

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,
PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : NO. CR – 1178 – 2007
 :
 vs. : CRIMINAL DIVISION
 :
 ANWAR CHRISTOPHER AMOS, :
 Defendant : Motion to Suppress

OPINION AND ORDER

Before the Court is Defendant’s Motion to Suppress, filed September 13, 2007. A hearing on the motion was held November 9, 2007.

Defendant was charged with possession of a small amount of marijuana, possession of drug paraphernalia and two summary traffic offenses after a drug detection sniff-search of the exterior of his vehicle led to the discovery of marijuana in the vehicle. Defendant contends the traffic stop which led to the eventual discovery of the drugs was made without the requisite reasonable suspicion, the stop for an alleged turn signal violation was pretextual, and police did not have reasonable suspicion of criminal activity such as would support the use of a drug-detection canine.

According to the testimony of the arresting state trooper, during the evening hours of February 28, 2007, he was advised via police radio that the manager of TGI Friday’s, one Eric Cook, had called to report “people using cocaine” in a silver-colored Volkswagon Jetta in the parking lot of TGI Friday’s. The trooper responded to that location and upon arriving, observed a silver Jetta leaving the parking lot. He followed the vehicle and while doing so, requested his dispatcher to contact Cook to determine whether the vehicle he had reported was still in the parking lot. He was advised that it was not and so concluded he was following the reported vehicle. When the driver failed to use a turn signal as the vehicle moved from an entrance ramp onto the Market Street Bridge crossing into South Williamsport, the trooper effectuated a traffic stop. The driver, Defendant herein, provided his name and date-of-birth, but indicated to the trooper that he had no driver’s license as his operating privilege was suspended. When the trooper ran Defendant’s name and date-of-birth through NCIC/CLEAN and conducted a criminal history check, he learned that Defendant’s license was indeed under

suspension, and that Defendant had a criminal record including a charge of drug delivery. A drug-detection canine was requested and when a search of the exterior of the vehicle was conducted, a positive result was indicated. Defendant's admission thereafter and a search pursuant to a search warrant led to the discovery of a small amount of marijuana and Defendant was charged with its possession, as well as with the turn signal violation and driving under suspension.

Defendant first contends the officer lacked the necessary reasonable suspicion to effectuate the traffic stop. The Court does not agree. The trooper had been informed that "people using cocaine" had been seen in a silver-colored Jetta in a particular parking lot, he observed a silver-colored Jetta leaving that particular parking lot, and he verified that the vehicle observed by the reporting person was no longer in that parking lot. The trooper therefore had a reasonable suspicion that the vehicle he was following was the one reported to have been involved in drug activity only minutes before, and was thus justified in detaining the vehicle for further investigation.

With respect to the turn signal violation, the Court believes even if the stop were determined to have been made for a reason other than the turn signal violation, the stop was supported by reasonable suspicion of criminal activity in any event.

Finally, the Court believes the use of a drug detection canine was also supported by reasonable suspicion. At the point where the trooper requested a sniff search, he had not only the information which led to the stop, but also the information that Defendant had a criminal history which included a drug delivery charge. The trooper was thus justified in his reasonable suspicion that drugs might be found in the vehicle, and the use of the canine was not a violation of Defendant's rights.

The Court having found both the stop and the search supported by the requisite level of suspicion, the evidence discovered by that search need not be suppressed.

ORDER

AND NOW, this 26th day of November 2007, for the foregoing reasons, Defendant's Motion to Suppress is hereby DENIED.

BY THE COURT,

Dudley N. Anderson, Judge

cc: DA
PD
Gary Weber, Esq.
Hon. Dudley Anderson