

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,	:
	:
vs.	: NO. 1891-2006
	:
CHRISTOPHER HAYES,	:
	:
Defendant	: 1925(a) OPINION

Date: May 2, 2007

**OPINION IN SUPPORT OF THE ORDER OF MARCH 14, 2007 IN COMPLIANCE
WITH RULE 1925(a) OF THE RULES OF APPELLATE PROCEDURE**

The Commonwealth has appealed this court's March 14, 2007 Order granting Defendant Christopher Hayes's Motion to Suppress Evidence. The court granted the Motion because we found that Hayes did not validly consent to a search of the vehicle he was operating because he was subject to an investigative detention, which was not supported by reasonable suspicion, following the conclusion of a lawful traffic stop. We further determined that there was not a sufficient break in the causal chain between this illegal detention and Hayes's consent so as to demonstrate that the illegal detention was not exploited to obtain that consent.

The Commonwealth filed its notice of appeal on April 11, 2007. On April 11, 2007, this court issued an order in compliance with Pennsylvania Rules of Appellate Procedure Rule 1925(b) directing the Commonwealth to file a concise statement of matters complained of on appeal within fourteen days of the order. On April 25, 2007, the Commonwealth filed its statement of matters.

In the statement of matters, the Commonwealth asserts two issues on appeal. The first is that the court erred in finding that Hayes did not validly consent to a search of the vehicle he was driving. The second is that the court erred in finding that there was no reasonable suspicion to support the investigatory detention.

The issues raised by the Commonwealth in its statement of matters have been addressed by this court's March 14, 2007 Opinion issued in support of the Order granting Hayes's Motion to Suppress Evidence. We hereby reassert the reasoning set forth in that opinion to address the Commonwealth's issues on appeal. A copy of that opinion is attached to the original of this order.

Accordingly, the Commonwealth's appeal should be denied and the Order of March 14, 2007 affirmed.

BY THE COURT,

William S. Kieser, Judge

cc: Janan Tallo, Esquire
DA (MK)
Judges
Christian Kalas, Esquire
Gary L. Weber, Esquire (Lycoming Reporter)