

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Garvin

448 Pa. 258 (Pa. 1972) · Decided June 28, 1972

SUMMARY

The Supreme Court of Pennsylvania held that the warrantless arrest of Benjamin Garvin was illegal because the arresting officer lacked sufficient information to establish probable cause. The court nevertheless upheld the admission of identification evidence, concluding that the illegal arrest merely hastened an inevitable confrontation and did not taint the identifications; it also upheld nondisclosure of the informant's identity and the trial judge's credibility determination.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Nix; Chief Justice Jones; Justice Eagen; Justice O'Brien; Justice Roberts; Justice Pomeroy; Justice Manderino
JURISDICTION	Pennsylvania
DECIDED	June 28, 1972
DISPOSITION	affirmed
PROCEDURAL POSTURE	Criminal appeal from convictions for aggravated robbery and burglary after a bench trial; the Superior Court affirmed per curiam without opinion, and the Supreme Court of Pennsylvania granted allocatur.
STANDARD OF REVIEW	Probable cause for a warrantless arrest was reviewed under the facts and circumstances known to the arresting officer. The trial court's credibility determinations were reviewable only for manifest error.
PRECEDENTIAL VALUE	published precedential opinion of the Supreme Court of Pennsylvania
PARTIES	Benjamin Garvin, Jr. v. Commonwealth of Pennsylvania

TOPICS

- suppression of evidence
- probable cause
- exclusionary rule
- search and seizure
- criminal procedure

PRACTICE AREAS

- criminal procedure
- constitutional law
- evidence

QUESTIONS PRESENTED

1. Whether Garvin's warrantless arrest was supported by probable cause.
2. If the arrest was illegal, whether the ensuing identification evidence was tainted and subject to suppression under the exclusionary rule.
3. Whether the trial court erred by permitting the Commonwealth to withhold the identity of the informant.
4. Whether the trial judge's rejection of accomplice Thomas Leging's exculpatory testimony was manifestly erroneous.

HOLDINGS

1. The arrest was illegal because the officer lacked sufficient information to independently assess the reliability of the information relayed through the informant.
2. The identifications were not required to be suppressed because the illegal arrest merely hastened an inevitable confrontation and did not exploit the illegality or influence the witnesses' knowledge or the accuracy of their identifications.
3. Disclosure of the informant's identity was not required because the informant's testimony was not crucial and the victims provided positive, independent identifications.
4. The trial judge, sitting as factfinder, had exclusive authority to assess the accomplice's credibility, and the credibility determination was not manifestly erroneous.

KEY QUOTATIONS

“Thus, we conclude that the only effect of the illegal arrest was to hasten the inevitable confrontation and not to influence its out-come.” (448 Pa. at 264)

“Therefore, we conclude that in the instant case, disclosure of the informer's identity is not essential.” (448 Pa. at 268)

FACTUAL BACKGROUND

Garvin and Thomas Leging entered a Philadelphia beauty salon and robbed two women; Leging displayed a gun, and Garvin struck one victim and took \$68 from her purse. The victims had approximately five minutes to observe the men under good lighting conditions. About three weeks later, an officer arrested Garvin based on information relayed by a known informant and took him directly to the salon, where Mrs. Ferro identified him; both victims later identified him in court.

PROCEDURAL HISTORY

Garvin was convicted in the Philadelphia Court of Common Pleas, Trial Division, after waiving a jury trial, and received concurrent sentences of two to twenty years' imprisonment. Post-trial motions were denied. The Superior Court affirmed without opinion, and the Supreme Court of Pennsylvania affirmed the judgment after reviewing challenges to the arrest, identification evidence, informer-identity privilege, and the trial judge's credibility determination.

DISPOSITION

affirmed

CASES CITED

- Ker v. California, 374 U.S. 23 (1963)
- Commonwealth v. Bishop, 425 Pa. 175, 228 A.2d 661 (1967)
- Commonwealth v. Murray, 437 Pa. 326, 263 A.2d 886 (1970)
- Commonwealth v. Brayboy, 431 Pa. 365, 246 A.2d 675 (1968)
- Aguilar v. Texas, 378 U.S. 108 (1964)
- United States v. Harris, 403 U.S. 573 (1971)
- United States v. Ventresca, 380 U.S. 102 (1965)
- Jones v. United States, 362 U.S. 257 (1960)
- Spinelli v. United States, 393 U.S. 410, 417 & n.7 (1969)
- Whiteley v. Warden, 401 U.S. 560, 566 (1971)
- Wong Sun v. United States, 371 U.S. 471, 485, 487-88, 491 (1963)
- Brinegar v. United States, 338 U.S. 160, 176 (1949)
- Mapp v. Ohio, 367 U.S. 643 (1961)
- Traub v. Connecticut, 374 U.S. 493 (1963)
- Roviato v. United States, 353 U.S. 53, 62 (1957)
- Commonwealth v. Carter, 427 Pa. 53, 233 A.2d 284 (1967)
- Burbage v. Boiler Engineering & Supply Co., 433 Pa. 319, 249 A.2d 563 (1969)
- Holtz Will, 422 Pa. 540, 222 A.2d 885 (1966)
- Stevenson v. Stein, 412 Pa. 478, 195 A.2d 268 (1963)
- Commonwealth v. Lewis, 193 Pa. Super. 508, 165 A.2d 98 (1960)
- Commonwealth v. Salkey, 188 Pa. Super. 388, 147 A.2d 425 (1958)
- Davis v. Mississippi, 394 U.S. 721 (1969)
- United States v. Wade, 388 U.S. 218, 240 (1967)
- Commonwealth v. Cephas, 447 Pa. 500, 291 A.2d 106 (1972)
- Commonwealth v. Futch, 447 Pa. 389, 290 A.2d 417 (1972)
- Weeks v. United States, 232 U.S. 383 (1914)