IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	
	:	**CR-1846-2014**
v.	:	
	:	
KRISTIN LEE TERRY,	:	**CRIMINAL DIVISION**
Defendant	:	

OPINION AND ORDER

On December 29, 2014, the Defendant filed an omnibus pre-trial motion. A hearing on the motion was held on January 26, 2015. Briefs were also submitted by counsel.

I. Background

Robert Cochran (Cochran) is an officer with the Old Lycoming Township Police Department. Cochran has been a police officer for five years; he has worked with the Lycoming County Narcotics Enforcement Unit and the Bureau of Narcotics Investigation. In his career, Cochran has made four or five arrests involving heroin. During the hearing on the Defendant's motion, Cochran testified that from January of 2014 to January of 2015, the Old Lycoming Township Police Department made at least 10 drug-related arrests at the McDonald's restaurant on Lycoming Creek Road.

Morris Sponhouse (Sponhouse) is a corporal with the Old Lycoming Township Police Department. Sponhouse has been a police officer for 13 years; he has conducted narcotics investigations and has arrested heroin users. Sponhouse has made drug-related arrests in the parking lot of the McDonald's on Lycoming Creek Road. He testified that the area around the McDonald's is a "large location" for the purchase and use of heroin.

At approximately 11:00 A.M. on October 1, 2014, Cochran noticed a parked vehicle in one of the "back" spaces of the parking lot of the McDonald's on Lycoming Creek Road.

Cochran testified that there are about 10 "front" spaces, or spaces by the door of the restaurant. He saw two or three vehicles in the front spaces. Cochran drove his marked patrol car towards the vehicle in the back of the parking lot. As he approached the vehicle, Cochran did not activate lights or sirens. When he was 15 to 20 yards away from the vehicle, he saw the front seat passenger "fiddling with something." The passenger looked at Cochran and then quickly looked away. Cochran parked his car but did not block in the vehicle.

Wearing his patrol uniform, Cochran exited his car and approached the passenger side of the vehicle. He noticed that the passenger was not holding anything. Cochran asked for the identifications of the passenger and the Defendant, who was in the driver's seat. The passenger and the Defendant gave their identifications to Cochran and told him that they were on their way to TJ Maxx as part of a girls' day. Cochran noticed that the passenger had several brown dots on her arm, which Cochran knew was indicative of past heroin use. Cochran used the identifications and a dispatcher to get information about the Defendant and the passenger. Both were from the Canton area, and Cochran testified that, in his experience, drug users from the Canton area sometimes come to Williamsport for drugs because they are cheaper and easier to obtain in Williamsport. Cochran asked the Defendant and the passenger if there were any drugs in the vehicle, and the Defendant responded that there were no drugs in the vehicle.

Sponhouse arrived at the McDonald's, and Cochran conveyed his observations to Sponhouse. Cochran asked the Defendant if she would exit the vehicle and talk with him. When the Defendant exited the vehicle, she was holding a small purse with a wrist strap. Sponhouse testified that the purse was 2.5 to three inches in length and was commonly used to hold credit cards. He believed that the purse was a "go bag," or a bag used to hold drugs and paraphernalia. The Defendant said that she and the passenger stopped at McDonald's to eat and were on their

way to TJ Maxx. Cochran then asked the passenger to exit the vehicle. As the passenger exited the vehicle, Cochran saw an orange needle cap on the passenger seat. Because of the other circumstances, Cochran believed that the needle cap was drug paraphernalia. After seeing the cap, Cochran handcuffed the passenger and read the Miranda[1] rights. Cochran still possessed the identifications of the passenger and the Defendant.

When Sponhouse saw Cochran handcuffing the passenger, he took the Defendant's purse, placed it on the vehicle's hood, and handcuffed the Defendant. Sponhouse testified that he handcuffed the Defendant 10 minutes after he arrived at the McDonald's. As Sponhouse was handcuffing the Defendant, Cochran said that he saw drug paraphernalia in the vehicle. Sponhouse read the Miranda rights to the Defendant, searched the Defendant's purse, and found heroin in it. The passenger told Cochran that she and the Defendant had together purchased heroin. The Defendant consented to a search of the vehicle, and the search yielded heroin and heroin-related paraphernalia.

