

**[J-72A/B-1999 MO: J. Nigro]**  
**THE SUPREME COURT OF PENNSYLVANIA**  
**MIDDLE DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 192 M.D. Appeal Docket 1998
	:	
Appellee,	:	Appeal from the <b>Memorandum Opinion</b>
	:	<b>and Order</b> of the Superior Court
	:	(Cavanaugh, Beck and Brosky, JJ.) dated
v.	:	October 30, 1997, <b>affirming</b> the
	:	Judgment of Sentence of the Court of
	:	Common Pleas of Delaware County
REUBEN STEVENSON,	:	(Hazel, J.) dated June 3, 1996.
	:	
Appellant.	:	ARGUED: April 28, 1999
	:	
	:	
	:	No. 191 M.D. Appeal Docket 1998
	:	
IN THE INTEREST OF R.A., A Minor	:	Appeal from the <b>Memorandum Opinion</b>
	:	<b>and Order</b> of the Superior Court
APPEAL OF: R.A., A Minor	:	(Johnson, Stevens and Olszewski, JJ.)
	:	dated June 10, 1998, <b>affirming</b> the
	:	Adjudication of Delinquency of the Court
	:	of Common Pleas of Dauphin County
	:	(Turgeon, J.) dated June 14, 1997.
	:	
	:	ARGUED: April 28, 1999
	:	

**CONCURRING AND DISSENTING OPINION**

**MADAME JUSTICE NEWMAN**

**DECIDED: January 20, 2000**

While I agree with the majority that the evidence seized from R.A. was seized illegally and must be suppressed, I respectfully disagree with the majority's conclusion that the evidence seized from Appellant Stevenson is likewise subject to suppression.

In 1993, the United States Supreme Court decided the case of Minnesota v. Dickerson, 508 U.S. 366 (1993) and adopted the “plain feel” doctrine. Earlier this year this Court applied Dickerson in Commonwealth v. E.M. 735 A.2d 654 (Pa. 1999), reiterating that, in order for the plain feel doctrine to apply, the criminal nature of the object must be “immediately apparent” to the officer conducting the frisk. In a footnote, the majority elaborated on this requirement stating that: “In order to remain within the boundaries delineated by Dickerson, an officer must be able to substantiate what it was about the tactile impression of the object that made it immediately apparent to him that he was feeling contraband.” Id., 735 A.2d at 664 n.8. In my opinion, that is precisely what occurred in Appellant Stevenson’s case. Accordingly, I agree with Justice Castille that the evidence seized was admissible under the plain feel doctrine.