

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA

IN THE SUPERIOR COURT OF
PENNSYLVANIA

Appellee

v.

HEATHER MOORE

Appellant

No. 306 WDA 2012

Appeal from the Judgment of Sentence January 19, 2012
In the Court of Common Pleas of Allegheny County
Criminal Division at No(s): CP-02-CR-0010671-2011

BEFORE: PANELLA, J., ALLEN, J., and STRASSBURGER, J.*

MEMORANDUM BY PANELLA, J.

Filed: February 19, 2013

Appellant, Heather Moore, appeals from the judgment of sentence entered January 19, 2012, by the Honorable Donna Jo McDaniel, Court of Common Pleas of Allegheny County. We affirm.

On May 10, 2011, Officer Troy Signorella and his partner were deployed to Moore's residence at 29 Marne Way to notify Moore that there was an active arrest warrant for her ex-boyfriend, James Jones. As Officer Signorella approached the residence, the front door was open and he observed Jones sitting on the couch. Before Officer Signorella got to the door, Moore slammed the door in Officer Signorella's face and refused the officer's repeated commands to open it. When Moore finally opened the

* Retired Senior Judge assigned to the Superior Court.

door slightly, Officer Signorella observed Jones come down the steps from the second floor of the residence. At that point, Officer Signorella forced open the door, but Moore attempted to block the door with her left arm and proceeded to grab Officer Signorella's shirt in an attempt to pull him off Jones. Officer Signorella was eventually able to subdue and arrest Jones.

Moore was charged with one count of obstructing the administration of law or other government function¹ and one count of hindering apprehension or prosecution.² On January 19, 2012, following a non-jury trial, Moore was convicted of both charges. Thereafter, the trial court sentenced Moore to one year of probation. This timely appeal followed.

On appeal, Moore challenges the sufficiency of the evidence in support of her convictions. Our standard of review is as follows:

The standard we apply in reviewing the sufficiency of evidence is whether, viewing all the evidence admitted at trial in the light most favorable to the verdict winner, there is sufficient evidence to enable the fact[-]finder to find every element of the crime beyond a reasonable doubt. In applying the above test, we may not weigh the evidence and substitute our judgment for that of the fact-finder. In addition, we note that the facts and circumstances established by the Commonwealth need not preclude every possibility of innocence. Any doubts regarding a defendant's guilt may be resolved by the fact-finder unless the evidence is so weak and inconclusive that as a matter of law no probability of fact may be drawn from the combined circumstances. The Commonwealth may sustain its burden of proving every element of the crime beyond a reasonable doubt by means of wholly circumstantial evidence. Moreover, in

¹ 18 PA.CON.S.TAT.ANN. § 5101.

² 18 PA.CON.S.TAT.ANN. § 5105.

applying the above test, the entire record must be evaluated and all evidence actually received must be considered. Finally, the trier of fact while passing upon the credibility of witnesses and the weight of the evidence produced, is free to believe all, part or none of the evidence.

Commonwealth v. Helsel, 53 A.3d 906, 917-918 (Pa. Super. 2012) (citation omitted).

A person commits the offense of obstructing the administration of law or other government function under section 5101 of the Crimes Code as follows:

A person commits a misdemeanor of the second degree if he intentionally obstructs, impairs or perverts the administration of law or other governmental function by force, violence, physical interference or obstacle, breach of official duty, or any other unlawful act, except that this section does not apply to flight by a person charged with crime, refusal to submit to arrest, failure to perform a legal duty other than an official duty, or any other means of avoiding compliance with law without affirmative interference with governmental functions.

18 PA.CON.S.TAT.ANN. § 5101. On appeal, Moore argues that she “committed no act of force or violence against Officer Signorella, as neither shutting a door, not opening a door, holding out an arm nor tugging a shirt can be violent or forceful under these circumstances.” Appellant’s Brief at 9. We do not read section 5101 so narrowly as to include only violent or forceful conduct, but note that the plain language of the statute prohibits interference of the administration of law even by “physical interference or obstacle.” As noted by this Court in ***Commonwealth v. Reed***, 851 A.2d 958, 964 (Pa. Super. 2004), ***appeal denied***, 582 Pa. 697, 871 A.2d 190 (2005), once an individual has been put on notice that an officer is engaged

in official duties, "**any** interference with the officer would be interference with the administration of law." (emphasis added). Herein, Officer Signorella informed Moore that he was authorized to arrest Jones. N.T., 1/19/12 at 8-9. We do not hesitate to find Moore's actions in refusing to open the door, blocking the officer's entry through the door, and attempting to pull the officer off Jones evinced an effort to delay or prevent Jones's arrest. Accordingly, we find Moore's efforts to impede Officer Signorella's arrest sufficient to support a conviction for obstructing the administration of law.

Moore additionally argues that the evidence was insufficient to support her conviction for hindering apprehension or prosecution. The offense is defined under section 5105 of the Crimes Code as follows:

(a) Offense defined.--A person commits an offense if, with intent to hinder the apprehension, prosecution, conviction or punishment of another for crime or violation of the terms of probation, parole, intermediate punishment or Accelerated Rehabilitative Disposition, he:

- (1) harbors or conceals the other;
- (2) provides or aids in providing a weapon, transportation, disguise or other means of avoiding apprehension or effecting escape;
- (3) conceals or destroys evidence of the crime, or tampers with a witness, informant, document or other source of information, regardless of its admissibility in evidence;
- (4) warns the other of impending discovery or apprehension, except that this paragraph does not apply to a warning given in connection with an effort to bring another into compliance with law; or
- (5) provides false information to a law enforcement officer.

18 PA.CON.S.TAT.ANN. § 5105.

Although Moore argues that the evidence was insufficient to support her conviction under any of the above subsections, we find sufficient evidence to sustain Moore's conviction of hindering apprehension under subsection (1), harboring or concealing Jones. Although Moore maintains that she was unaware that there was an active arrest warrant for Jones when the officers approached her home, Officer Signorella testified that he informed Moore of that fact when he approached the door. N.T., Non-Jury Trial, 1/19/12 at 8-9. Even after the officer informed Moore of the active warrant, she persisted to physically block Officer Signorella's entry into the home, and in fact informed the officer that Jones had fled from a second floor window, even though Jones remained in the residence. *Id.* This statement, coupled with her efforts to block the officer's entry into the residence, clearly evinces Moore's knowledge that Jones was wanted by police and that she intended to conceal his presence from police by obstructing their ability to enter the residence to effectuate the arrest. Accordingly, we find sufficient evidence to support Moore's conviction under section 5105(a)(1).

Judgment of sentence affirmed.