

**COMMONWEALTH** : **No. CR-359-2013**  
 :  
**vs.** : **CRIMINAL DIVISION**  
 :  
**BRITT SNYDER** : **Motion to Suppress**

**OPINION AND ORDER**

Defendant is charged by Information filed on March 22, 2013 with Driving Under the Influence of Alcohol (DUI). Defendant was allegedly under the influence of alcohol such that he was incapable of safety driving on December 21, 2012, while traveling in the City of Williamsport and on Interstate I-180.

On March 25, 2014, Defendant filed a Motion to Suppress Nunc Pro Tunc, alleging that there was an insufficient legal basis to effectuate the stop of Defendant's vehicle. Specifically, Defendant contends that the officers lacked probable cause to effectuate a traffic stop because there was nothing inappropriate, unlawful, or dangerous about the manner in which the Defendant operated his vehicle.

A suppression hearing was held on July 2, 2014. At the hearing, the Commonwealth played the patrol vehicle's video recording of the events in question. In addition, Lieutenant Brett Williams of the Williamsport Bureau of Police (Lt. Williams) and Chief William Solomon of the Old Lycoming Township Police Department (Chief Solomon) testified on behalf of the Commonwealth.

Lt. Williams has served the Williamsport Bureau of Police for twenty-three years. Chief Solomon has served the Old Lycoming Township Police Department for thirty years. Although both officers have vast professional experience in effectuating DUI-related stops, Chief Solomon also has undergone extensive special training in detecting signs of impaired

drivers. At the hearing, both the officers' testimony and a review of the videotape indicate the following.

On the evening of December 21, 2014, Lt. Williams and Chief Solomon were assigned to the DUI roving patrol unit. At approximately 11:15 p.m., Lt. Williams and Chief Solomon were parked on West Third Street, just before the Pine Street intersection. Chief Solomon was the driver of the unmarked police vehicle.

While observing traffic on West Third Street, officers noticed the Defendant's pick-up truck travel through the intersection of West Third Street and Pine Street without reducing speed as the traffic light cycled from yellow to red. Officers began to follow and caught-up with the truck at the next traffic light, at the intersection of East Third Street and Market Street. As the traffic light turned green, the truck turned right onto the Market Street Bridge and officers followed. Officers followed Defendant's pick-up truck south on Market Street and then west on I-180 to the Maynard Street exit.

Lt. Williams testified that while following the Defendant's vehicle, he observed the Defendant commit several traffic violations. According to the video, approximately 2:32 minutes after officers began to follow Defendant, his pick-up truck drove on the white fog line on I-180. Additionally, at approximately 2:40 minutes, Defendant again drove on the white fog line and then on the white dotted lines. Moreover, at 2:52 minutes, Defendant weaved onto the white dotted lines. Finally, at 2:59 minutes, both of Defendant's right tires crossed completely over the white fog line and onto the berm of the Maynard Street exit.

In addition to the aforementioned traffic violations, Chief Solomon added during his testimony that throughout the evening, but especially while traveling on the Market Street Bridge and onto the entrance ramp for I-180 west, the truck traveled at a high rate of speed that seemed unusual for the conditions and for the time of night. In addition, Chief Solomon

noted that the Defendant drifted within his lane as he entered I-180 West. According to Chief Solomon's specialized training, the Defendant's exhibited driving behaviors indicative of an impaired driver.

After following the Defendant for approximately 3:05 minutes, officers activated the patrol vehicle's lights to effectuate a traffic stop of Defendant's vehicle on the Maynard Street exit ramp. Despite lights being activated, the Defendant failed to stop for approximately 2:15 more minutes. During this time, Defendant stopped twice for red lights and again crossed over the white fog line.

The Court must first determine whether reasonable suspicion or probable cause is the proper standard for determining the lawfulness of the stop of Defendant's vehicle. As the Pennsylvania Supreme Court explained in Commonwealth v. Chase:

Extensive case law supports the conclusion that a vehicle stop for DUI may be based on reasonable suspicion, as a post-stop investigation is normally feasible. However, a vehicle stop based solely on offenses not 'investigateable' cannot be justified by a mere reasonable suspicion because of the purposes of a *Terry* stop do not exist—maintaining the *status quo* while investigating is inapplicable where there is nothing further to investigate. An officer must have probable cause to make a constitutional vehicle stop for such offenses.

599 Pa. 80, 960 A.2d 108, 118 (2008).

Although the Defendant avers that the officers lacked probable cause to effectuate a traffic stop of the vehicle, officers stopped the Defendant's vehicle in order to investigate the suspicion that Defendant was driving under the influence. Therefore, the appropriate standard is not probable cause, but rather reasonable suspicion.

The reasonable suspicion standard is less demanding than probable cause. Commonwealth v. Rogers, 578 Pa. 127, 849 A.2d 1185, 1189 (2004). "To establish reasonable suspicion, the officer must 'articulate specific observations which, in conjunction with reasonable inferences derived from those observations, led him to reasonable conclude,

in light of his experience, that criminal activity was afoot and that the person he stopped was involved in that activity.” Commonwealth v. Caban, 60 A.3d 120, 128 (Pa. Super. 2012). In determining whether reasonable suspicion exists, the court must give due consideration to the reasonable inferences the police officer is entitled to draw from the facts in light of his experience. Commonwealth v. Rogers, 578 Pa. 127, 849 A.2d 1185, 1189 (2004). “Merely because a suspect’s activity may be consistent with innocent behavior does not alone make detention and limited investigation illegal. . . . A combination of circumstances, none of which taken alone would justify a stop, may be sufficient to achieve a reasonable suspicion.” Commonwealth v. Riley, 715 A.2d 1131, 1135 (Pa. Super. 1998). Even innocent facts, when taken together, may warrant a police officer investigating further. Commonwealth v. Rogers, 578 Pa. 127, 849 A.2d 1185, 1189 (2004), citing Commonwealth v. Cook, 558 Pa. 50, 735 A.2d 673, 676 (1999).

The Court finds that the officers had reasonable suspicion to believe that Defendant was driving under the influence of alcohol. Officers stopped the Defendant’s vehicle to investigate their suspicion that Defendant was driving under the influence. Based on a review of the videotape and the officers’ testimony, their suspicion was reasonable. Specifically, the officers articulated that they observed the Defendant travel at an unusually quick pace, weave within his lane, drift onto traffic lines, and cross over the fog line. These specific observations, in light of their professional experience and Chief Solomon’s specialized training in impaired driver detection, allowed the officers to reasonably suspect that the Defendant was driving under the influence of alcohol.

#### **ORDER**

AND NOW, this 16<sup>th</sup> day of July, following a hearing and argument, Defendant’s Motion to Suppress is **DENIED**.

By the Court,

---

Marc F. Lovecchio, Judge

cc: Anthony Ciuca, Esquire (ADA)  
George Lepley, Esquire  
Elizabeth Gula, (Intern for Judge Lovecchio)  
Gary Weber (Lycoming Reporter)  
Work File