

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	: NO. 02-11,960
	:
	:
vs.	: CRIMINAL DIVISION
	: Motion to Suppress
ROGER LEE GRENINGER,	:
Defendant	:

OPINION AND ORDER

Defendant has been charged with two counts of driving under the influence of alcohol, after having been stopped by an officer of the Williamsport Police Department in Old Lycoming Township. In the instant Motion to Suppress, Defendant contends the stop of his vehicle was a violation of the Statewide Municipal Police Jurisdiction Act and therefore seeks suppression of the evidence obtained as a result of the stop. The hearing on the motion was held April 2, 2003.

There is no dispute that the stop was indeed in Old Lycoming Township and was made by an officer of the Williamsport Police Department, outside of his primary jurisdiction. The facts of this matter appear to require application of Subsection (a)(2) of Section 8953, which provides as follows:

- (a) General Rule. – Any duly employed municipal police officer who is within this Commonwealth, but beyond the territorial limits of his primary jurisdiction, shall have the power and authority to enforce the laws of this Commonwealth or otherwise perform the functions of that office as if enforcing those laws or performing those functions within the territorial limits of his primary jurisdiction in the following cases:

...

- (2) Where the officer is in hot pursuit of any person for any offense which was committed, or which he has probable cause to believe was committed, within his primary jurisdiction and for which offense the officer

continues in fresh pursuit of the person after the commission of the offense.

42 Pa.C.S. Section 8953(a)(2). Defendant contends this Section is not applicable to justify the stop on the grounds the officer did not have probable cause to believe an offense was committed within his primary jurisdiction.

Officer Roy Snyder of the Williamsport Police Department testified that on September 14, 2002, while on patrol, he received a dispatch regarding a fight in progress in the parking lot of the Williamsport Hospital. As he was driving toward the hospital, he was advised by Officer Rogers of the same department, who had already arrived upon the scene of the fight at the Williamsport Hospital, that it was a “pretty good fight,” that hospital security were making an issue of it and that the two white males involved in the fight had left the scene in a blue ford escort with California plates. A license plate number was also provided in the dispatch. It also was clear to Office Snyder that Officer Roger’s information came from the hospital security personnel and the nurses. Officer Snyder testified that he passed a car going in the opposite direction, which matched the description given on the radio, on High Street, that he turned around and chased the car into Old Lycoming Township and then stopped it.

The Court believes Officer Snyder did have probable cause to believe an offense had been committed in his primary jurisdiction. Although the information upon which he relied came in the form of a dispatch and from another officer at the scene, an arresting officer may rely upon radio broadcasts emanating from police facilities provided the arresting officer has received information justifying arrest. Commonwealth v Evans, 494 A.2d 383 (Pa. Super. 1985). In the instant case, the information appears to have come from eye witnesses to the fight, relayed to the arresting officer through a radio broadcast and radio communication from another officer.

The Court thus finds the pursuit of Defendant into another jurisdiction proper as supported by probable cause to believe an offense had been committed, and the resulting stop permissible under the Statewide Municipal Police Jurisdiction Act.

ORDER

AND NOW, this 23rd day of April, 2003, for the foregoing reasons, Defendant's Motion to Suppress is hereby denied.

By the Court,

Dudley N. Anderson, Judge

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