

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH

v.

**TROY MATTY,
Defendant**

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No.: 1462-2010

CRIMINAL DIVISION

ORDER

Following a non-jury trial held before the Honorable Dudley N. Anderson, the Defendant filed a post-sentence motion in which he alleged, among several other contentions, that this Court erred by denying his Motion to Suppress. As this Court issued the Opinion and Order on the Defendant's Motion to Suppress Physical Evidence, this Court will address the portion of the Defendant's post-sentence motion pertaining to said Motion.

In support of his argument that this Court erred by denying his Motion to Suppress, the Defendant cites to Commonwealth v. Griffin, 24 A.3d 1037 (Pa. Super. 2011) where the Superior Court upheld the warrantless seizure of a motor vehicle. The Griffin Court pointed out that the warrantless search of an automobile is permitted in Pennsylvania when there exists probable cause to search and exigent circumstances necessitate the search. See Commonwealth v. Casanova, 748 A.2d 207, 211 (Pa. Super. 2000). After agreeing with the trial court that exigent circumstances existed, making the warrantless seizure and search of the vehicle permissible, the Griffin Court pointed out that the vehicle in that case was towed only after the police learned that the defendant and owner of the vehicle was in police custody, and that the vehicle was towed to police headquarters where it remained until a warrant was obtained to search it.

The Defendant contrasts the facts of Griffin with the facts of his own case, pointing out that he was not under arrest at the time the vehicle was towed, and that the vehicle was searched prior to police obtaining a warrant, making the warrantless seizure of his vehicle illegal. While it is true that the facts of Griffin do differ from those in the present case, the Court is not persuaded that it then follows that the seizure of the vehicle in this case was illegal. The Court determined, based on the facts presented at the hearing on the Omnibus Pretrial Motion, that the evidence was legally obtained and there was therefore no reason to grant the Defendant's Motion to Suppress.

Upon review of the Defendant's recent Post-Sentence Motion and the case law cited therein, the Court determines that its denial of the Motion to Suppress was appropriate and therefore relies on its Opinion and Order of March 11, 2011 in support thereof.

DATE: _____

By the Court,

Nancy L. Butts, President Judge

xc: DA
Peter T. Campana, Esq.