

[J-49-2006]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

COMMONWEALTH OF PENNSYLVANIA, : No. 154 MAP 2005
:
Appellant : Appeal from the Order of the Superior
: Court entered January 27, 2005 at No.
v. : 1233 EDA 2004, affirming the Order of the
: Court of Common Pleas of Chester
: County, Criminal Division, entered April
: 28, 2004, at No. 3416-03.
DOUGLAS MISTLER, :
:
Appellee :
: ARGUED: April 5, 2006

COMMONWEALTH OF PENNSYLVANIA, : No. 155 MAP 2005
:
Appellant : Appeal from the Order of the Superior
: Court entered January 27, 2005 at No.
v. : 1235 EDA 2004, affirming the Order of the
: Court of Common Pleas of Chester
: County, Criminal Division, entered April
: 28, 2004 at No. 3417-03.
JOANNA OLIVER, :
:
Appellee :
: ARGUED: April 5, 2006

COMMONWEALTH OF PENNSYLVANIA, : No. 156 MAP 2005
:
Appellant : Appeal from the Order of the Superior
: Court entered January 27, 2005 at No.
v. : 1238 EDA 2004, affirming the Order of the
: Court of Common Pleas of Chester
: County, Criminal Division, entered April
: 28, 2004 at No. 3199-03.
PATRICK LUDDY, :
:
Appellee :
: ARGUED: April 5, 2006

COMMONWEALTH OF PENNSYLVANIA, : No. 157 MAP 2005
:
Appellant : Appeal from the Order of the Superior
: Court entered January 27, 2005 at No.
v. : 1239 EDA 2004, affirming the Order of the
: Court of Common Pleas of Chester
: County, Criminal Division, entered April
: 28, 2004 at No. 3284-03.
STACEY GILLESPIE, :
:
Appellee :
: ARGUED: April 5, 2006

COMMONWEALTH OF PENNSYLVANIA, : No. 158 MAP 2005
:
Appellant : Appeal from the Order of the Superior
: Court entered January 27, 2005 at No.
v. : 1240 EDA 2004, affirming the Order of the
: Court of Common Pleas of Chester
: County, Criminal Division, entered April
: 28, 2004 at No. 3413-03.
KALI WARREN, :
:
Appellee :
: ARGUED: April 5, 2006

COMMONWEALTH OF PENNSYLVANIA, : No. 159 MAP 2005
:
Appellant : Appeal from the Order of the Superior
: Court entered January 27, 2005 at No.
v. : 1249 EDA 2004, affirming the Order of the
: Court of Common Pleas of Chester
: County, Criminal Division, entered April
: 28, 2004 at No. 3405-03.
PAUL MUDD, :
:
Appellee :
: ARGUED: April 5, 2006

COMMONWEALTH OF PENNSYLVANIA, : No. 160 MAP 2005
:
Appellant : Appeal from the Order of the Superior
: Court entered January 27, 2005 at No.
v. : 1250 EDA 2004, affirming the Order of the
: Court of Common Pleas of Chester
: County, Criminal Division, entered April
: 28, 2004 at No. 4108-03.
HILLARY KOZAK, :
:
Appellee :
: ARGUED: April 5, 2006

COMMONWEALTH OF PENNSYLVANIA, : No. 161 MAP 2005
:
Appellant : Appeal from the Order of the Superior
: Court entered January 27, 2005 at No.
v. : 1251 EDA 2004, affirming the Order of the
: Court of Common Pleas of Chester
: County, Criminal Division, entered April
: 28, 2004 at No. 3315-03.
ELISE STERBINSKY, :
:
Appellee :
: ARGUED: April 5, 2006

CONCURRING OPINION

MADAME JUSTICE BALDWIN

DECIDED: December 27, 2006

I join the majority opinion. I agree that there was no reasonable suspicion to detain the Appellees. It is clear from the record that the officers investigating the party lacked reasonable suspicion that any of the Appellees were consuming alcohol in violation of the underage drinking statute, 18 Pa.C.S. § 6308(a). I write separately because I find, as the Superior Court found, the analysis to resolve the instant matter need only encompass a review of reasonable suspicion.

“[A] seizure that is less intrusive than a traditional arrest,” in order to be reasonable, “must ordinarily be supported by reasonable suspicion, based upon objective facts, that the individual is involved in criminal activity.” Commonwealth v. Beaman, 583 Pa. 636, 642-43, 880 A.2d 578, 582 (2005). Indeed, we have noted that the United States Supreme Court “emphasiz[ed] the centrality of the individualized suspicion requirement [in] Fourth Amendment jurisprudence,” when it established the reasonable suspicion exception in Terry v. Ohio, 392 U.S. 1, 21 n.18, 88 S.Ct. 1868, 1880 n.18, 20 L.Ed.2d 889 (1968). Here, there are no such objective facts in the record to indicate the officers had individualized reasonable suspicion.

As such, this matter presents no cause to address suspicionless, general searches or to engage in analysis of a different standard applied to large groups detained without individualized suspicion.