In her motion, the Defendant argues that Cochran detained her when he first asked if she had any drugs. She contends that when Cochran asked her if she had drugs, he did not have reasonable suspicion that she was committing a crime. Furthermore, the Defendant argues that she was arrested when she was handcuffed. She contends that the cap on the passenger seat did not provide Sponhouse with probable cause to arrest her. The Commonwealth argues that the Defendant was detained when Cochran saw the orange needle cap. It argues that even if the Defendant was detained before Cochran saw the cap, there was reasonable suspicion because (1) the Defendant was parked in the back of the lot in a high-drug area; (2) the passenger quickly looked away after seeing Cochran; (3) the passenger had marks indicative of past heroin use, and (4) the Defendant and the passenger were not from the area. Lastly, the Commonwealth argues

[1] Miranda v. Arizona, 384 U.S. 436 (1966).

that even if the search of the Defendant's purse was unlawful, the heroin found in the purse should not be suppressed because it would have been inevitably discovered. It argues that the heroin would have been inevitably discovered because the passenger's statement that she and the Defendant had bought heroin provided probable cause to arrest the Defendant.

II. Discussion

A. The Interaction Between Officer Cochran and the Defendant Began as a Mere Encounter.

"The Fourth Amendment of the United States Constitution protects 'the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures . . . .' Article I, § 8 of the Pennsylvania Constitution similarly provides, in part: 'The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures . . . .'" Commonwealth v. Boswell, 721 A.2d 336, 339 (Pa. 1998). "[N]ot every encounter is so intrusive so as to trigger constitutional protections. It is only when the officer, by means of physical force, or by displaying or asserting authority, restrains the liberty of the citizen that a 'seizure' occurs." Id. at 340 (citations omitted).

In Boswell, the Pennsylvania Supreme Court discussed the three types of interactions between police and citizens:

> Interaction between police and citizens may be characterized as a 'mere encounter,' an 'investigative detention,' or a 'custodial detention.' Police may engage in a mere encounter absent any suspicion of criminal activity, and the citizen is not required to stop or to respond. If the police action becomes too intrusive, a mere encounter may escalate into an investigatory stop or a seizure. If the interaction rises to the level of an investigative detention, the police must possess reasonable suspicion that criminal activity is afoot, and the citizen is subjected to a stop and a period of detention. Probable cause must support a custodial detention or arrest.

Id. (citations omitted).

In Boswell, the Court also discussed the test used to determine whether a seizure occurred:

> To decide whether a seizure has occurred, we apply the following objective test: 'a court must consider all the circumstances surrounding the encounter to determine whether the police conduct would have communicated to a reasonable person that the person was not free to decline the officers' requests or otherwise terminate the encounter.' In applying this test, it is necessary to examine the nature of the encounter. Circumstances to consider include, but are not limited to, the following: the number of officers present during the interaction; whether the officer informs the citizen they are suspected of criminal activity; the officer's demeanor and tone of voice; the location and timing of the interaction; the visible presence of weapons on the officer; and the questions asked.

Id. (citations omitted).

"[T]he focal point of [the] inquiry must be whether, considering the circumstances surrounding the incident, 'a reasonable [person] innocent of any crime, would have thought he was being restrained had he been in the defendant's shoes.'" Commonwealth v. Beasley, 761 A.2d 621, 625 (Pa. Super. 2000) (quoting Commonwealth v. Matos, 672 A.2d 769, 773 (Pa. 1996)). "The purpose of a mere encounter is to determine the individual's identity or to maintain the status quo momentarily while obtaining more information." Commonwealth v. Roberts, 771 A.2d 23, 26 (Pa. Super. 2001). When a police officer approaches a parked vehicle, the interaction can be a mere encounter. See Commonwealth v. Blair, 860 A.2d 567, 573 (Pa. 2004) (finding that a mere encounter occurred when an officer responding to a report of a domestic dispute approached a vehicle parked directly in front of the relevant address and spoke to the occupants). "Because the level of intrusion into a person's liberty may change during the course of the encounter, [a court] must carefully scrutinize the record for any evidence of such changes." Id. at 572.

The following circumstances favor a finding that Cochran's interaction with the Defendant and the passenger began as a mere encounter. Initially, Cochran was the only officer

to approach the vehicle and did not use his lights or sirens as he approached. Cochran did not block in the vehicle. There was no testimony that Cochran "brandish[ed] his weapon; ma[de] an intimidating movement or overwhelming show of force; ma[de] a threat or a command; or sp[oke] in an authoritative tone." See Commonwealth v. Au, 42 A.3d 1002, 1008 (Pa. 2012) (listing some factors that show the officer did not seize the defendant). Cochran not telling the Defendant and the passenger that they were free to leave is a circumstance that favors a finding of seizure. However, after reviewing the totality of the circumstances, the Court finds that the interaction began as a mere encounter. Therefore, Cochran did not need any suspicion of criminal activity.

