

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
DILLION JOHN BISHOP	:	
	:	
Appellant	:	No. 595 EDA 2025

Appeal from the Judgment of Sentence Entered January 24, 2025
In the Court of Common Pleas of Delaware County Criminal Division at
No(s): CP-23-CR-0000805-2023

BEFORE: KUNSELMAN, J., McLAUGHLIN, J., and BENDER, P.J.E.

MEMORANDUM BY McLAUGHLIN, J.:

FILED MARCH 10, 2026

Dillon John Bishop appeals from the judgment of sentence entered following his convictions for possession of firearm prohibited, receiving stolen property, firearm not to be carried without a license, driving while under the influence ("DUI"), possession of drug paraphernalia, two counts of possession of a controlled substance, and the summary offense of driving while operating privilege suspended or revoked.¹ He challenges the denial of his motion to suppress. We affirm.

¹ 18 Pa.C.S.A. §§ 6105(a)(1), 3925(a), 6106(a)(1), 75 Pa.C.S.A. § 3802(d)(2), 35 P.S. §§ 780-113(a)(32) and (a)(16), and 75 Pa.C.S.A. § 1543(a), respectively.

Bishop was arrested in December 2022. In May 2023, he filed a motion to suppress the evidence found on his person. The trial court held a hearing, and summarized the evidence as follows:

At the suppression hearing on February 21, 2024, the Commonwealth presented one witness, Officer Allan Reeves, of the Upper Chichester Police Department. Officer Reeves testified that at the time of [Bishop's] arrest, he had been employed as a police officer for ten years. N.T. 2/21/24, 6:7-10. Officer Reeves described his experience with DUI arrests, field sobriety testing, implied consent refusals and recovery of firearms during arrests resulting from traffic stops. N.T. 2/21/24, 6:11-25, 7:1-11. Officer Reeves explained that he had conducted at least one hundred pat down searches during his ten years as a police officer. N.T. 2/21/24, 7:12-17. He also testified regarding behavior of people who are under the influence of alcohol and controlled substances. N.T. 2/21/24, 8:3-13. Officer Reeves further explained his familiarity with firearms including the weight and shape of firearms and the fact that he carries a firearm both professionally and personally. N.T. 2/21/24, 8:14-25. Officer Reeves said he had recovered "about a dozen" firearms from pat down searches. N.T. 2/21/24, 9:2-4.

On December 25, 2022, Officer Reeves was on patrol and received a call shortly after 9:30 a.m. regarding an unconscious person in a vehicle at McDonald's restaurant located at 2326 Market Street in Upper Chichester. N.T. 2/21/24, 9:5-14. Officer Reeves said the McDonald's parking lot is a "known area for narcotics use, DUIs, [and] stolen vehicle[s]." N.T. 2/21/24, 9:21-24. Officer Reeves responded to the restaurant within three to five minutes and upon arrival saw a black Volkswagen sedan stopped at the stop sign in the thru traffic lane of the McDonald's drive-thru which was consistent with the "general location" given when he was dispatched to the call. N.T. 2/21/24, 10:2-23. The vehicle was running but stopped in the middle of a turning lane and was blocking traffic. N.T. 2/21/24, 11:3-10. [Bishop] was the sole occupant of the vehicle and found to be reclined with his eyes closed. N.T. 2/21/24, 11:14-15[, 12:5-7]. Officer Reeves knocked on the car window which

awakened [Bishop] who began speaking with him. N.T. 2/21/24, 1[2]:14-15, BodyCam 12/25/22 [Cmwlth. Exh. 1 at 3:49]. Officer Reeves described [Bishop's] speech as "slurred and very mumbled" and his demeanor as "lethargic or sluggish" with "bloodshot, glassy" eyes. N.T. 2/21/24, 15:15-23.

