

NON-PRECEDENTIAL DECISION – SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
v.	:	
	:	
THOMAS LAMAR JEFCOAT,	:	No. 1822 EDA 2015
	:	
Appellant	:	

Appeal from the Judgment of Sentence, April 22, 2015,
in the Court of Common Pleas of Lehigh County
Criminal Division at No. CP-39-CR-0004288-2014

BEFORE: GANTMAN, P.J., FORD ELLIOTT, P.J.E., AND JENKINS, J.

CONCURRING AND DISSENTING MEMORANDUM STATEMENT BY
FORD ELLIOTT, P.J.E.: **FILED SEPTEMBER 16, 2016**

I join in the Majority’s affirmance of the first issue raised by appellant that the stop and protective search were legal. However, I respectfully dissent from the Majority’s affirmance of the canine sniff of the book bag. I believe that Officer Howells lacked probable cause for the search in that the belief that the bag contained a digital scale had no other support in the record and therefore was merely a hunch.