B. The Mere Encounter Developed into an Investigation Detention when Officer Cochran Kept the Identifications and Asked if There Were Drugs in the Vehicle.

"[U]nder Fourth Amendment law as reflected in the decisions of the United States Supreme Court, a request for identification is not to be regarded as escalatory in terms of the coercive aspects of a police-citizen encounter." Au, 42 A.3d at 1007. "Notwithstanding that general principle, an encounter involving a request for identification could rise to a detention when coupled with circumstances of restraint of liberty, physical force, show of authority, or some level of coercion beyond the officer's mere employment, conveying a demand for compliance or that there will be tangible consequences from a refusal." Commonwealth v. Lyles, 97 A.3d 298, 304 (Pa. 2014). In Au, the Pennsylvania Supreme Court noted that there was "no evidence that the officer retained Appellee's driver's license for longer than necessary to discern Appellee's identity." 42 A.3d at 1008, n.5. The Court cited an opinion in which the Colorado Supreme Court wrote, "[T]he sequence of events that occurs after a citizen voluntarily provides an officer his identification, including the length of time that the officer retains the

identification card or a request, if any, by a citizen to be left alone or to be permitted to go about his or her business, could result in such a restraint that a citizen is not free to leave." Id. (quoting People v. Paynter, 955 P.2d 68, 75 (Colo. 1998)).

When Cochran first approached the vehicle, he asked for identifications, and the Defendant and the passenger gave them to him. Cochran kept the identifications for a long enough time to get information from a dispatcher. He did not return the identifications. While he still had the identifications, Cochran asked the Defendant and the passenger if there were any drugs in the vehicle. The Court finds that this question, combined with Cochran keeping the identifications for longer than necessary to discern identity, turned the interaction into a seizure. A reasonable person would feel restrained if a police officer keeps identification for longer than is necessary to discern identity and asks whether a crime is being committed. For the seizure to be lawful, Cochran needed reasonable suspicion that the Defendant was engaged in criminal activity.

C. When the Investigative Detention Began, Officer Cochran had Reasonable Suspicion that the Defendant was Committing a Crime.

In Commonwealth v. Zhahir,[2] the Pennsylvania Supreme Court discussed the reasonable suspicion standard:

> [A] police officer may, short of an arrest, conduct an investigative detention if he has a reasonable suspicion, based upon specific and articulable facts, that criminality is afoot. The fundamental inquiry is an objective one, namely, whether 'the facts available to the officer at the moment of the [intrusion] 'warrant a man of reasonable caution in the belief' that the action taken was appropriate.' This assessment, like that applicable to the determination of probable cause, requires an evaluation of the totality of the circumstances, with a lesser showing needed to demonstrate reasonable suspicion in terms of both quantity or content and reliability.

751 A.2d at 1156-57 (citations omitted).

[2] 751 A.2d 1153 (Pa. 2000).

"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.' Also, the totality of the circumstances test does not limit our inquiry to an examination of only those facts that clearly indicate criminal conduct. Rather, 'even a combination of innocent facts, when taken together, may warrant further investigation by the police officer.'" Commonwealth v. Rogers, 849 A.2d 1185, 1189 (Pa. 2004).

"Among the factors to be considered in forming a basis for reasonable suspicion are tips, the reliability of the informants, time, location, and suspicious activity, including flight." In the Interest of M.D., 781 A.2d 192, 197 (Pa. Super. 2001). "While certain activity may seem generally suspicious or 'fishy,' it does not necessarily equate to 'reasonable suspicion' for purposes of search and seizure law." Commonwealth v. Donaldson, 786 A.2d 279, 282 (Pa. Super. 2001). "[P]resence in a high crime area alone . . . does not form the basis for reasonable suspicion." In the Interest of M.D., 781 A.2d at 197. "[W]hile nervous behavior is a relevant factor, nervousness alone is not dispositive and must be viewed in the totality of the circumstances." Commonwealth v. Gray, 896 A.2d 601, 606, at n. 7 (Pa. Super. 2006).

