

COMMONWEALTH OF PENNSYLVANIA

Appellee

v.

ABDUL MURRAY

Appellant

IN THE SUPERIOR COURT
OF
PENNSYLVANIA

No. 3010 EDA 2015

Appeal from the Judgment of Sentence Entered April 30, 2015
In the Court of Common Pleas of Philadelphia County
Criminal Division at No: CP-51-CR-0001435-2013

BEFORE: FORD ELLIOTT, P.J.E., STABILE, and MOULTON, JJ.

CONCURRING OPINION BY STABILE, J.: **FILED NOVEMBER 15, 2017**

I write briefly to emphasize that the record contains case-specific facts supporting Agent Todd Clark's search of Appellant's cell phone. Specifically, Appellant admitted to Agent Clark that he handled a firearm and passed it on to an acquaintance. Agent Todd believed, based on his prior experience, that Appellant's cell phone could reveal communications referencing the firearm. Majority Opinion, at 13. I believe Appellant's statement to Agent Clark, **combined** with Agent Clark's prior experience, was sufficient to create reasonable suspicion in support of a search of Appellant's cell phone. We are not faced here with a bald assertion, based on an agent's experience, that cell phones often contain relevant evidence. Subject to this observation, I join the Majority's well-reasoned opinion.