

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,	:	CRIMINAL ACTION - LAW
	:	
vs.	:	NO. 05-11,552
	:	
LANCE YOUNG,	:	
Defendant	:	MOTION TO SUPPRESS
	:	EVIDENCE

DATE: February 1, 2006

OPINION AND ORDER

Before the court for determination is the Motion to Suppress Evidence of Defendant Lance Young (hereafter “Young”) filed November 23, 2005.

On June 22, 2005, Officer Sproat of the Jersey Shore Police Department arrested Young and charged him with, inter alia, driving under the influence of alcohol. In the motion to suppress, Young contends that all evidence obtained following the stop of his vehicle on Quarry Road in Oriole Township by Officer Sproat must be suppressed. Young advances two arguments in support of this contention. First, Young argues that the stop violated his rights under the Fourth Amendment of the United States Constitution and Article I, Section 8 of the Pennsylvania Constitution in that Officer Sproat lacked probable cause to stop his vehicle. The second argument is that Officer Sproat performed the vehicle stop outside his primary jurisdiction, which violated the Municipal Police Jurisdiction Act, 42 Pa.C.S.A. §§ 8951-8954.

On January 6, 2006, the court held an evidentiary hearing regarding the motion to suppress. At the conclusion of the hearing, the court made findings of fact, which were filed of record and are incorporated herein by reference. Based upon those findings and the applicable law, the motion to suppress must be denied.

Turning to Young's first argument, Officer Sproat did have probable cause to stop Young's vehicle. Probable cause exists "... when the facts and circumstances within the police officer's knowledge and of which the officer has reasonably trustworthy information are sufficient in themselves to warrant a person of reasonable caution in the belief that an offense has been committed by the [seized]." *Commonwealth v. Dommel*, 885 A.2d 998 (Pa. Super. 2005) (quoting *In re C.C.J.*, 799 A.2d 116, 121 (Pa. Super. 2002)). That is, probable cause is "... a reasonable belief, based on the surrounding facts and totality of circumstances, that an illegal activity is occurring or evidence of a crime is present." *Commonwealth v. Petrall*, 738 A.2d 993, 998 (Pa. 1999).

Officer Sproat possessed probable cause to believe that Young had violated Section 3334 of the Motor Vehicle Code (hereafter "MVC"), 75 Pa.C.S.A. §§ 101-9805. Section 3334 of the MVC provides:

Turning movements and required signals

(a) GENERAL RULE.-- Upon a roadway no person shall turn a vehicle or move from one traffic lane to another or enter the traffic stream from a parked position unless and until the movement can be made with reasonable safety nor without giving an appropriate signal in the manner provided in this section.

(b) SIGNALS ON TURNING AND STARTING. -- At speeds of less than 35 miles per hour, an appropriate signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning. The signal shall be given during not less than the last 300 feet at speeds in excess of 35 miles per hour. The signal shall also be given prior to entry of the vehicle into the traffic stream from a parked position.

75 Pa.C.S.A. § 3334(a), (b). Officer Sproat observed Young turn into the parking lot of an Arby's restaurant in Jersey Shore. Officer Sproat observed Young drive through the parking lot and come to a stop at the exit. Officer Sproat observed Young exit the lot, make a right-hand turn, and enter the stream of traffic on Staver Street without engaging his turn signal. Based upon the observations of Officer Sproat, he had probable cause to believe that Young had violated Section 3334 of the MVC. Since Officer Sproat had probable cause to believe the Young had violated a provision of the MVC he had justification to stop Young and no violation of the Fourth Amendment or Article I, Section 8 occurred.

Turning to Young's second argument, the stop of his vehicle in Oriole Township by Officer Sproat did not violate the MPJA. Section 8953 of the MPJA authorizes police action outside of an officer's primary jurisdiction in six specific circumstances. *Commonwealth v. Merchant*, 595 A.2d 1135, 1138 (Pa. 1991). There are two applicable circumstances. The first is set forth in subsection (a)(2). It provides:

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.A. § 8952(a)(2). "Hot pursuit" entails some sort of chase, though the chase need not involve a fender smashing Hollywood style chase scene or be newsworthy." *Commonwealth v. Laird*, 797 A.2d 995, 998 (Pa. Super. 2002). "Fresh pursuit" requires that the police officer's pursuit of the suspect be immediate, continuous, and uninterrupted. *Commonwealth v. McPeak*, 708 A.2d 1263, 1266 (Pa. Super. 1998).

Officer Sproat's conduct satisfies the requirements set forth in subsection (a)(2) of the MPJA. Officer Sproat had probable cause to believe an offense was committed within his primary jurisdiction because he witnessed Young violate Section 3334 of the MVC when Young failed to engage his turn signal when entering the stream of traffic onto Staver Street in the Borough of Jersey Shore. Officer Sproat was in both hot and fresh pursuit of Young. Officer Sproat followed immediately behind Young as Young traveled through the streets of Jersey Shore and into the adjoining township.

The second applicable circumstance is set forth in subsection (a)(4). It provides that:

Where the officer has obtained the prior consent of the chief law enforcement officer, or a person authorized by him to give consent, of the organized law enforcement agency which provides primary police services to a political subdivision which is beyond that officer's primary jurisdiction to enter the other jurisdiction for the purpose of conducting official duties which arise from official matters within his primary jurisdiction.

42 Pa.C.S.A. § 8953(a)(4). Officer Sproat's conduct satisfies the requirements set forth in subsection (a)(4) of the MPJA.

The Pennsylvania State Police were responsible for providing police services to the adjoining jurisdiction. Upon entering the adjoining jurisdiction, Officer Sproat requested permission from the State Police to effectuate the stop of Young's vehicle. After a brief period of time, the State Police authorized Officer Sproat to stop Young's vehicle on Quarry Road. Officer Sproat was pursuing Young in order to stop Young for a violation of the MVC that Officer Sproat had observed in his primary jurisdiction of Jersey Shore.

As such, Officer Sproat was authorized under subsections (a)(2) and (a)(4) of the MPJA to stop Young on Quarry Road in Oriole Township.

Accordingly, the court denies Young's motion to suppress evidence.

ORDER

It is hereby ORDERED that the Motion to Suppress Evidence of Defendant Lance Young filed November 23, 2005 is DENIED.

BY THE COURT,

William S. Kieser, Judge

cc: Timothy A.B. Reitz, Esquire
District Attorney
Judges
Chris Kalas, Esquire
Gary Weber, Esquire