

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : NO. CR – 1485 - 2005  
:   
vs. : CRIMINAL DIVISION  
:   
CAROLE P. AGOSTINI, :   
Defendant : Motion to Suppress

**OPINION AND ORDER**

Before the Court is Defendant’s Omnibus Pre-trial Motion/Motion to Suppress, filed March 15, 2006. A hearing on the motion was held April 28, 2006.

Defendant was charged with two counts of DUI and two summary traffic offenses after being stopped by an officer of the Jersey Shore Borough Police on May 28, 2005. In her pre-trial motion, Defendant contends the stop of her vehicle by an officer of the Jersey Shore Borough Police, which took place in either Piatt or Porter Township but not within the Borough, was outside the officer’s authority under the Municipal Police Jurisdiction Act, 42 Pa.C.S. Sections 8951-54, and consequently all evidence seized as a result of the stop must be suppressed.

From the testimony produced at the hearing, it appears the stop was initiated by Steven Breon, an off duty officer from Duboistown who observed Defendant’s vehicle being driven quite erratically on State Route 220. Officer Breon radioed County Control to report his observation and was instructed to keep following the vehicle, that a state trooper would be dispatched to effectuate a stop. Subsequently, while still following Defendant’s vehicle, Officer Breon heard County Control request assistance from Porter Township Police. As he came upon the Piatt Township/Porter Township line, Officer Breon saw two police units sitting in the crossover between the northbound and southbound lanes of Route 220. He radioed to them that the vehicle in front of him was the vehicle in question, and then the Jersey Shore Borough police officer effectuated the stop, with the other police unit, of the Porter Township Police, also stopping. Very shortly thereafter, a trooper with the Pennsylvania State Police

arrived and after speaking with the officers from Porter Township and Jersey Shore Borough, and interviewing Defendant and conducting field sobriety tests, arrested Defendant for DUI.

Under the Statewide Municipal Police Jurisdiction Act, a duly employed municipal police officer may enforce the laws of this Commonwealth even though he is beyond the territorial limits of his primary jurisdiction where he has been “requested to aid or assist any local, State or Federal law enforcement officer or park police officer or otherwise has probable cause to believe that the other officer is in need of assistance.” 42 Pa. C. S. Section 8953(a)(3). In interpreting this language, the Court is to give the Act a liberal construction to effectuate its objects and to promote justice, while also remaining mindful of its underlying policy, to cultivate a cohesive working relationship among municipal police departments. Commonwealth v. McHugh, 605 A.2d 1265 (Pa. Super. 1992); Commonwealth v. Ebersole, 492 A.2d 436 (Pa. Super. 1985). In the instant case, the Court believes the actions of the Jersey Shore Borough police officer were authorized under the Act as having been in response to such a request for assistance.

Defendant argues that Sub-Section (a)(3) cannot be relied upon to support the actions of the Jersey Shore officer herein, as the Commonwealth failed to present any direct evidence that the State Police themselves requested assistance. It appears, however, that a reasonable inference may be drawn from the testimony presented, that such a request was indeed made. Further, even though the request was prompted by inquiry and was not originated by the State Police, a liberal interpretation of the statute requires application of the subsection nevertheless. See Commonwealth v. McHugh, supra (request initiated by out-of-jurisdiction officer still “request” under MPJA).

Accordingly, the stop having been in compliance with the MPJA, Defendant’s motion to suppress the evidence obtained as a result of that stop will be denied.

**ORDER**

AND NOW, this 2<sup>nd</sup> day of May 2006, for the foregoing reasons, Defendant's Motion to Suppress is hereby DENIED.

BY THE COURT,

Dudley N. Anderson, Judge

cc: DA  
Craig Miller, Esq. 138 East Water Street, Lock Haven, PA 17745  
Gary Weber, Esq.  
Hon. Dudley Anderson