Officer Reeves testified that [Bishop] had trouble following his instructions which were repeated several times and that when asked to unlock the door, [Bishop] rolled down the window. N.T. 2/21/24, 16:12-15. [Bishop] could not produce identification or a driver's license. N.T. 2/21/24, 16:16-18. Officer Reeves asked [Bishop] if he had identification on him and [Bishop] shook his head. BodyCam 12/25/22 [Cmwlth. Exh. 1 at 4:34]. Based on his interaction with [Bishop], Officer Reeves concluded that [Bishop] was under the influence of alcohol or a controlled substance. N.T. 2/21/24, 16:15-25, 17:1-3. Officer Reeves asked [Bishop] to step from the vehicle and as [Bishop] did so he appeared to stumble backwards towards the vehicle. BodyCam 12/25/22 [Cmwlth. Exh. 1 at 4:46]. As [Bishop] was exiting the vehicle Officer Reeves asked him if he had any weapons on him and [Bishop] indicated he did not have any. BodyCam 12/25/22 [Cmwlth. Exh. 1 at 4:44]. After [Bishop] exited the vehicle, he started to reach for his pockets, and Officer Reeves became concerned [Bishop] might possess a weapon and patted him down for safety reasons. N.T. 2/21/24, 19:7-12.

[Bishop] repeatedly reached for his pockets despite being told to stop reaching. N.T. 2/21/24, 19:24-25, 20:1-19. Officer Reeves continued to be concerned for his safety after first feeling what he believed might be a screwdriver in [Bishop's] left jacket pocket and then feeling what he believed to be the handle of a gun in [Bishop's] right breast pocket. N.T. 2/21/24, 20:3-21, 21:1-25. Officer Reeves testified to carrying a gun every day for thirteen years and said that when he felt the gun handle in [Bishop's] jacket, he looked at Sergeant Gilmore who was on scene with him and "mouthed to him 'gun'". N.T. 2/21/24, 22:1-15. BodyCam 12/25/22 [Def't Exh 1 at 6:34]. The gun was removed from [Bishop's] right breast pocket and identified as a Mossberg nine millimeter handgun. N.T. 2/21/24, 21:14-20. Officer Reeves asked if [Bishop] had a permit for the gun and [Bishop] indicated he did not have one.

BodyCam 12/25/22 [Def't Exh. 1 at 6:46]. [Bishop] was placed in handcuffs after discovery of the firearm. BodyCam 12/25/22 [Def't Exh. 1 at 6:55].

Upon finding the handgun, Officer Reeves decided not to proceed with conducting field sobriety tests. N.T. 2/21/24, 22:23-25, 23:1-3. Officer Reeves determined that [Bishop] was likely under the influence and that he was also driving with a suspended driver's license. N.T. 2/21/24, 24:9-25, 25:1-16. [Bishop] refused to submit to a blood draw to determine if he was under the influence of alcohol or drugs. N.T. 2/21/24, 24:4-6.

On cross-examination, Officer Reeves confirmed that he asked [Bishop] to exit his vehicle with the intent of conducting field sobriety testing. N.T. 2/21/24, 26:20-24. Officer Reeves also confirmed that upon approaching [Bishop's] vehicle, [Bishop] was "leaned back in the seat unresponsive" and that he knocked on the car window to wake him up. N.T. 2/21/24, 29:8-17. Officer Reeves testified that [Bishop] declined emergency medical services and that [Bishop] was leaning on his vehicle when he first exited the vehicle. N.T. 2/21/24, 31:1-11. Officer Reeves explained that he searched [Bishop] starting with his left side because that was the side [Bishop] reached to first and then proceeded to search [Bishop's] right side where he found the firearm. N.T. 2/21/24, 37:6-23. Officer Reeves confirmed that he squeezed the item he felt in [Bishop's] pocket and indicated to Sergeant Gilmore that the item was a gun. N.T. 2/21/24, 38:18-24. Once he removed the gun from [Bishop's] pocket, Officer Reeves placed [Bishop] in handcuffs, continued searching [Bishop's] person and found pills and other narcotics. N.T. 2/21/24, 39:8-19. [Bishop] was originally under suspicion for DUI but upon discovery of the firearm, Officer Reeves "didn't do the field sobriety due to the discovery of the firearm." N.T. 2/21/24, 39:25, 40:1-9.

