suppression motions after finding that the officers lacked express permission to enter and that the information supporting the belief that Moreno resided at the home was stale. The Superior Court reversed, holding that a reasonable belief that the arrest-warrant subject lived at the premises authorized entry without a search warrant. The Supreme Court reversed the Superior Court and remanded for consideration of the arrest warrant under the newly articulated standard.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The suppression court must allow the Commonwealth to introduce the arrest warrant and determine, under the Court's new standard and by reviewing the four corners of the affidavit of probable cause, whether the warrant reflected a magistrate's determination of probable cause to search Romero's and Castro's residence. If it did not, suppression was proper.

CASES CITED

- Payton v. New York, 445 U.S. 573, 100 S. Ct. 1371, 63 L. Ed. 2d 639 (1980)
- Steagald v. United States, 451 U.S. 204, 101 S. Ct. 1642, 68 L. Ed. 2d 38 (1981)
- Commonwealth v. Muniz, 5 A.3d 345 (Pa. Super. 2010)
- Commonwealth v. Conception, 441 Pa. Super. 539, 657 A.2d 1298 (1995)
- Commonwealth v. Martin, 423 Pa. Super. 228, 620 A.2d 1194 (1993)
- United States v. Vasquez-Algarin, 821 F.3d 467 (3d Cir. 2016)
- Commonwealth v. Mistler, 590 Pa. 390, 912 A.2d 1265 (2006)
- Commonwealth v. Johnson, 639 Pa. 196, 160 A.3d 127 (2017)
- Commonwealth v. Jones, 605 Pa. 188, 988 A.2d 649 (2010)
- Commonwealth v. Strickler, 563 Pa. 47, 757 A.2d 884 (2000)
- Commonwealth v. Chandler, 505 Pa. 113, 477 A.2d 851 (1984)
- Commonwealth v. Coleman, 574 Pa. 261, 830 A.2d 554 (2003)
- In re L.J., 622 Pa. 126, 79 A.3d 1073 (2013)
- United States v. Santana, 427 U.S. 38, 42-43 (1976)
- Warden v. Hayden, 387 U.S. 294 (1967)
- United States v. United States District Court, 407 U.S. 297, 313 (1972)
- Florida v. Jardines, 569 U.S. 1, 6 (2013)
- Johnson v. United States, 333 U.S. 10, 13-15 (1948)
- Schneckloth v. Bustamonte, 412 U.S. 218, 219 (1973)
- Katz v. United States, 389 U.S. 347, 357 (1967)

- *Ag n ello v. United States*, 269 U.S. 20, 33 (1925)
- *Welsh v. Wisconsin*, 466 U.S. 740, 748-49 (1984)
- *New York v. Harris*, 495 U.S. 14, 17 (1990)
- *Kentucky v. King*, 563 U.S. 452, 459 (2011)
- *Mincey v. Arizona*, 437 U.S. 385, 393 (1978)
- *Commonwealth v. Edmunds*, 526 Pa. 374, 586 A.2d 887, 905-06 (1991)

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