

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH : No. 04-10193  
:   
vs. : CRIMINAL  
:   
LAURA FENSTERMAKER, : Omnibus Pretrial  
Defendant : Motion

**ORDER**

AND NOW, this \_\_\_ day of October 2004, after review of the transcript of the Preliminary Hearing and the evidence presented at the evidentiary hearings held on July 13, 2004, and September 17, 2004, Court finds as follows:

I. **Petition for Habeas Corpus**

The Court **DENIES** the Petition for Habeas Corpus. The Court believes the Commonwealth has presented sufficient evidence regarding the charges contained in the information.

II. **Motion to Suppress Evidence**

The Motion to suppress evidence is **GRANTED**. The Court believes the warrantless seizure of the Defendant's vehicle by the Williamsport Police was in violation of the Defendant's rights under the U.S. and Pennsylvania Constitutions. The Court also notes the Williamsport Police were outside their jurisdiction when they seized the vehicle.

The Court finds that the statements the Defendant gave to the Williamsport Police the following day were fruits of the illegal seizure of the vehicle under the facts of this case.

In light of this finding, the Court will not discuss the other significant Constitutional issues raised by the Defendant concerning her statements to the police on

November 10, 2003.<sup>1</sup>

Accordingly, any evidence concerning the Defendant's vehicle obtained as a result of the seizure is **SUPPRESSED**. Likewise, the statements given by the Defendant to the Williamsport Police on November 16, 2003 are **SUPPRESSED** as evidence.

This Order would not preclude the Commonwealth witnesses from testifying about their observations of the Defendant and her vehicle prior to the illegal seizure.

By The Court,

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Kenneth D. Brown, P.J.

cc: Peter T. Campana, Esquire  
District Attorney  
Work file  
Gary Weber, Esquire (Lycoming Reporter)

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<sup>1</sup> The Court is particularly concerned that the Defendant raised the question of obtaining an attorney while being advised of her Miranda rights.