

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,  
PENNSYLVANIA**

<b>COMMONWEALTH OF PENNSYLVANIA</b>	:	
	:	
v.	:	
	:	<b>No. CR-1465-2023</b>
<b>DE'BORAH DICKERSON,</b>	:	
<b>DEFENDANT</b>	:	

**OPINION**

**AND NOW**, this **4th** day of **October, 2024**, before the Court is a Motion to Suppress filed on May 9, 2024 by Taylor Paulhamus, Esquire. A hearing was held on August 13, 2024. Lindsey Sweeley, Esquire appeared on behalf of the Commonwealth.

The alleged facts resulting in the filing of the motion are as follows. On August 24, 2023, police executed a search warrant on a vehicle driven by Rashaun Fleming. At this time, detectives discovered a lease for unit #1144 located in a U-Haul storage facility. On August 25, 2023, Officer Minier and K9 Tacoma conducted a canine search of the U-Haul facility floor on which Fleming's unit is located. The canine hit at a unit three positions away from Fleming's unit. On August 28, 2023, De'borah Dickerson, the Defendant, entered the U-Haul storage facility to retrieve property from Fleming's unit. The defendant was refused entry on the basis that she is not listed as an authorized entrant. Also, the Defendant was not who she claimed to be. Upon this event, U-Haul personnel contacted detectives to inform them of the interaction with the Defendant. On September 7, 2023, police executed a search of Fleming's unit, #1144, at the U-Haul facility. During this search of Fleming's unit, police discovered a backpack containing a Hi-Point 9mm pistol and a Smith & Wesson SW9VE handgun. The firearms were run against the National Crime Information Center (NCIC) indicating that the Smith & Wesson SW9VE handgun was reported stolen July 26, 2011. Thereupon, the defendant was charged with 18 § 901 §§ A: Criminal Attempt: Receiving Stolen Property

(F2).

The Motion to Suppress alleges that, on September 7, 2023, a search without probable cause was conducted when police entered unit #1144 and seized a backpack containing firearms. The Defendant claims standing to seek suppression of the search on two separate bases. First, the Defendant claims she is charged with a possessory offense, which therefore establishes automatic standing under Article I, § 8 of the Pennsylvania State Constitution and the Fourth Amendment of the United States Constitution. Second, the Defendant claims standing on the basis that the U-Haul storage unit was rented by her husband, Rashaun Fleming, and, as his spouse, she has a privacy interest in the property whereby she can establish standing to challenge the search. On August 13, 2024, a hearing was held regarding the Motion to Suppress; and, both parties posited their respective positions on Defendant's standing to challenge the search. Before ruling on the merits of the motion, the Court directed both parties to submit briefs in support of their arguments regarding standing for the Motion to Suppress.

Standing in a criminal search and seizure dispute provides defendants an avenue to assert constitutional violations whereby the government's evidence may be excluded or suppressed pursuant to the exclusionary rules under the Fourth Amendment of the United States Constitution. *Commonwealth v. Hawkins*, 718 A.2d 265 (Pa. 1998). Under Article I, § 8 of the Pennsylvania State Constitution, a charge for a possessory crime grants defendants "automatic standing" because the charge itself alleges an interest sufficient to support a claim. *Id* at 267. Here, the Defendant challenges standing by setting forth the elements for the crime of receiving stolen property. Receiving stolen property is a possessory charge, and, the charge does grant automatic standing to those who have been charged. However, the Defendant is charged with the *Attempt* to Receive Stolen Property. While the distinction

between “attempt to receive” and “receipt of stolen property” appears innocuous, the difference here is significant. The Commonwealth has not asserted that the Defendant has ever possessed the alleged stolen property. Thus, there is no burden on the Commonwealth to prove the Defendant ever had possession or control of the stolen property. Accordingly, the Defendant’s assertion that automatic standing exists fails because the Defendant is not charged with a possessory crime. To hold otherwise creates the interpretation that a privacy interest is automatically established in any place where an individual attempt entrance for the purpose of possessing or controlling property regardless of that individual’s right to be in such a place.

Secondly and separately, the Defendant claims standing to challenge the search on September 7, 2023, because she has a protected privacy interest in Unit #1144 since it is leased by her husband. The Defendant asserts an absolute right to privacy in all property of her spouse. However, the Defendant failed to provide sufficient legal support for such an absolute right. Defendant could assert an expectation of privacy in her spouse’s property if all of the circumstances regarding the property support a reasonable expectation thereof. An expectation of privacy exists when an individual, through conduct, conveys an expectation of privacy; and, that the subjective expectation is recognized by society as reasonable.

*Commonwealth v. Brundidge*, 620 A.2d 1115, 1118 (pa. 1993). Further, “the constitutional legitimacy of an expectation of privacy,” *id*, does not rely on the subjective intent of the individual making the assertion; rather, that the expectation is reasonable considering the surrounding circumstances. *Id* (internal citations omitted). Here, the circumstances do not support a reasonable expectation of privacy in the storage unit rented by her alleged spouse. Neither did the Defendant possess a key nor was her name on the lease agreement as an authorized entrant to the storage unit. Further, the Defendant attempted to gain access to the

unit utilizing deceit and providing a false identity. As the Defendant clearly does not possess a right to access the storage unit, she fails to assert a legitimate privacy interest in the storage unit. Accordingly, without a privacy interest in the storage unit, the Defendant lacks standing to challenge the search of the storage unit.

Consequently, the Defendant's Motion to Suppress is DENIED on the basis that the Defendant lacks standing to challenge the search of the storage unit.

By the Court,

Ryan M. Tira, Judge

RMT/asw

Cc: DA-Lindsey K. Sweeley, Esq.  
PD-Taylor Paulhamus, Esq.