

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	NO. CR – 635 – 2007
	:	
vs.	:	CRIMINAL DIVISION
	:	
PONZETTE FRENCHY TILLER,	:	
Defendant	:	Motion to Suppress Evidence

**OPINION AND ORDER**

Before the Court is Defendant’s Motion to Suppress Evidence, filed June 12, 2007. A hearing on the motion was held July 31, 2007.

Defendant was charged with various drug offenses after an investigatory stop of the vehicle in which he was a passenger led to his arrest and the search of his person and jacket incident to that arrest led to the discovery of controlled substances. Defendant contends the police lacked probable cause to arrest him, and asks the Court to suppress the evidence discovered as a result of that arrest.

Officer Jeremy Brown testified that after it was discovered that the vehicle was not registered, he ran Defendant’s name through NCIC and was informed that Defendant was wanted on a bench warrant. On that basis, Defendant was arrested and searched. It was later learned that the bench warrant had been vacated but that such information had yet to be entered in the NCIC computer. Defendant argues that since the bench warrant had been vacated, his arrest was not supported by probable cause. The Court does not agree.

The appellate courts have consistently found that a report from the National Crime Information Center is sufficient to provide the probable cause necessary for an arrest. Commonwealth v. Bolton, 831 A.2d 734 (Pa. Super. 2003); Commonwealth v. Cotton, 740 A.2d 258 (Pa. Super. 1999); Commonwealth v. Evans, 494 A.2d 383 (Pa. Super. 1985); Commonwealth v. Riley, 425 A.2d 813 (Pa. Super. 1981). Further, since probable cause must be determined on the basis of the knowledge of the arresting officer at the time of arrest, an arrest based on information from NCIC will be upheld even though that information is inaccurate where the arresting officer did not know and could not reasonably be expected to

know that the information was wrong when he made the arrest. Commonwealth v. Riley, *supra*. In the instant case, Officer Brown testified that he learned of the inaccuracy of the information after he returned to City Hall. At that time, Defendant had already been taken into custody and the search of his person and jacket had already revealed the contraband which led to the charges in this matter. The Court therefore finds the arrest to have been lawful, and Defendant is thus not entitled to relief.

**ORDER**

AND NOW, this 1<sup>st</sup> day of August 2007, for the foregoing reasons, Defendant's Motion to Suppress Evidence is hereby DENIED.

BY THE COURT,

Dudley N. Anderson, Judge

cc: DA  
Andrea Pulizzi, Esq.  
Gary Weber, Esq.  
Hon. Dudley Anderson