

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH : No. 04-11,015  
:   
vs. : CRIMINAL  
:   
WILLIE JOHNSON, :   
Defendant :

**ORDER**

AND NOW, this \_\_\_\_ day of December 2004, the Court DENIES the defendant's Motion to Suppress Evidence. The Court finds the police had reasons to believe the defendant was armed and dangerous. Therefore, the Terry frisk or pat down of the defendant's entire body was justified. During the pat down, Officer Jeremy Brown immediately recognized that the defendant's pants pocket contained marijuana. The defendant was arrested and search incident to his arrest. Although Officer Brown knew the object in the defendant's jacket pocket was not a weapon when he patted it and he shouldn't have looked in the pocket or retrieved the cell phone charger during the pat down to determine what it was, the charger inevitably would have been discovered during the search incident to the defendant's arrest.

By The Court,

\_\_\_\_\_  
Kenneth D. Brown, P.J.

cc: Public Defender (NS)  
District Attorney (RF)  
Work file  
Gary Weber, Esquire (Lycoming Reporter)

