

Commonwealth of Pennsylvania v. Shannon Renninger**COMMONWEALTH OF PENNSYLVANIA v. SHANNON RENNINGER****Criminal Law – Suppression of Evidence – DUI – Consent**

Summary: Defendant sought suppression of blood result evidence in her DUI case under *Commonwealth v. Jones-Williams*, which provided for the suppression of blood results taken from an unconscious person, and under *Birchfield v. North Dakota* as the DL-26 form read to Defendant mentions a \$2,000 license restoration fee. Here, Defendant was involved in a motor vehicle accident and was taken from the scene for medical treatment. The officer spoke to Defendant at the hospital and engaged her in conversation, which led to Defendant signing a DL-26 form consenting to the search. The Court found that the license restoration fee is civil in nature, not criminal, so *Birchfield* does not apply. Further, the Court found that *Jones-Williams* does not apply, as this Defendant was awake and able to answer the officer's questions with clarity. Accordingly, the Court denied Defendant's motion to suppress evidence.

Commonwealth of Pennsylvania v. Shannon Renninger, Defendant

IN THE COURT OF COMMON PLEAS OF BERKS COUNTY, PENNSYLVANIA,
CRIMINAL DIVISION

No. 0895-20

Nicole Riccio, Esquire, Assistant District Attorney
Attorney for the Commonwealth of Pennsylvania

Kevin Feeney, Esquire
Attorney for the Defendant

ORDER **Eleni Dimitriou Geishouser, J.** **December 8, 2020**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN DISPOSITION
OF DEFENDANT'S OMNIBUS PRETRIAL MOTION**

On or about January 2, 2020, the Defendant was charged with driving under the influence of alcohol¹ and related offenses. On September 14, 2020, the Defendant filed an Omnibus Pretrial Motion. A Pretrial Hearing was held on November 23, 2020. Upon consideration of the testimony presented and the arguments of counsel, this court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. On December 3, 2019, at approximately 7:39 p.m., Officer Michael Quinn of the Fleetwood Borough Police Department was dispatched to a motor vehicle accident at Franklin and Pine Streets.
2. When Officer Quinn arrived at the scene, the Defendant was lying on the sidewalk next to her vehicle, which was heavily damaged.

¹ 75 Pa.C.S.A. § 3802(a)(1) & § 3802(c)

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3. The Defendant was not able to answer questions at the scene of the accident.
4. EMS arrived on the scene and began to treat the Defendant.
5. Officer Quinn confirmed with EMS that the Defendant smelled of alcohol.
6. The Defendant was transported by EMS to Reading Hospital.
7. Officer Quinn drove to the hospital separately.
8. Officer Quinn spoke to the Defendant at the hospital and identified himself as a police officer.
9. Officer Quinn was wearing his uniform, a badge of authority, and had a sidearm.
10. The Defendant did not remember specifics of the accident but said that she was at a friend's house and remembered crossing tracks and then getting hit by something.
11. The Defendant also remembered a long ride in the ambulance.
12. The Defendant was sitting up in a treatment bed, was conscious, and could answer questions with clarity.
13. At approximately 8:35 p.m., Officer Quinn placed the Defendant under arrest and read a DL-26 form to the Defendant verbatim.
14. The DL-26 form was admitted into evidence as Commonwealth Exhibit 1.
15. Officer Quinn does not remember the Defendant asking any questions, and the Defendant signed the DL-26 form.
16. Section 3 of the DL-26 form references a \$2,000 license restoration fee.