On re-direct testimony Officer Reeves clarified the fact that he did not "do any sort of special manipulation of that gun" while touching [Bishop's] pocket and that upon realizing it was a gun, he removed it from [Bishop's] pocket. N.T. 2/21/24, 43:14-23. The evidence established that [Bishop] was searched for officer safety prior to the administration of field sobriety testing. Once the firearm was

discovered, [Bishop] was handcuffed, admitted he had no license to carry the firearm and was taken into custody.

Trial Ct. Op., filed May 28, 2025, at 2-5.

The trial court found Officer Reeves testified credibly and that the camera footage shown during the hearing supported the testimony.² **Id.** at 6. The court denied the motion to suppress. Following a stipulated bench trial, the court found Bishop guilty of possession of firearms prohibited, receiving stolen property, firearms not to be carried without a license, driving while under the influence, possession of a controlled substance, possession of drug paraphernalia, and driving while operating privilege suspended or revoked. In January 2025, the trial court sentenced Bishop to 72 to 180 months' incarceration and five years' probation. Bishop filed a timely appeal.

Bishop raises the following issues:

1. Whether the trial court erred when it denied [Bishop's] motion to suppress evidence where the police conducted a pat-down of [Bishop's] person without reasonable suspicion to believe that [Bishop] was armed and dangerous, in violation of [Bishop's] rights as guaranteed to him under the state and federal constitutions?
2. Whether the trial court erred when it denied [Bishop's] motion to suppress evidence when the police officer exceeded the permissible bounds of a pat-down search because he lacked reasonable suspicion to believe that [Bishop] was in possession of a weapon prior to manipulating the item in [Bishop's] pocket, in violation of [Bishop's] state and federal constitutional rights?

Bishop's Br. at 4 (trial court answers omitted).

² We have reviewed the testimony and camera footage and conclude the evidence supports the factual summary.

Bishop's issues challenge the denial of his motion to suppress. When reviewing the denial of a motion to suppress, we determine "whether the factual findings are supported by the record and whether the legal conclusions drawn from those facts are correct." **Commonwealth v. McMahon**, 280 A.3d 1069, 1071 (Pa.Super. 2022) (citation omitted). Where the Commonwealth prevailed on the motion, "we may consider only the evidence of the Commonwealth and so much of the evidence for the defense as remains uncontradicted." **Id.** (citation omitted). Where the record supports the suppression court's factual findings, we will only reverse if there is an error in the legal conclusions drawn from those facts. **Id.**

"[T]he [F]ourth [A]mendment to the United States Constitution as well as Article I, § 8 of the Pennsylvania Constitution protect citizens from 'unreasonable searches and seizures.'" **Commonwealth v. Simmons**, 17 A.3d 399, 402-03 (Pa.Super. 2011) (quoting **Commonwealth v. Baer**, 654 A.2d 1058, 1059 (Pa.Super. 1994)). A warrantless search or seizure is unreasonable "unless conducted pursuant to specifically established and well-delineated exceptions to the warrant requirement." **Id.** at 403 (citing **Katz v. United States**, 389 U.S. 347, 358 (1967)). In **Terry v. Ohio**, the United States Supreme Court held that "it is reasonable under the Fourth Amendment for [a] brief stop to also include a frisk of the suspect's outer clothing where the police officer has reason to believe the suspect is 'armed and dangerous.'" **Interest of T.W.**, 261 A.3d 409, 417 (Pa. 2021) (quoting **Terry v. Ohio**, 392 U.S. 1, 30 (1968)). "The purpose of the frisk . . . is to dispel a reasonable fear

that the stopped suspect possesses a weapon which could be used to harm a police officer or the public during the stop.” **Id.** Courts apply an objective standard to determine “whether there is reasonable suspicion that a suspect is armed[.]” **Id.** To conduct a **Terry** frisk, “police officers ‘need not be absolutely certain that the individual is armed’ but rather the appropriate standard is ‘whether a reasonably prudent man in the circumstances would be warranted in the belief that his safety or that of others was in danger.’” **Id.** (citation omitted).

