

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : NO. CR – 1641 - 2006
:
vs. : CRIMINAL DIVISION
:
DAVID C. BEAN, :
Defendant : Motion to Suppress

OPINION AND ORDER

Before the Court is Defendant’s Motion to Suppress, filed January 26, 2007. A hearing on the motion was held March 30, 2007.

Defendant was charged with burglary and related offenses after a stop of his vehicle on August 3, 2006, led to the discovery of two cash boxes taken from an area business, as well as various burglar tools. In the instant motion to suppress, Defendant contends the police lacked the necessary reasonable suspicion to make the vehicle stop.

According to the testimony of Kris Moore of the Williamsport Police Department, he observed Defendant’s vehicle backed up against the north wall of the Faxon Bowling Lanes in the early morning hours of August 3, 2006, and as he was turning his own vehicle around to look into the matter further, Defendant’s vehicle “sped off quickly”. Officer Moore followed Defendant in what he believed to be a “pursuit”, and when Defendant failed to stop at two stop signs, he pulled him over. As the above-mentioned burglar tools were in plain view on the passenger seat, further investigation led to the discovery of the two cash boxes, and Defendant’s arrest on charges of burglary, etc.

Defendant argues the police lacked the necessary reasonable suspicion to effectuate the vehicle stop in this matter. Since Officer Moore observed Defendant’s vehicle fail to stop at two stop signs, however, he clearly had reason to believe Defendant had violated the Vehicle Code, and the stop was thus proper. Defendant’s Motion to Suppress is therefore without merit.¹

¹ Any issue with respect to whether the officer’s initial investigation, which would have followed his turning around after having observed Defendant’s vehicle in the Faxon Lanes parking lot, would have been a mere

ORDER

AND NOW, this 2nd day of April 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

encounter or an investigative detention, was eliminated by Defendant's having "sped off quickly" and then engaging in violations of the Vehicle Code.