

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	NO. 01-12,140
	:	
vs.	:	CRIMINAL DIVISION
	:	
ALEXANDER R. BOBOTAS,	:	
Defendant	:	

OPINION AND ORDER

Before the Court is Defendant’s Motion for Reconsideration, filed June 18, 2002.

Argument on the motion was heard August 5, 2002.

Defendant seeks reconsideration of this Court’s Order of May 21, 2002, by which his pre-trial motion was granted in part and denied in part. Specifically, Defendant asks this Court to revisit its conclusion that the Statewide Municipal Police Jurisdiction Act was not violated under the circumstances presented in this matter.

The Court found the officer’s actions in Armstrong township (outside of his jurisdiction of South Williamsport) to be appropriate under subsection (a)(4), which authorizes an officer to enter another jurisdiction “for the purpose of conducting official duties which arise from official matters within his primary jurisdiction”, where “the officer has obtained the prior consent of the chief law enforcement officer of the organized law enforcement agency which provides primary police services to a political subdivision which is beyond that officer’s primary jurisdiction.” 42 Pa.C.S. Section 8953(a)(4). As did the Court in Commonwealth v Sestina, 546 A.2d 109 (Pa.Super. 1988), this Court found the requisite prior consent to have been given by the state police commissioner through a declaration published in the

Pennsylvania Bulletin on February 19, 1983 (Volume 13, No. 8). Defendant now argues that such consent expired when the Commissioner who published that declaration, left office.

The notice itself indicates that the consent given therein is effective immediately, and does not provide for any future reviews of the issue or automatic expiration of such. While it would always be possible for a future commissioner to revoke such consent, the Court has not been made aware of any authority which would support the conclusion that the consent expired by operation of law, so to speak, when the Commissioner no longer served in that role. The Court believes the consent to therefore remain valid, and the actions of the South Williamsport police officer in the instant matter to have thus been appropriate under the Act.

ORDER

AND NOW, this 8th day of August, 2002, for the foregoing reasons, Defendant's Motion for Reconsideration is hereby DENIED.

BY THE COURT,

Dudley N. Anderson, Judge

cc: DA
Peter Campana, Esq.
Gary Weber, Esq.
Hon. Dudley Anderson