

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH : No. 04-11,098
 :
 vs. : CRIMINAL
 :
 MICHELE LYNN, :
 Defendant : Motion to Suppress

ORDER

AND NOW, this ___ day of November 2004, after completion of the evidentiary hearing on the motion, the Court **DENIES** the Motion to Suppress.

The Court is satisfied that the stop of the Defendant, which occurred just outside the Williamsport police jurisdiction in Old Lycoming Township, is permitted pursuant to the Municipal Police Jurisdiction Act, 42 Pa. C.S.A. §8953 (a)(2).

The Court finds the Williamsport police were in hot and fresh pursuit of the Defendant's vehicle after they observed a white SUV or white Trailblazer hit their parked police cruiser and continue traveling West Fourth Street. The hit and run occurred fifty (50) feet away from the officers' location. The two Williamsport police officers got into their cruisers and immediately gave chase.

The lead vehicle, driven by Officer Debra Bachman, lost sight of the white vehicle, but drove west on West Fourth Street in the direction the offender's vehicle traveled. Officer Bachman carefully looked at every cross street she passed and determined that no vehicle fitting the description of the offender's vehicle had turned off West Fourth Street.

Officer Bachman's drove to the High Street bridge, the point where the Williamsport Police jurisdiction ends. She was satisfied the offender's vehicle had not turned and that the vehicle would be up ahead on West Fourth Street, so she proceeded onto

the bridge. The Court believes she was still in hot and fresh pursuit at this time. As Officer Bachman drove onto the bridge, which was just beyond the Williamsport line, the officer saw the white SUV.

The officer picked up her speed. She noticed the white SUV had damage on the right front passenger side consistent with where the offending vehicle struck the parked police cruiser. The officer was sure this was the same vehicle that she had witnessed hitting the police cruiser several minutes earlier. Officer Bachman's lights and siren were on. The white vehicle then pulled into a parking lot at a Weis Market and parked in a handicapped parking space. The officer pulled behind the vehicle and blocked it in. The Defendant exited the vehicle and the officer confronted her. During this confrontation, the officer noticed signs of intoxication. Officer Bachman arrested the Defendant for hit and run and driving under the influence of alcohol.

Officer Bachman testified she stopped the Defendant at the Weis Market in Old Lycoming Township approximately two (2) minutes after the hit and run occurred and that her pursuit of the Defendant's vehicle was continuous and uninterrupted.

The Court believes Officer Bachman clearly had probable cause to believe that the white vehicle was involved in the hit and run of the police cruiser at 1212 High Street, the initial location of the officers.¹

While the Defendant complains that the officer only developed probable cause after the officer left her jurisdiction when she went on the High Street bridge and she observed the white vehicle, the Court does not see this as a basis for suppression or any

1 At the time of the hit and run, Officer Bachman was investigating a domestic disturbance at 1212 High Street. Office Wasiluski also responded to this location. The white vehicle struck Officer Wasiluski's cruiser. The male subject of the domestic disturbance overheard Officer Bachman on her radio describing the vehicle as

finding of illegality. The officer had probable cause to believe that the vehicle involved in the hit and run was still in front of her vehicle by virtue of her observation of all the side streets. It is fair to say that she was in fresh pursuit of the offending vehicle. Logic would not dictate that she should have stopped her pursuit as she approached the High Street bridge. If she had stopped her pursuit to allow the Old Lycoming Township Police to pick up the chase, the chances that the offending vehicle would have been able to escape would have greatly increased. Officer Bachman clearly could have stopped the Defendant's vehicle, at the least for a Terry investigative stop, if she would have caught up with the vehicle before crossing into Old Lycoming Township. The fact that probable cause may have developed when the officer's vehicle was on the High Street bridge or shortly thereafter when she saw damage on the Defendant's vehicle consistent with the hit and run would not mean the stop was invalid. See Commonwealth v. Montgomery, 513 Pa. 138, 144, 518 A.2d 1197, 1200 (1986) ("The point at which probable cause arises is immaterial under this statute."); see also Commonwealth v. McPeak, 708 A.2d 1263 (Pa.Super. 1998) (allowing police to arrest defendant in a neighboring township for DUI based on information from concerned citizens who saw Defendant hit two parked vehicles in officers' primary jurisdiction and who followed Defendant to his residence 25 yards into the neighboring township); Commonwealth v. Fostick, 392 Pa.Super. 264, 572 A.2d 793, appeal denied 525 Pa. 642, 581 A.2d 568 (1990) (there is no requirement that police pursuit begin within the territorial limits of officers primary jurisdiction if officer could have stopped vehicle while it was in his jurisdiction.)

For these reasons, under the facts and circumstances of this case, the Court

a white SUV and he yelled that it was a Trailblazer. The vehicle ultimately stopped was a Trailblazer.

DENIES the Defendant's Motion to Suppress.

By The Court,

Kenneth D. Brown, P.J.

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