In Commonwealth v. DeWitt,[3] police officers saw a vehicle parked partially in a church parking lot at night. 608 A.2d at 1031. The church had previously notified police to check the lot for suspicious vehicles. Id. at 1031-32. "The vehicle's interior lights were illuminated but the exterior lights were not." Id. at 1031. The officers "pulled alongside the vehicle, whereupon the interior lights were extinguished and the four occupants made 'furtive movements and suspicious movements as if they were trying to hide something.'" Id. at 1032. When the vehicle began to pull away, the officers stopped it. Id. The Pennsylvania Supreme Court held "there was insufficient evidence to make an investigatory stop." Id. at 1034.

[3] 608 A.2d 1030 (Pa. 1992).

Cochran had the following facts when he asked the Defendant if there were drugs in the vehicle. The McDonald's parking lot was an area often used to take drugs. The Defendant was in the driver's seat of a vehicle that was parked in the back of the lot even though there were open spaces by the door. As Cochran approached the vehicle, the passenger was "fiddling with something." The passenger saw Cochran and quickly looked away. The Defendant and the passenger were from the Canton area; Cochran knew that drug users from the Canton area sometimes come to Williamsport to purchase drugs because drugs are cheaper and easier to get in Williamsport. The passenger had brown dots on her arm, which Cochran knew was indicative of past heroin use. The Defendant and the passenger said they were on their way to TJ Maxx as part of a girls' day.

After examining the totality of the circumstances, this Court finds that Cochran had reasonable suspicion that the Defendant was engaged in criminal conduct. The Defendant was in the driver's seat of a vehicle that was parked in the back of a parking lot in a high drug area. Because the Defendant was in the driver's seat, Cochran could have reasonably believed that she controlled the vehicle's location. The Defendant was from the Canton area, and Cochran testified that drug users from the Canton area sometimes come to Williamsport to purchase drugs. The Defendant was with a passenger who (1) was "fiddling with something," (2) had quickly looked away from Cochran, and (3) had brown dots on her arm, which Cochran knew was indicative of past heroin use. These facts warrant reasonable suspicion that the Defendant was engaged in criminal conduct. This case differs from DeWitt because the Defendant was in a high drug area and was with a passenger who had an indication of past drug use.

D. The Investigative Detention Developed into an Arrest when Corporal Sponhouse Began to Handcuff the Defendant.

"A police encounter becomes an arrest when, under the totality of the circumstances, the detention becomes so coercive that it is the functional equivalent of an arrest. The numerous factors used to determine whether a detention has evolved into an arrest include the cause for the detention, the detention's length, the detention's location, whether the suspect was transported against his or her will, whether physical restraints were used, whether the police used or threatened force, and the character of the investigative methods used to confirm or dispel the suspicions of the police." Commonwealth v. Clinton, 905 A.2d 1026, 1032 (Pa. Super. 2006). "[M]erely because a police officer says that an individual is not under arrest is not conclusive on whether an arrest was actually effectuated." Commonwealth v. Rosas, 875 A.2d 341, 348 (Pa. Super. 2005). "[F]or their safety, police officers may handcuff individuals during an investigative detention." Id. The Pennsylvania Supreme Court has refused "to hold that every time an individual is placed in handcuffs that such individual has been arrested." Id. at 349.

Here, Cochran asked the Defendant to exit the vehicle and talk with him. After Cochran finished talking with the Defendant, he asked the passenger to exit the vehicle and talk with him. Cochran then saw an orange needle cap on the passenger seat and handcuffed the passenger. When Sponhouse saw Cochran handcuffing the passenger, Sponhouse took the Defendant's purse and began handcuffing the Defendant. Sponhouse was in the process of handcuffing the Defendant when he found out about the needle cap. After Sponhouse handcuffed the Defendant, he read the Miranda rights. Sponhouse then searched the Defendant's purse.

After examining the totality of the circumstances, this Court finds that the Defendant was arrested when Sponhouse began to handcuff her. Sponhouse may not have used great force, but

he used some force in taking the purse from the Defendant. In addition, Sponhouse restrained the Defendant through the use of handcuffs. There was no testimony that Sponhouse handcuffed the Defendant for safety reasons. Apparently, Cochran felt it was safe enough to talk to the Defendant without handcuffs. There was no testimony that Defendant had indicated that she was going to flee. Immediately following the handcuffing, Sponhouse read the Miranda rights and searched the Defendant's purse.

