

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH

v.

MICHAEL STEINBACHER,
Defendant

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CR: 1533-2012
CRIMINAL DIVISION

OPINION AND ORDER

The Defendant filed a Motion to Suppress Evidence on December 31, 2012. A hearing on the motion was held April 9, 2013. By agreement of both parties, the Court will decide the Motion based on transcripts of the Preliminary Hearing, case law supplied by the parties, and the 911 audio recordings of police and eyewitness Walter Chapman.

Background

On May 27, 2012, around 4:00 PM, Walter Chapman and Melissa Chapman were traveling on Route 87 when a copper/tan colored Ford Ranger swerved in front of their vehicle while passing them in a no passing zone. N.T., 9/6/2012, p. 4. The Ford Ranger additionally passed the vehicle in front of them and “almost caused a head-on collision.” *Id.* at 4-5. Walter Chapman (Chapman), who was the passenger of their vehicle, called the Lycoming County 911 Call Center (911 Center) to report the Ford Ranger. Chapman described the vehicle as driving erratic and at a high rate of speed. Chapman gave the 911 Center his name, address, home phone number, and his cell phone number.

After Chapman reported the description of the vehicle and its location, the Ford Ranger was stopped by Officer Joshua Bell (Bell) of the Williamsport Bureau of Police at approximately 4:08 PM. The vehicle was stopped going west on Interstate 180 and was observed by Chapman,

who was directed by the dispatcher to follow the vehicle from a safe distance. The Chapmans pulled their vehicle behind the Ford Ranger and eventually gave a statement to Bell. Id. at 5.

Bell made contact with Michael Steinbacher (Defendant), the driver of the Ford Ranger, and immediately “detected the odor of an alcoholic beverage emanating from his person.” Id. at 14. The Defendant stated that he had been drinking earlier in the day, approximately three (3) or four (4) hours prior. Id. at 15. The Affidavit of Probable Cause stated that Bell observed open and closed beer cans resting on the floor of the Defendant’s vehicle. The Defendant was requested to perform field sobriety exercises, in which he did. Id. The Defendant poorly performed the field sobriety test and was transported to the Williamsport Regional Medical center for a blood draw.

The Defendant was charged with Driving Under Influence of Alcohol, an ungraded misdemeanor;¹ Driving Under Influence With Highest Rate of Alcohol, an ungraded misdemeanor;² and Careless Driving, a summary offense.³ On December 31, 2013, the Defendant filed a Motion to Suppress Evidence. The Defendant alleges that “detention was unreasonable under the 4th Amendment of the United States Constitution, Article 1, Sec. 8 of the Pennsylvania State Constitution and that the officer lacked jurisdiction to make the traffic stop under the Municipal Police Jurisdiction Act.” At the hearing on this Motion, the Defendant argued that the police had an obligation to verify the information provided by Chapman prior to the stop. The Commonwealth argued that within the totality of the circumstances, Bell conducted a legal stop of the Defendant’s vehicle.

¹ 75 Pa.C.S. § 3802(a)(1).

² 75 Pa.C.S. § 3802(c).

³ 75 Pa.C.S. § 3714a.

Motion to Suppress

Based upon the Defendant's argument to the Court and the case law submitted, the Defendant contends that Bell improperly stopped the Defendant's vehicle without verifying the information of Chapman. The reasonable suspicion standard applies when a police officer is investigating a potential Motor Vehicle Code Violation but needs additional evidence to make an arrest under the probable cause standard. Reasonable suspicion is decided by the court after a review of the totality of the circumstances and a finding that the facts support a reasonable belief that the law is being broken. Commonwealth v. Fulton, 921 A.2d 1239, 1243 (Pa. Super. 2007). "In making this determination, we must give 'due weight . . . to the specific reasonable inferences [the police officer] is entitled to draw from the facts in light of his experience.'" Id. (citing Commonwealth v. Cook, 735 A.2d 673, 76 (Pa. 1999)). To establish reasonable suspicion the officer must be able to articulate specific observations that led him to reasonably conclude, in light of his experience, that criminal activity was afoot and that the person he stopped was involved in that activity. Commonwealth v. Little, 903 A.2d 1269, 1272 (Pa. Super. 2006).

"[I]denified citizens who report their observations of criminal activity to police are assumed to be trustworthy, in the absence of special circumstances, since a known informant places himself at the risk of prosecution for filing a false claim if the tip is untrue, whereas an unknown informant faces no such risk." Id. (citing Commonwealth v. Barber, 889 A.2d 587, 593 (Pa. Super. 2005)). For reasonable suspicion, an officer may rely upon the information of third parties. Id. (citing Commonwealth v. Jones, 845 A.2d 821 (Pa. Super. 2004)).

In Anthony, a 911 dispatcher received information from a citizen informant that a dark blue Buick ran a stop sign, drove onto a sidewalk, and almost struck a bridge. Commonwealth v.

Anthony, 977 A.2d 1182, 1187 (Pa. Super. 2009). The informant believed that the driver was driving under the influence. Id. Within minutes of the report an officer identified the vehicle and pulled it over. Id. The officer interviewed the informant after the driver was arrested. Id. at 1189. The Superior Court of Pennsylvania found that the officer had sufficient reasonable suspicion to conduct the stop of the vehicle. Id.

In Lohr, a citizen informant called police stating he saw a white Ford Bronco erratically drive into a parking lot. Commonwealth v. Lohr, 715 A.2d 459, 460 (Pa. Super. 1998). The informant stayed on the line with a dispatcher while an officer arrived on the scene. Id. The officer stopped the white Bronco as it began backing out of a parking space. Id. The Superior Court found that the stop of the driver should not have been suppressed. Id. at 462; see also Commonwealth v. Janiak, 534 A.2d 833 (Pa. Super. 1987).

Here, the facts in this case are factually similar to Anthony and Lohr. Chapman observed the Defendant pass his vehicle in a no pass zone and in the process swerved into their vehicle. Chapman saw the Defendant almost cause a head-on collision with another vehicle and drive at a high rate of speed. Chapman believed that the Defendant was driving erratic, contacted police, relayed the information he witnessed, and followed the Defendant until he was pulled over by the Williamsport Bureau of Police. Chapman stayed on the phone with the dispatcher until the Ford Ranger was pulled over. Chapman also pulled over and was interviewed by Bell. Based on the observations of Chapman, the Court finds that Bell has reasonable suspicion to pull the Defendant's vehicle over for a suspected DUI. Bell did not have to independently verify the observations of Chapman in order to conduct a stop based on reasonable suspicion.

ORDER

AND NOW, this _____ day of April, 2013, based upon the foregoing Opinion, the Court finds that the Williamsport Bureau of Police had reasonable suspicion of a DUI to stop the Defendant's vehicle. Therefore, the Defendant's Motion to Suppress is hereby DENIED.

By the Court,

Nancy

L. Butts, President Judge

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