CONCLUSIONS OF LAW

1. The Fourth Amendment to the United States Constitution provides that “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.”
2. Similarly, Article I, Section 8 of the Pennsylvania Constitution states, “[t]he people shall be secure in their persons, houses, papers, and possessions from unreasonable searches and seizures.”
3. “As a general rule, for a search to be reasonable under the Fourth Amendment or Article I, Section 8, police must obtain a warrant, supported by probable cause and issued by an independent judicial officer, prior to conducting the search.” *Commonwealth v. Gary*, 625 Pa. 183, 191, 91 A.3d 102, 107 (Pa. 2014).
4. “This general rule is subject to only a few delineated exceptions...” *Id.*
5. “Exceptions to the warrant requirement include the consent exception, the plain view exception, the inventory search exception, the exigent circumstances exception, the automobile exception, the stop and frisk exception, and the search incident to arrest exception.” *Commonwealth v. Evans*, 153 A.3d 323, 327-28 (Pa. Super. 2016).
6. “The administration of a blood test . . . performed by an agent of, or at the direction of the government constitutes a search under both the United States and Pennsylvania Constitutions.” *Id.* at 328.
7. Because the blood test in the instant case was performed without a warrant, “the search is presumptively unreasonable and therefore constitutionally impermissible, unless an established exception applies.” *Id.*

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8. One such exception is where “a person with the proper authority unequivocally and specifically consents to the search.” *Commonwealth v. Acosta*, 815 A.2d 1078, 1083 (Pa. Super. 2003).
9. To establish a valid consensual search, the Commonwealth must first prove that the consent was given during a legal police interaction.” *Id.*
10. “Where the underlying encounter was found to be lawful, voluntariness becomes the exclusive focus.” *Id.*
11. The consent “must be given freely, specifically, unequivocally, and voluntarily.” *Commonwealth v. Roberts*, 771 A.2d 23, 27 (Pa. Super. 2001).
12. “The question whether a consent to search was in fact voluntary or was the product of duress or coercion, express or implied, is a question of fact to be determined from the totality of the circumstances.” *Id.*
13. The burden of proving a valid consent to search rests upon the Commonwealth. *Id.*
14. “The standard for measuring the scope of a person’s consent is based on an objective evaluation of what a reasonable person would have understood by the exchange between the officer and the person who gave the consent.” *Commonwealth v. Smith*, 77 A.3d 562, 573 (Pa. 2013).
15. “Such evaluation includes an objective examination of the maturity, sophistication, and mental or emotional state of the defendant.” *Id.*
16. “Gauging the scope of a defendant’s consent is an inherent and necessary part of the process of determining, on the totality of the circumstances present, whether the consent is objectively valid, or instead the product of coercion, deceit, or misrepresentation.” *Id.*
17. In the instant case, the police interaction was legal because Officer Quinn had probable cause to arrest the Defendant for suspected DUI.
18. It is undisputed that the police did not have a warrant at the time the Defendant’s blood was drawn.
19. It is also undisputed that the Defendant submitted to chemical testing after Officer Quinn read her the Pennsylvania Department of Transportation DL-26B form.
20. In *Birchfield v. North Dakota*, the United States Supreme Court held that implied consent laws that impose criminal penalties on drivers who refuse to submit to a blood test violate the Fourth Amendment. *Birchfield v. North Dakota*, 136 S.Ct. 2160, 2186 (U.S. 2016).
21. Here, because the \$2,000.00 license restoration fee is civil in nature, *Birchfield* does not apply.
22. Moreover, the Defendant’s reliance on *Commonwealth v. Jones-Williams*, 237 A.3d 528 (Pa. Super. 2020) is also misplaced, because in *Jones-Williams* the defendant was lying in a hospital bed, restrained, and fading in and out of consciousness. *Commonwealth v. Jones-Williams*, 237 A.3d 528, 531 (Pa. Super. 2020).
23. Due to the defendant’s condition, the officer was unable to interview him and was also unable to request that he consent to a blood draw. *Id.* at 532.
24. Here, Officer Quinn credibly testified that the Defendant was sitting up in a treatment bed, was conscious, and answered his questions with clarity.

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25. In addition, the Defendant signed the DL-26 form and consented to the blood test.
26. Therefore, because this case did not involve a warrantless search of an unconscious defendant, which was the case in *Jones-Williams*, that case not applicable.
27. Accordingly, the Defendant's motion to suppress evidence is denied.

ORDER

AND NOW, this 8th day of December, 2020, it is hereby **ORDERED** and **DECREED** that:

1. The Defendant's Motion to Suppress Evidence is **DENIED**.

BY THE COURT:

/s/ Eleni Dimitriou Geishauser

ELENI DIMITRIOU GEISHAUSER, J.