The Court is aware that some circumstances favor the Defendant not being under arrest when Sponhouse began to handcuff her. For example, the Defendant was not told that she was under arrest, she had not been detained long, she had not been placed in a police car, and she had not been transported. However, the totality of the circumstances points towards the Defendant being under arrest when Sponhouse began to handcuff her.

E. The Arrest was Unlawful Because Corporal Sponhouse did not Have Probable Cause to Believe that the Defendant was Committing a Crime.

"An arrest or 'custodial detention' must be supported by probable cause." Commonwealth v. Goldsborough, 31 A.3d 299, 306 (Pa. Super. 2011). In Goldsborough, the Superior Court of Pennsylvania noted the test for probable cause:

> Probable cause is made out when the facts and circumstances which are within the knowledge of the officer at the time of the arrest, and of which he has reasonably trustworthy information, are sufficient to warrant a [person] of reasonable caution in the belief that the suspect has committed or is committing a crime. The question [courts] ask is not whether the officer's belief was correct or more likely true than false. Rather, [courts] require only a probability, and not a prima facie showing, of criminal activity. In determining whether probable cause exists, we apply a totality of the circumstances test.

Id. (quoting Commonwealth v. Williams, 2 A.3d 611, 616 (Pa. Super. 2010) (en banc)). "These long-prevailing standards seek to safeguard citizens from rash and unreasonable interferences with privacy and from unfounded charges of crime. They also seek to give fair leeway for

enforcing the law in the community's protection." Brinegar v. United States, 338 U.S. 160, 176 (1949). Presence in a high drug area cannot alone establish probable cause since it cannot alone establish reasonable suspicion. See In the Interest of M.D., 781 A.2d at 197.

"[A]n officer is permitted to conduct a seizure based upon a police radio broadcast when directed to perform the seizure by an officer in possession of facts sufficient to justify the interdiction or under other circumstances not here relevant." Commonwealth v. Chernosky, 874 A.2d 123, 126 (Pa. Super. 2005). In Chernosky, an off-duty police officer called 911 after she observed the defendant driving erratically. Id. at 125. The off-duty officer followed the defendant, who eventually pulled into a parking lot. Id. An on-duty officer "received a broadcast to conduct an investigation of a car and was directed through the broadcast to the location of the [defendant's] car." Id. at 127. When the on-duty officer arrived in the area of the parking lot, the off-duty officer "gave [him] a hand signal, specifically directing him to investigate [the defendant's] car." Id. The on-duty officer then conducted an investigation. Id. The Superior Court of Pennsylvania found that the on-duty officer was acting based on the observations of the off-duty officer. Id. Thus, the operative question was whether the observations of the off-duty officer were sufficient to conduct an investigation. Id.

In Commonwealth v. Kenney,[4] a police lieutenant told a detective to arrest the defendant. 297 A.2d at 796. The detective arrested the defendant, who argued that the detective did not "have knowledge of the information which supported the probable cause for arrest." Id. The Pennsylvania Supreme Court determined that "[t]he operative question [was] whether . . . the officer who ordered the arrest, had sufficient information to support a finding of probable cause." Id. The Court noted that the detective made the arrest, not on his own initiative, but on the command of his superior. Id.

[4] 297 A.2d 794 (Pa. 1972).

Here, Sponhouse arrested the Defendant on his own initiative, not at the request of Cochran. Therefore, the operative question is whether Sponhouse had probable cause to arrest the Defendant.[5] When Sponhouse arrested the Defendant, he knew the same facts that Cochran knew when Cochran detained her. In addition, Sponhouse knew that the Defendant exited the vehicle with a small purse, which he suspected was a "go bag." He also knew that the Defendant said that she and the passenger had stopped to eat and were on their way to TJ Maxx. The Court finds that the facts and circumstances were not sufficient to warrant a person of reasonable caution in the belief that the Defendant was committing a crime. The Defendant's statement that they had stopped to eat and were on their way to TJ Maxx was not implausible. As Defense Counsel notes, when Sponhouse began handcuffing the Defendant, he did not know that there was a needle cap on the passenger seat. Sponhouse testified that he handcuffed the Defendant when he saw the passenger being handcuffed, but he did not know why the passenger was being handcuffed. The Court considered the fact that the Defendant exited the vehicle with a small purse, but this circumstance was not enough to give Sponhouse probable cause.