“If a police officer conducting a lawful **Terry** frisk detects an object within a suspect’s clothing, . . . a police officer may remove an object from within a suspect’s clothing under the reasonable suspicion that the object is a weapon” or “if, by touch, it is immediately apparent that the object is illegal contraband.” **Id.** at 422. A court may be “guided by common sense concerns, giving preference to the safety of the officer during an encounter with a suspect where circumstances indicate that the suspect may have, or may be reaching for, a weapon.” **Commonwealth v. Wright**, 224 A.3d 1104, 1109 (Pa.Super. 2019) (quoting **Commonwealth v. Mack**, 953 A.2d 587, 590 (Pa.Super. 2008)).

Bishop maintains Officer Reeves lacked reasonable suspicion to conduct a pat-down search, arguing the officer did not have reasonable suspicion to believe Bishop was armed and dangerous. Bishop claims Officer Reeves had Bishop exit the vehicle to do field sobriety tests and conducted the “pat-down as a matter of course.” Bishop’s Br. at 11. He points out that Officer Reeves

testified he usually conducts such searches prior to conducting field sobriety tests to make sure the suspects do not have dangerous items on them. He claims the body camera footage “shows a quick and nearly seamless timeline of Bishop exiting the vehicle and [Officer] Reeves turning him around to conduct a pat-down.” *Id.* at 15. Bishop claims he could be seen reaching to his left pants pocket for paperwork, and that when he pulled out the paperwork, Officer Reeves told him not to reach and informed him that the officer would be conducting a pat-down search. Bishop claims that “[p]rior to conducting the pat-down, no facts existed which justified a pat-down.” *Id.* at 17. He notes it was 9:45 a.m., the stop was for an unconscious person at a drive-through window, and the area was known for narcotics, DUIs, and stolen vehicles, but not firearms. He points out there were multiple police officers on the scene and Bishop was described as slow and lethargic, and he had not attempted to flee or acted in an aggressive manner.³

The trial court concluded Officer Reeves was justified in conducting a pat-down search:

[Bishop] repeatedly reached for his pockets despite instructions to not do so which caused Officer Reeves to be concerned for his safety. See N.T. 2/21/24, 16-20. . . .

³ Bishop maintains that after the officer began the pat-down, he told Bishop not to reach, and that the court improperly included this in the analysis as to whether facts existed prior to the search to conduct the pat-down. The body camera footage shows that Officer Reeves first told Bishop not to reach after Bishop exited the car and before the officer started the pat-down search, told him again to stop reaching as the search started, and repeated the instruction during the search.

In addition to Officer Reeves being concerned for his safety as [Bishop] persistently reached for his pockets, he knew the area in which he encountered [Bishop] to be known for narcotics use, DUIs and stolen vehicles. N.T. 2/21/24, 9:21-24. . . . Officer Reeves testified credibly that despite repeated instructions to stop reaching for his pockets, [Bishop] continued to reach for his pockets. Officer Reeves was justified in conducting a pat down search to ensure his personal safety and that of others on the scene.

Trial Ct. Op., filed May 28, 2025, at 12-13.

The record supports the court's findings and it did not err in finding the pat-down search justified. When Officer Reeves asked Bishop if he had identification on him, Bishop shook his head. CmwltH Exh. 1 at 4:34.⁴ After Bishop exited the car, he reached into his pocket and pulled out papers. As he turned Bishop around to face the car, Officer Reeves told Bishop, "[L]et's not reach." CmwltH. Exh. 1 at 4:57. The officer then told Bishop to "stop reaching" as he commenced the pat-down search, because Bishop again reached toward his pocket. *Id.* at 5:03 Officer Reeves also told Bishop during the search to stop reaching. Officer Reeves testified he had started the search on Bishop's left side, because Bishop had reached into his left pocket. N.T., 2/21/24, at 36.

