

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	
	:	CR-709-2014
v.	:	
	:	
PATRICK EUGENE WRIGHT,	:	CRIMINAL DIVISION
Defendant	:	

OPINION AND ORDER

On July 23, 2014, the Defendant filed a Motion to Suppress. A hearing on the motion was held on August 18, 2014.

I. Background

At approximately 10:45 P.M. on July 25, 2013, Lieutenant Steven Helm¹ (Helm) of the Williamsport Bureau of Police was operating an unmarked police car on Fourth Street in Williamsport, Pennsylvania. Helm approached the intersection of Fourth Street and Campbell Street. As he approached the intersection, Helm noticed that the traffic light was red. He saw the vehicle ahead of him brake at the traffic light. Helm described the brake as sudden, as if the driver of the vehicle did not realize that the light was red. The vehicle stopped in the left lane of Fourth Street, and Helm stopped in the right lane. Helm noticed that half of the vehicle was over the white stop line. Helm testified that the vehicle was not in the crosswalk.

When the light turned green, the vehicle began to turn left onto Campbell Street. According to Helm, the vehicle accelerated rapidly. He heard a slight “chirp” from the vehicle’s tires as it turned onto Campbell Street. Helm described the turn as wide. He testified that the vehicle nearly struck cars parked on Campbell Street. Helm testified that the cars were parked legally on Campbell Street.

¹ Helm has been a police officer for over 20 years.

After the vehicle turned, Helm began to follow it. The vehicle was not speeding, and it did not swerve. The driver used a turn signal and turned left onto Park Avenue. Helm described the turn as sudden. He testified that the vehicle did not slow down much before the turn. After the turn onto Park Avenue, Helm stopped the vehicle. Helm identified the driver of the vehicle as Patrick Wright (Defendant). Helm eventually arrested the Defendant on suspicion of driving after imbibing enough alcohol so that he could not safely operate a vehicle.²

In his motion, the Defendant argues that Helm did not have the requisite probable cause to stop the Defendant. The Defendant argues that he did not violate the Motor Vehicle Code. Furthermore, the Defendant argues that he should not have been stopped because he was no danger to other traffic even if his vehicle was over the stop line.

II. Discussion

“In Pennsylvania, a police officer has authority to stop a vehicle when he or she has reasonable suspicion that a violation of the Motor Vehicle Code is occurring or has occurred.” Commonwealth v. Farnan, 55 A.3d 113, 116 (Pa. Super. 2012). “[I]n order to establish reasonable suspicion, an officer must be able to point to specific and articulable facts which led him to reasonably suspect a violation of the Motor Vehicle Code. . . .” Commonwealth v. Holmes, 14 A.3d 89, 95-96 (Pa. 2011). “The determination of whether an officer had reasonable suspicion . . . is an objective one, which must be considered in light of the totality of the circumstances.” Id. at 96. “In making this determination, [a court] must give ‘due weight...to the specific reasonable inferences [the police officer] is entitled to draw from the facts in light of his experience.’” Commonwealth v. Fulton, 921 A.2d 1239, 1243 (Pa. Super. 2007) (quoting Commonwealth v. Cook, 735 A.2d 673, 676 (Pa. 1999)).

² 75 Pa. C.S. § 3802(a).

Here, Helm had reasonable suspicion that the Defendant violated 75 Pa. C.S. § 3112(a)(3)(i), which provides, “Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line” At the traffic light at the intersection of Fourth Street and Campbell Street, Helm saw that half of the Defendant’s vehicle was over the stop line.

Helm also had reasonable suspicion that the Defendant was driving while impaired. At the intersection of Fourth and Campbell, Helm observed the Defendant’s vehicle stop suddenly even though the light was red as the vehicle approached the intersection. Helm testified that the Defendant’s vehicle accelerated rapidly when the light turned green. Helm also testified that the Defendant made a wide turn onto Campbell Street and his vehicle almost hit parked cars. Additionally, Helm testified that the Defendant did not slow down much before making a turn onto Park Avenue. Finally, Helm testified that sudden driving behavior, like that exhibited by the Defendant, is a major indicator of drunk driving.

On direct examination, Helm testified that the Defendant’s vehicle approached him on Fourth Street from behind. On cross examination, Helm reviewed his affidavit of probable cause. He then testified that he was mistaken on direct examination, and the Defendant’s vehicle was in fact in front of him on Fourth Street. “It is within the suppression court’s sole province as factfinder to pass on the credibility of witnesses and the weight to be given to their testimony.” Commonwealth v. Elmobdy, 823 A.2d 180, 183 (Pa. Super. 2003) (quoting Commonwealth v. Griffin, 785 A.2d 501, 505 (Pa. Super. 2001)). Despite the mistake, this Court finds Helm credible. Helm was late to the hearing and did not have much time to review the details of the stop. This Court believes that the mistake was a result of Helm not adequately preparing for the hearing. This Court is satisfied that once the mistake was brought to Helm’s attention and he had

the opportunity to review the affidavit of probable cause, he testified accurately to what he observed.

III. Conclusion

Helm had reasonable suspicion that the Defendant violated 75 Pa. C.S. § 3112(a)(3)(i). He also had reasonable suspicion that the Defendant was driving after imbibing enough alcohol so that he could not safely operate a vehicle. Therefore, the stop of the Defendant was lawful.

ORDER

AND NOW, this _____ day of October, 2014, based on the foregoing opinion, the Defendant's Motion to Suppress is hereby DENIED.

By the Court,

Nancy L. Butts, President Judge