"[T]hird parties (or their property) are generally not subject to searches merely because they are in the vicinity of an arrest unless there is probable cause or an articulable reasonable suspicion that the subject of the search is engaged in criminal activity or harbors a weapon." Commonwealth v. Shiflet, 670 A.2d 128 (Pa. 1996). There was no testimony that the officers believed the Defendant had a weapon. As discussed above, when the Defendant was arrested,

[5] The Court notes that Cochran was investigating two people. If Cochran simultaneously gained probable cause to arrest both the passenger and the Defendant, he could have immediately arrested only the passenger or only the Defendant, not both. Even if Cochran had probable cause to arrest the Defendant, he could not have arrested her until he was finished arresting the passenger. Although circumstances beyond Cochran's control may have prevented Cochran from immediately being able to carry out a lawful arrest of the Defendant, the Court must follow precedent. Under Chernosky and Kenney, whether Cochran had probable cause is not the operative question because Cochran did not request that Sponhouse arrest the Defendant.

Sponhouse did not have probable cause to believe she was engaged in criminal activity. Therefore, the arrest was unlawful.

F. The Evidence from the Defendant's Purse and Vehicle will not be Suppressed Because it Inevitably would have been Lawfully Discovered.

"[H]aving failed to establish the legality of the initial arrest, the prosecution must bear the burden of showing that any evidence obtained subsequent to it has been obtained by means sufficiently distinguishable from the initial illegality so as to be purged of the primary taint rather than having been come by exploitation of that illegality." Commonwealth v. Brooks, 364 A.2d 652, 657 (Pa. 1976). In Commonwealth v. Gonzalez,[6] the Superior Court of Pennsylvania discussed the inevitable discovery doctrine:

> Pennsylvania courts recognize the inevitable discovery doctrine . . . . That doctrine provides that 'evidence which would have been discovered was sufficiently purged of the original illegality to allow admission of the evidence.' [I]mplicit in this doctrine is the fact that the evidence would have been discovered despite the initial illegality.
>
> If the prosecution can establish by a preponderance of the evidence that the illegally obtained evidence ultimately or inevitably would have been discovered by lawful means, then the evidence is admissible. 'The purpose of the inevitable discovery rule is to block setting aside convictions that would have been obtained without police misconduct.' Thus, evidence that ultimately or inevitably would have been recovered by lawful means should not be suppressed despite the fact that its actual recovery was accomplished through illegal actions. Suppressing evidence in such cases, where it ultimately or inevitably would have lawfully been recovered, 'would reject logic, experience, and common sense.'

979 A.2d at 890.

Here, the Commonwealth has met its burden of showing that the evidence found in the purse and vehicle inevitably would have been discovered by lawful means. Cochran's observation of the orange needle cap and the passenger's statement that they had just purchased heroin provided probable cause to arrest the Defendant and probable cause to search the vehicle

[6] 979 A.2d 879 (Pa. Super. 2009).

for heroin and heroin-related paraphernalia. The contents of the Defendant's purse would have been found pursuant to a warrant or a search incident to arrest. Therefore, the Court will not suppress the evidence from the purse or the evidence from the vehicle. However, the Defendant's post-arrest statements to Sponhouse will be suppressed because the Commonwealth has not shown that they are sufficiently purged from the unlawful arrest.

III. Conclusion

The interaction between Cochran and the Defendant began as a mere encounter. The mere encounter developed into an investigatory detention when Cochran kept the identifications and asked if there were any drugs in the vehicle. When the investigation detention began, Cochran had reasonable suspicion that the Defendant was committing a crime. The investigative detention developed into an arrest when Sponhouse began handcuffing the Defendant. The arrest was unlawful because Sponhouse did not have probable cause to arrest the Defendant when he began to handcuff her. The evidence from the purse and the vehicle will not be suppressed because it would have been inevitably discovered. The Defendant's statements after she was handcuffed will be suppressed because the Commonwealth has not shown that the statements are sufficiently purged from the unlawful arrest.

ORDER

AND NOW, this _____ day of April, 2015, based upon the foregoing Opinion, it is ORDERED and DIRECTED that the Defendant's Omnibus Pre-Trial Motion is hereby GRANTED in part and DENIED in part. The Defendant's statements after she was handcuffed are hereby SUPPRESSED. The evidence from the Defendant's purse and the Defendant's vehicle is not suppressed because it would have inevitably been found.

By the Court,

Nancy L. Butts, President Judge