

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

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| COMMONWEALTH OF PENNSYLVANIA | : NO. 02-10,288      |
|                              | :                    |
|                              | :                    |
| vs.                          | : CRIMINAL DIVISION  |
|                              | : Suppression Motion |
| RICHARD E. REBER,            | :                    |
| Defendant                    | :                    |

OPINION AND ORDER

Before the Court is Defendant’s Motion to Suppress, filed June 3, 2002. A hearing on the motion was held July 22, 2002.

Defendant was charged with two (2) counts of driving under the influence and two (2) summary offenses after he was stopped by Officer William Nidetch of the Jersey Shore Police Department on November 30, 2001. According to the evidence presented at the suppression hearing, Officer Nidetch received a dispatch from County Communications indicating that he should be on the look out for a truck driving erratically on Route 220 in Jersey Shore. County Communications made the call based upon a call from Officer Kim Dockey from the Williamsport Police Department who had first observed the vehicle in the 2900 block of West Fourth Street and then followed it for approximately 14 miles. Officer Dockey testified that he observed the vehicle weaving within its lane, crossing the yellow line several times, driving completely off the road 2 times, and driving 35-40 miles per hour in a 55 mile per hour zone, on US Route 220 South. The vehicle then exited US Route 220 by way of the Main Street exit in Jersey Shore at which time Officer Nidetch began following the vehicle. Officer Nidetch testified that after he began following the vehicle he observed erratic driving and saw the vehicle cross the centerline several times. He indicated that he originally began following the vehicle in Piatt Township, crossed through Porter Township and into the Borough of Jersey Shore and that when he was approximately 200 feet into the Borough he activated his lights and siren, that the vehicle traveled another 3 to 4 blocks and then stopped. Pursuant to further observations made after the stop, Defendant was arrested for driving under the influence.

Defendant argues that the vehicle stop was illegal inasmuch as Officer Nidetch was outside his jurisdiction and thus the stop constituted a violation of the Statewide Municipal Police Jurisdiction Act. 42 Pa. C.S. Section 8953. Defendant also argues that the stop was illegal inasmuch as it was based upon an anonymous tip.

With respect to the issue under the Municipal Police Jurisdiction Act, since the actual stop, which the Court concedes took place at the time Officer Nidetch activated his lights and siren, was actually in the Borough of Jersey Shore, Officer Nidetch's primary jurisdiction, no issue is presented.

With respect to the anonymous tip, an officer may make an investigatory stop based on an anonymous tip as long as there are objective facts creating a reasonable suspicion that the vehicle occupant is presently involved in criminal activity. Commonwealth v Swartz, 787 A.2d 1021 (Pa. Super. 2001). When an officer personally observes activity which corroborates the content of an anonymous tip, he may use the information provided by the tipster to form the basis of his reasonable suspicion. Id. In the instant case, the officer did personally observe vehicle code violations after he began following Defendant's vehicle, thus corroborating the tip that a vehicle was driving erratically. The Court thus finds he was justified in conducting the investigatory stop and that the stop was therefore constitutionally permissible.

ORDER

AND NOW, this 30<sup>th</sup> day of August, 2002, for the foregoing reasons, Defendant's Motion to Suppress is hereby denied.

By the Court,

Dudley N. Anderson, Judge

cc: DA  
Craig Miller, Esq., 138 E Water Street, Lock Haven PA 17745  
Gary Weber, Esq.  
Hon. Dudley N. Anderson