The court did not err in finding it was reasonable for Officer Reeves to conduct the pat-down search where the stop occurred in an area known for narcotics use, DUIs, and stolen vehicles, and where Bishop reached into his

⁴ While in the car, Bishop shook his head when asked whether he had identification. During the search, Officer Reeves states, "Your identification is one of these pockets, you said?" CmwltH Exh. 1 at 5:19. Bishop's answer is unintelligible.

pocket after exiting the car, particularly as he had initially denied having identification. The search was justified. **See Mack**, 953 A.2d at 591 (finding officer could reasonably conclude his safety was in danger under totality of circumstances where defendant had made reaching movements in vehicle, was nervous and lacked proper identification, and it was 2:00 a.m.); **see also Commonwealth v. Zhahir**, 751 A.2d 1153, 1158 (Pa. 2000) (concluding pat-down search justified where at 8:00 p.m., in area known for drug activity, defendant turned to face officer with left hand in his pocket).

Bishop next contends the scope of the pat-down search exceeded permissible boundaries. He claims Officer Reeves “squeezed the item in Bishop’s right pocket because he did not know what the item was.” Bishop’s Br. at 11. He claims that the body camera footage “reveals that [Officer] Reeves did not readily identify the object in Bishop’s right breast pocket,” claiming the officer patted it and “continue[d] to manipulate the pocket, squeezing it.” **Id.** at 20. He claims that even after squeezing it, Officer Reeves was unsure, as he allegedly mouthed, “Feels like a gun,”⁵ and then looked into the pocket before retrieving the firearm. **Id.** Bishop argues that although Officer Reeves “testified at the suppression hearing that he is familiar with firearms and that it felt like the handle of a firearm, he clearly did not

⁵ The body camera footage shows Officer Reeves mouthing the word “gun,” with additional words before “gun.” The whole phrase may have been “feels like a gun.” Def’t Exh. 1 at 6:36.

reasonably suspect that it was a firearm until he had manipulated the pocket, squeezing it, trying to get a better idea of what it was." *Id.* at 21.

The trial court concluded Officer Reeves did not exceed the permissible scope of the search:

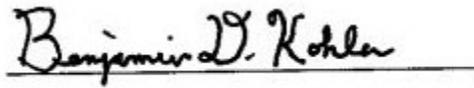
[Bishop] exited the vehicle at the direction of Officer Reeves who intended to administer field sobriety tests but did not do so after conducting a pat down search of [Bishop] for his own safety and locating a firearm in [Bishop's] breast pocket. Given the familiarity of Officer Reeves with firearms and the fact that he readily identified the object in [Bishop's] right pocket as the grip of a firearm, he did not exceed the scope of a permissible *Terry* frisk by reaching into and removing the firearm from [Bishop's] pocket.

Trial Ct. Op. at 13-14.

We conclude the record supports the court's factual findings and it did not err in finding Officer Reeves did not exceed the proper scope of the search when patting down Bishop's pocket and finding and removing the gun. The video shows Officer Reeves conducting the pat-down search of Bishop's pocket and mouthing, "Gun." Officer Reeves was familiar with guns, including their feel and shape. Based on the video and Officer Reeves's testimony, the record supports a finding that the nature of the gun was apparent. *See Interest of T.W.*, 261 A.3d at 422 ("a police officer may remove an object from within a suspect's clothing under the reasonable suspicion that the object is a weapon"). The court did not err in finding Officer Reeves did not exceed the permissible scope of the search.

Judgment of sentence affirmed.

Judgment Entered.

A handwritten signature in black ink that reads "Benjamin D. Kohler". The signature is written in a cursive style and is positioned above a solid horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 3/10/2026