

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH : No. 03-11425
:
vs. : CRIMINAL
:
BRIAN DAVID HARRIS, : Omnibus Pretrial Motion
Defendant :
:

ORDER

AND NOW, this ___ day of July 2004, upon consideration of the Defendant's Omnibus Pretrial Motion, it is ORDERED and DIRECTED as follows:

The Court DENIES the Motion to Suppress contained in Count 1 of the Omnibus Pretrial Motion. The testimony of Chief Chris Miller showed that the Defendant's statements made at or near the time of the vehicle stop were blurted out by the Defendant and were not the product of police questioning. Therefore, there was no Miranda violation.

At the DUI Processing Center, the Defendant voluntarily waived his Miranda rights and made additional statements. The Defendant claims the waiver was invalid because the Defendant was confused from the Implied Consent warnings where he was told Miranda did not apply. The Court rejects the Defendant's contentions. After viewing the videotape from the DUI Processing Center, it is clear that the Defendant voluntarily waived his Miranda rights. If the Defendant was confused about anything (and the Court questions the credibility of the Defendant's alleged confusion), it was solely over whether he should submit to a blood test. The Defendant unequivocally states on the tape that he understands his Miranda rights and he has no problem talking to the police. He then proceeds to sign the waiver and give statements to the police. Again, the Court finds no Miranda violation.

The Court believes the Commonwealth has provided defense counsel with a

copy of the DUI Processing Center tape and the videotape from Officer Tim Miller's onboard camera. Therefore, the Motion for Discovery contained in Count 2 is moot.

By The Court,

Kenneth D. Brown, P.J.

cc: George Lepley, Esquire
William Simmers, Esquire (ADA)
Work file
Gary Weber, Esquire (Lycoming Reporter)